

HOUSE JOURNAL  
OF THE  
Sixty-Fourth Legislature  
OF THE  
STATE OF WASHINGTON  
AT  
Olympia, the State Capitol

2016 Regular Session  
Convened January 11, 2016  
Adjourned Sine Die March 10, 2016  
2016 First Special Session  
Convened March 10, 2016  
Adjourned Sine Die March 29, 2016

VOLUME 1



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Frank Chopp, *Speaker*

Jim Moeller, *Speaker Pro Tempore*    Tina Orwall, *Deputy Speaker Pro Tempore*  
Barbara Baker, *Chief Clerk*        Bernard Dean, *Deputy Chief Clerk*  
Patty Moore, *Minute Clerk*        Sean Kochaniewicz, *Journal Clerk*

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COMPILED, EDITED AND INDEXED BY  
SEAN T. KOCHANIEWICZ  
CHAMBER OPERATIONS COORDINATOR

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**SIXTY FOURTH LEGISLATURE - REGULAR SESSION****FIRST DAY**

House Chamber, Olympia, Monday, January 11, 2016

The House was called to order at 12:00 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Henry Foss High School Air Force Junior Reserve Officer Corps in Tacoma. The Speaker led the Chamber in the Pledge of Allegiance. The National Anthem was performed by the Spanaway Lake High School Music Company, led by Sara Forte. The prayer was offered by Pastor Fred Williams, Snohomish Community Church, Snohomish, Washington.

Pastor Fred Williams: "Our Heavenly Father, you and no other sit as King of kings and Lord of lords. You sit above us knowing all and directing all. Not one small detail escapes your knowledge. And yet, even while you have this perfect knowledge you also call on those who follow you to speak to you and to even plead with you.

That is our aim this morning.

It is the great state of Washington and fellow elected representatives that takes center stage in our hearts today. As servant-leaders of this state we recognize that we are blessed more than most. And we are part of a union that is blessed more than any nation on earth. I stand with and among the many here that proudly call themselves Washington residents. And yet, we are ever mindful that while these are here doing the job they were called on to do that real life is taking place outside these walls. Please keep their families well and safe. Be especially with the representative here who has recently lost his son. Comfort him with the comfort that only you can provide.

God, you know well that there are issues and agendas represented in this room that will, in some cases bind people together, and in other cases, threaten this house with division. Father, would your view of those issues be loudest opinion. And as your will is observed and recognized would you bless this room with peace and unity.

I am concerned though Father that our state finds herself adrift morally and spiritually. I fear that our blessed state is in trouble and while I know that no mere man or woman, and no political party or politician is the answer I would plead with you that you would work in the hearts of all those present... work in such a way that your just demands are clear and respected. Exert your righteous and loving will in this room all session long in such a way that it is unmistakable.

May this legislature be historic in that they did not ignore your Word; that they refused to call evil good and good evil. But it is here that these servants need your presence and even intervention in the most powerful and gracious way.

They are tugged at from all sides. Every assembly person in the room has the unenviable task of knowing that when they say yes to one they so no to another. Such a difficult responsibility.

Guide and bless these men and women who have been sent here by the people of Washington and who have been ordained by You to govern this great state. Grant them Your

wisdom to rule, and may their decisions direct us to the center of Your will.

I ask it in the name of your son, the living savior, Jesus Christ. Amen."

The Spanaway Lake High School Music Company performed "The World is Ours".

**SPEAKER'S PRIVILEGE**

The Speaker introduced former Secretary of State Ralph Munro to the Chamber and asked the members to acknowledge him.

**MESSAGES FROM THE SECRETARY OF STATE****PROVISIONAL CERTIFICATION INITIATIVE TO THE LEGISLATURE NO. 732**

Pursuant to Article II, Section 1, of the Washington State Constitution and RCW 29A.72.230, prior to the deadline of December 31, 2015, the Office of the Secretary of State received signature petitions submitted in support of Initiative to the Legislature No. 732, "Carbon Pollution Tax Act."

The Office of the Secretary of State is currently examining signatures. Article II, Section 1, of the Washington State Constitution requires 246,372 valid signatures.

I hereby attach a true and correct copy of Initiative to the Legislature No. 732.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this 6th day of January, 2016.

Kim Wyman  
Secretary of State

**PROVISIONAL CERTIFICATION INITIATIVE TO THE LEGISLATURE NO. 735**

Pursuant to Article II, Section 1, of the Washington State Constitution and RCW 29A.72.230, prior to the deadline of December 31, 2015, the Office of the Secretary of State received signature petitions submitted in support of Initiative to the Legislature No. 735, "Government of, by, and for the People Act."

The Office of the Secretary of State is currently examining signatures. Article II, Section 1, of the Washington State Constitution requires 246,372 valid signatures.

I hereby attach a true and correct copy of Initiative to the Legislature No. 735.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this 6<sup>th</sup> day of January, 2016.

Kim Wyman  
Secretary of State

**CANVASS OF THE RETURNS OF THE GENERAL  
ELECTION HELD ON NOVEMBER 3, 2015**

I, Kim Wyman, Secretary of State of the state of Washington, do hereby certify that, according to the provisions of RCW 29A .60.260, I have canvassed the returns of the 1,528,272 ballots cast by the 3,974,971 registered voters of the state for and against the initiatives and advisory measures which were submitted to the vote of the people at the state General Election held on the 3rd day of November 2015, as received from the County Auditors.

**Initiatives to the People**

**Initiative Measure No. 1366**

Initiative Measure No. 1366 concerns state taxes and fees. This measure would decrease the sales tax rate unless the legislature refers to voters a constitutional amendment requiring two-thirds legislative approval or voter approval to raise taxes, and legislative approval for fee increases. Should this measure be enacted into law?

Yes	760,518
No	715,684

**Initiative Measure No. 1401**

Initiative Measure No. 1401 concerns trafficking of animal species threatened with extinction. This measure would make selling, purchasing, trading, or distributing certain animal species threatened with extinction, and products containing such species, a gross misdemeanor or class-C felony, with exemptions for certain types of transfers. Should this measure be enacted into law?

Yes	1,043,773
No	441,170

**Advisory Votes**

**Advisory Vote No. 10 - Engrossed Substitute House  
Bill 1449**

The legislature imposed, without a vote of the people, oil spill response and administration taxes to apply to crude oil or petroleum products transported by railroad, costing \$17,000,000, for government spending. This tax increase should be:

Repealed	699,275
Maintained	737,273

**Advisory Vote No. 11- Second Substitute Senate Bill  
5052**

The legislature imposed, without a vote of the people, the marijuana excise tax on medical marijuana sales, costing an amount that cannot currently be estimated, for government spending. This tax increase should be:

Repealed	599,324
Maintained	852,735

**Advisory Vote No. 12 - Second Engrossed Substitute  
Senate Bill 5987**

The legislature imposed, without a vote of the people, additional taxes on motor vehicle and special fuels costing an estimated \$3,707,000,000 in the first ten years, for government spending. This tax increase should be:

Repealed	928,324
Maintained	513,742

**Advisory Vote No. 13 - Engrossed Substitute Senate  
Bill 6138**

The legislature increased business and occupation tax revenues and excluded certain software manufacturers from a retail sales tax exemption, without a vote of the people, costing

\$1,449,000,000 for government spending. This tax increase should be:

Repealed	903,222
Maintained	521,096

I further certify that according to the provisions of RCW 29A.60.250, I have canvassed the returns of the ballots cast for candidates of all those legislative and judicial offices whose districts extend beyond the limits of a single county in the General Election held on the 3rd day of November 2015, as received from the County Auditors, and that the votes cast for candidates for these offices are as follows:

**Legislative District 9**

**State Representative Pos. 1**

Mary Dye (Prefers Republican Party)	16,019
Richard Lathim (Prefers Republican Party)	9,282

**Legislative District 30**

**State Representative Pos. 2**

Teri Hickel (Prefers Republican Party)	12,652
Carol Gregory (Prefers Democratic Party)	10,431

**Benton, Franklin Superior Court**

**Judge Pos. 3**

Alexander Carl Ekstrom	29,674
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In testimony whereof, I have hereunto set my hand and affixed the seal of the state of Washington on this 2nd day of December 2015.

Kim Wyman  
Secretary of State

**RESIGNATION OF REPRESENTATIVE ROSS  
HUNTER**

September 7, 2015

The Honorable Jay Inslee  
Governor, State of Washington  
Legislative Building, Olympia, WA 98504

Dear Governor Inslee,

Thank you for appointing me to the position of Director of the Department of Early Learning, a job I start on Tuesday September 8th, 2015. I look forward to serving the citizens of Washington in this important role. We have an opportunity to change the trajectory of tens of thousands of at-risk children and to improve their academic, social and financial futures in unimaginable ways.

As a state employee I am unable to serve in the Legislature, so please accept this letter as my formal resignation from the Washington State House of Representatives, effective midnight September 7th, 2015.

It has been an honor to serve our state with you and to represent the people of the 48th legislative district for these last 13 years. I'm proud of the work I did with the budget and look forward to the next phase of my service.

Sincerely,

Ross Hunter

**MESSAGE FROM THE KING COUNTY  
COUNCIL**

A MOTION making an appointment to fill the vacancy in the 48th legislative district of the Washington state House of Representatives.

WHEREAS, a vacancy exists in the position of state representative for the 48<sup>th</sup> legislative district, due to the resignation of Ross Hunter, and

WHEREAS, the 48th legislative district Democrats have met to consider possible replacements for this position, and

WHEREAS, the King County Democratic Central Committee has submitted the names of three nominees to fill the vacancy;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

Patricia Kuderer is hereby appointed to the position of state representative from the 48th legislative district.

LARRY PHILLIPS, CHAIR  
KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

**RESIGNATION OF REPRESENTATIVE DEAN  
TAKKO**

October 22, 2015

Dear Governor Inslee,

I have been elected by the county commissioners in the 19th district and sworn in to fill the vacancy previously held by Senator Hatfield. I hereby resign my position in the House of Representatives, 19th district position 1. It has been my pleasure to serve in the House of Representatives and look forward to serving in the Senate.

Sincerely,

Dean Takko

**MESSAGE FROM THE BOARD OF  
COMMISIONERS**

**JOINT RESOLUTION 10-22-15-2  
OF COWLITZ, GRAYS HARBOR, LEWIS,  
PACIFIC ANO WAHAKIYAKUM COUNTIES FILLING  
VACANT HOUSE OF REPRESENTATIVES  
POSITION IN 19<sup>th</sup> LEGISLATIVE DISTRICT**

WHEREAS, Senator Brian Hatfield has submitted his resignation for his position as senator for the 19th Legislative District and that position is now vacant; and

WHEREAS, the State Democratic Central Committee has submitted a list of three names for consideration by the Joint Boards of Commissioners for Cowlitz County, Grays Harbor County, Lewis County, Pacific County, and Wahkiakum County; and

WHEREAS, the Joint Boards of County Commissioners for Cowlitz County, Grays Harbor County, Lewis County, Pacific County, and Wahkiakum County have convened in joint session and duly considered the three names submitted by the State Democratic Central Committee, now, therefore;

IT IS HEREBY RESOLVED by Joint Boards of County Commissioners for the counties of the 19th Legislative District meeting in special session, that JD Rossetti be and is hereby appointed to fill the vacant position of Representative for the 19th Legislative District.

IT IS FURTHER RESOLVED that the clerk of the joint board forward this resolution to the Governor and the Secretary of State.

Approved this 22<sup>nd</sup> day of October, 2015.

BOARD OF COUNTY COMMISSIONERS OF  
COWLITZ COUNTY, WASHINGTON

Michael A. Kamofski, Chairman  
Dennis P. Weber, Commissioner  
Joe Gardner, Commissioner

BOARD OF COUNTY COMMISSIONERS OF  
GRAYS HARBOR COUNTY, WASHINGTON

Wes Cormier, Chairman  
Frank Gordon, Commissioner  
Vickie L. Raines, Commissioner

BOARD OF COUNTY COMMISSIONERS OF  
PACIFIC COUNTY, WASHINGTON

Steve Rogers, Chairman

Frank Wolfe, Commissioner  
Lisa Ayers, Commissioner

**BOARD OF COUNTY COMMISSIONERS OF  
LEWIS COUNTY, WASHINGTON**

Edna Fund, Chairman  
P.W. Bill Schulte, Commissioner  
Gary Stamper, Commissioner

**BOARD OF COUNTY COMMISSIONERS OF  
WAHKIAKUM COUNTY, WASHINGTON**

Mike Backman, Chairman  
Daniel L. Cothren, Chairman  
Blair Brady, Commissioner

**RESIGNATION OF REPRESENTATIVE  
REUVEN CARLYLE**

January 7, 2016

The Honorable Jay Inslee  
Governor  
State of Washington  
Olympia, WA 98504

Dear Governor Inslee:

It is with a profound sense of gratitude and appreciation to the people of the 36th Legislative District that I hereby resign from Position 1 from the 36th District in the House of Representatives concurrent with my appointment to the 36th District State Senate seat.

I have accepted the appointment today by the King County Council to the vacancy in the Washington State Senate for the 36th Legislative District.

Serving in the House of Representatives since 2009 has been deeply rewarding and meaningful personally and professionally. My family and I will forever be grateful for the opportunity to be of service to our community in this capacity.

Thank you for your assistance in this important matter.

Your partner in service,

Reuven M. Carlyle  
State Representative  
36th Legislative District

**MESSAGE FROM THE KING COUNTY  
COUNCIL**

January 7, 2016

A MOTION making an appointment to fill the vacancy in the position of state representative for the 36th legislative district.

WHEREAS, a vacancy exists in the position of state representative for the 36<sup>th</sup> legislative district due to the resignation of Representative Reuven Carlyle following his appointment as state senator for the 36th legislative district, and

WHEREAS, the 36th legislative district Democratic precinct committee officers have met to consider candidates for the position, and

WHEREAS, the King County Democratic Central Committee has submitted the names of three nominees to fill the vacancy;

NOW, THEREFORE, BE IT MOVED by the Council of King County: Noel Frame is hereby appointed to the position of state representative for the 36<sup>th</sup> legislative district.

Joe McDermott, Vice Chair  
KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

**SPEAKER'S PRIVILEGE**

The Speaker asked the body to welcome its new members.

The Speaker further introduced his wife, Nancy Long, and asked the members to acknowledge her.

Mr. Speaker: "Welcome back to the people's House! I want to thank all the House members for their dedication to being citizen legislators! I want to thank Dan Kristiansen for his work! Let us also thank the families and loved ones who are making a sacrifice for all of us. And of course, please recognize my wife, Nancy Long, for her many years of support!

In our line of work, there are many positive experiences, but also a lot of difficulties and challenges. Long hours, long committee meetings, long sessions. So it is appropriate as we begin this session, to mention a few examples of what we accomplished last year for the people of Washington.

To prepare our kids to learn and succeed, we approved the largest expansion of early childhood education in state history, \$160 million over the next two years. And we enacted the Early Start Act to improve the quality of care in early learning and child care centers. To improve basic education as a path to a better life, we invested \$1.3 billion in new funding for K-12 schools, expanded full-day kindergarten, and reduced class sizes in kindergarten through 3rd grade. We carried out the commitments we made a few years ago with House Bills 2261 and 2776, as part of our "paramount duty" to our schools. And we provided teachers and public school workers with a wage increase above the cost of living, recognizing the value of their work, and helping to catch up after several years without an increase.

To help students pursue opportunity, we increased College Bound Scholarships, an incentive for low-income students to graduate from high school and then attend a public college, tuition-free. We also expanded Opportunity Scholarships for middle class and low-income students who are earning degrees in high-demand fields, with matching contributions from the private sector.

To provide health care for all, we expanded Washington Apple Health, which now covers 1.6 million people, including 800,000 kids. We invested over \$100 million for improvements in mental health care, providing community-based treatment, more inpatient beds, and better crisis intervention across the state. We approved important reforms, including Joel's Law, which empowers families when a loved one is in crisis. And we maintained our national leadership role linking people to health care by continuing the State Health Care Exchange.

To strengthen the safety net for people who have fallen on hard times, we increased assistance for families, restored the State Food Assistance Program, and expanded services and support for children in foster care.

And we adopted a new Home Care contract, providing workers with the first-in-the-nation retirement benefit. They care so well for our elderly and people with disabilities. They deserve a secure retirement.

To create jobs for a recovering economy, our transportation package was the largest state investment in public works in state history. It will fix aging infrastructure, increase public transit, and create tens of thousands of jobs over the next decade. In addition, we created jobs by approving the largest capital budget in state history, with increased funding for school construction and projects that strengthen communities across the state.

The House of Representatives led the way on each of these accomplishments. But our pride in what we accomplished does not give us an excuse to sit back. We need to keep moving forward. Together we can find practical solutions to meet the next set of challenges. There will be many issues we will review: Department of Corrections, State Auditor, and Court decisions.

But for this session, let us focus on the basics:

**Basic education.** We must continue investing in our public schools, not because the Supreme Court says so, but because it's our job! This includes working to reform the school employee compensation system and addressing the shortage of teachers. And we must build the classrooms to carry out the decision we already made to reduce class sizes. All of these actions will provide hope for a better future through education.

**Basic Health.** We should continue our progress towards the simple notion that health care is a fundamental human right. Who among us would deny care to a child? Who among us would turn our backs on those who are ill, or old, or disabled? There is no doubt that we have made major progress in extending health care. But we have so much more to do. Even though we enacted mental health parity years ago, we need to stop separating the brain from the body in our funding formulas and health coverage. And we must have a heart. It is imperative that we improve mental health care, which suffered during the Great Recession. We need accountability and more resources. We must provide our state mental health hospitals with the staff and the tools to care for those we are committed to help.

**Basic emergencies.** We must help communities devastated by some of the worst fires in our history. And we should use our rainy day fund to cover the costs of the drought and work to prevent these disasters. But there are other emergencies as well. There are many fires we face. In

particular, tens of thousands of young people are homeless. That is a moral tragedy.

We cannot look away from the fact that many young people are dying from suicide, abuse, and other tragedies. Solving youth homelessness is basic: we need to get them off the streets and into a safe home. The same is true for people with mental illness. We can prescribe drugs and treatment, but that is for naught if the person leaves the clinic and is left to spend the night on the street.

When you add it all up, these three basics are really about having hope, health, and a home. One of the most powerful truths about America is our capacity for change and improvement. There was a time when children went to work, instead of school. There was a time when hard-working families had no access to health care. There was a time when people with mental illness faced shame, instead of hope. But over time, things changed.

If we continue to make progress there will be a time when we can be proud of our mental health system, with parity for all. There will be a time when a doctor can write a prescription for a home, as part of a treatment plan for mental illness. There will be a time when high school graduation rates will be close to 100%, with opportunity for all. And there will be a time, and that time must be SOON, when we fulfill our paramount duty to the education of our kids!

We don't have a lot of time this session, so let's make the most of it. Thank you."

#### **POINT OF PERSONAL PRIVILEGE**

Representative Kristiansen: "Thank you Mr. Speaker. First of all I would like to thank you. I want to thank you for the words, it is always hard following someone else who gives a nice speech like that when you are supposed to talk about the same things, so thank you for doing most of my speech. Let's hear it for the Speaker. And now that we know you are really good at karaoke we expect you to show up.

On a personal note, I would like to thank you Mr. Speaker for the time we have been able to spend together. Over the course of the last few years, when it comes to talking about and negotiating the tough issues that you mentioned in your speech, you know we all know that we are under a tremendous amount of pressure down here not just by the courts predominately by our citizens. The citizens send us down here and they hire us to do this job. They are given opportunities to vote for us and somebody else, we were chosen, we were the ones who were chosen to represent them and the question that I guess I have every time I come down here and every time I face an issue is how am I going to serve my constituents best. One of the things for those of you who have never done it, I would encourage you to go to the fourth floor of the building and walk through the halls, I do it every year two or three times actually. It's the class pictures of those legislative bodies that have gone before us and I like to go through that hall because as a state we were founded in 1889, and I like to walk up there and I like to look at key dates in time and take a look at the faces of the people who were there dealing with challenges not dissimilar to what we are doing but in many cases far more serious challenges. Who were those legislators who were dealing with the 1929 crash in our economy, who were those

legislators who were there post December 7, 1941, and so on and so on and so on. I'm kind of a history buff, but I do think it is important for us to learn from our history. I do also think it is important for us to acknowledge that despite those tremendous challenges that were before them, they made it. They became unified at a time when it was very difficult and we can get really focused in on what divides us down here and I hate to say it but that is part of politics, but my hope and my prayer is that we will also find and we will make it a bigger priority on those areas that unite us and unify us. Every one of us in here are Americans and I am proud of that. I am proud not only that I am an American, but everybody in here, we serve together because this constitution has put together a system in place that we can do this. We have a representative form of government and the people that hire us to do this job are expecting us to come down here and govern.

We all know, as mentioned by Pastor Willams, and I want to thank the pastor too for his kind prayer and words this morning, but when he was talking about your making enemies and friends, when you push that yes button or that no button, this is my fourteenth session and I got to tell you it is always difficult pushing those buttons but we were hired to do that job. And sometimes we are going to be faced with very difficult personal decisions that we are going to have to make. I've said before that I encourage every legislator to come down here and draw that line in the sand, draw that line in the sand that represents your moral compass, your ethical compass, and don't cross over that line. You don't need to but you do need to work with people on the other issues, and my hope and my prayer, is that as we come together for this legislative session, sixty days right, or less, absolutely well you told me 105 last year I'm going to hold you to 60 this year. But my point is that my prayer, as we move forward, is that we will come together on these tough issues like classes, like legislators before us that had tremendous challenges, we've got some tremendous challenges ahead of us but I do believe that the system works. People complain about the system all the time, but I don't know if you're like me when I have looked at other systems of government around the world, as bad and as complicated and sometimes stinky as this place can be it is still in my opinion the best form of government in the world. Because it truly reflects, I believe, the public. Because that is why we were sent here. Every one of us represents approximately 137,000 people. Think about that. Have you always agreed with or condoned the actions of your own family members? And yet these people are hopefully going to agree with you and condone your actions most of the time, and that's the challenge before us Mr. Speaker. I want to thank you for the comments and all the statistics and all the great work that we have done over the past few years, because we haven't always agreed on those things but that's part of politics. But there are some tremendous challenges before us, not unlike education. We've got a lot of things we've got to do on education, not just on the funding end, but on reform. We want to make sure that the outcomes of these kids is first and foremost our priority. That our kids get a world class education period. That we create safer atmospheres for our families. That we have job opportunities for those students when they come out of school, more than half of our college graduates are

unemployed. That is wrong. We have 39 counties in Washington State and only two, two of thirty nine counties, have below the national average of unemployment. Two. Thirty seven counties are operating at above and sometimes double or more the national average of unemployment. That is great for Seattle and the Bellevue metropolitan area but it really excuse me sucks for the rest of the state. I'm becoming more politically incorrect, is sucked ok? Yeah it is going to have to be. TVW can you edit that out for me. My point being, is that we need to take a look at, it's been talked about one Washington, but one Washington just isn't a ten mile corridor. Its 300 miles approximately from the ocean to the Idaho border and its 300 miles approximately. from Idaho excuse me from Oregon to Canada. Ten miles isn't doing it. We've got to do better in the rest of the state and that's one of the things we want to make sure that we unite with you Mr. Speaker and colleagues across the aisle to make sure that the rest of Washington is being treated properly as well.

Mental health, we've got a lot of things going on in the greater metropolitan area on mental health, which you know Mr. Speaker we've talked about, this is a huge focus of mine personally but the things we are doing for mental health and other social programs in Seattle is not happening in the rest of the state

Transportation, while we made the largest transportation investment last year, most of the state is just going to be paying, and not receiving. We've got to take that into consideration. So my hope is to move forward Mr. Speaker, as if we are going to be able to look at the whole state, because the whole state is represented in this body. Seven million people are represented by us and my challenge to all of us is that we are going to be able to find those areas that we can unite, that we can do the best we can for the citizens of the state of Washington at all levels Mr. Speaker. I want to thank you so much for your service. Despite our differences, I truly enjoy working with you and my colleagues here, all 97 of you. You're actually a sharp looking bunch by the way, but I do enjoy working with all of you despite our differences. I would be remiss if I didn't acknowledge life happens away from this place. Former member Carol Gregory lost her husband right after the election, and my condolences, our condolences to her and her family. I've got a member, I know we are not supposed to name names, but Norm Johnson lost his son. Sometimes we can get so caught up in this legislative process, in this beautiful building, that we forget life is happening around here. So let's try and be patient with each other. Let's realize that real life is happening to us in the process of doing this job and with that Mr. Speaker lets move forward. 59 days and counting, right? Thank you very much."

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

#### **INTRODUCTION & FIRST READING**

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4413 and HOUSE CONCURRENT RESOLUTION NO. 4414 were read the first time, and under suspension of the rules were placed on the second reading calendar.

**RESOLUTION****HOUSE RESOLUTION NO. 2016-4647, by  
Representatives Sullivan and Kretz**

BE IT RESOLVED, That a committee consisting of two members of the House of Representatives be appointed by the Speaker of the House to notify the Governor that the House is organized and ready to conduct business.

Representative Sullivan moved adoption of HOUSE RESOLUTION NO. 4647.

Representative Sullivan spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4647 was adopted.

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

**SECOND READING****HOUSE CONCURRENT RESOLUTION NO. 4413,  
by Representatives Sullivan and Kretz**

**Specifying the status of bills, resolutions, and memorials.**

The concurrent resolution was read the second time.

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

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

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4413.

HOUSE CONCURRENT RESOLUTION NO. 4413 was adopted.

**HOUSE CONCURRENT RESOLUTION NO. 4414,  
by Representatives Sullivan and Kretz**

**Convening the House of Representatives and Senate in Joint Session to receive the State of the State message of Governor Jay Inslee.**

The concurrent resolution was read the second time.

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

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

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4414.

HOUSE CONCURRENT RESOLUTION NO. 4414 was adopted.

**RESOLUTION****HOUSE RESOLUTION NO. 2016-4648, by  
Representatives Sullivan and Kretz**

WHEREAS, The House of Representatives adopted permanent rules for the Sixty-Fourth Legislature under House Resolution No. 2015-4607;

NOW, THEREFORE, BE IT RESOLVED, That Rule 23 as set forth in House Resolution No. 2015-4607 is amended to read as follows:

**PERMANENT RULES OF THE HOUSE OF  
REPRESENTATIVES****SIXTY-FOURTH LEGISLATURE 2015-2016****HOUSE****RULE NO.**

<b>Rule 1</b>	Definitions
<b>Rule 2</b>	Chief Clerk to Call to Order
<b>Rule 3</b>	Election of Officers
<b>Rule 4</b>	Powers and Duties of the Speaker
<b>Rule 5</b>	Chief Clerk
<b>Rule 6</b>	Duties of Employees
<b>Rule 7</b>	Admission to the House
<b>Rule 8</b>	Absentees and Courtesy
<b>Rule 9</b>	Bills, Memorials and Resolutions - Introductions
<b>Rule 10</b>	Reading of Bills
<b>Rule 11</b>	Amendments
<b>Rule 12</b>	Final Passage
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**Definitions**

**Rule 1.** "Absent" means an unexcused failure to attend.  
"Term" means the two-year term during which the members as a body may act.

"Session" means a constitutional gathering of the house in accordance with Article 2 § 12 of the state Constitution.

"Committee" means any standing, conference, joint, or select committee as so designated by rule or resolution, and also means any standing committee subcommittee.

"Fiscal committee" means the appropriations, capital budget, finance, general government & information technology, and transportation committees.

"Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

#### **Chief Clerk to Call to Order**

**Rule 2.** It shall be the duty of the chief clerk of the previous term to call the house to order and to conduct the proceedings until a speaker is chosen.

#### **Election of Officers**

**Rule 3.** The house shall elect the following officers at the commencement of each term: Its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; a deputy speaker pro tempore, who shall serve in absence or in case of the inability of the speaker and speaker pro tempore; and a chief clerk of the house. Such officers shall hold office during all sessions until the convening of the succeeding term: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Art. II § 27)

#### **Powers and Duties of the Speaker**

**Rule 4.** The speaker shall have the following powers and duties:

(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.

(D) The speaker shall sign all bills in open session. (Art. II § 32)

(E) The speaker shall sign all writs, warrants, and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) The speaker, in open session, shall appoint committee chairs as selected by the majority party caucus, and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

(H) The speaker shall serve as chair of the rules committee.

(I) The speaker shall have charge of and see that all officers, attaches, and clerks perform their respective duties.

(J) The speaker pro tempore shall exercise the duties, powers, and prerogatives of the speaker in the event of the speaker's death, illness, removal, or inability to act until the speaker's successor shall be elected.

#### **Chief Clerk**

**Rule 5.** The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall employ, subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal, or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

#### **Duties of Employees**

**Rule 6.** Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

#### **Admission to the House**

**Rule 7.** It shall be the general policy of the house to keep the chamber clear as follows:

(A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:

The governor or designees, or both;

Members of the senate;

State elected officials;

Officers and authorized employees of the legislature;

Former members of the house who are not advocating any pending or proposed legislation;

Representatives of the press;

Other persons with the consent of the speaker.

(B) Only members, pages, sergeants at arms, and clerks are permitted on the floor while the house is in session.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the house or committee. Anyone violating this rule will forfeit his or her right to be admitted to the house chamber or any of its committee rooms.

#### **Absentees and Courtesy**

**Rule 8.** No member shall be absent from the service of the house without leave from the speaker. When the house is

in session, only the speaker shall recognize visitors and former members.

**Bills, Memorials and Resolutions - Introductions**

**Rule 9.** Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 10:00 a.m. shall be introduced at the next daily session, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Art. II § 36)

Any returning member or member-elect may prefile a bill with the chief clerk commencing the first Monday in December preceding any regular session or twenty (20) days before any special session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term.

No house bill may be introduced that is identical to any other pending house bill.

**Reading of Bills**

**Rule 10.** Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

A bill may be returned to second reading for the purpose of amendment by a suspension of the rules: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended and a bill returned to second reading for the purpose of amendment by a majority vote.

(A) FIRST READING. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee, unless otherwise ordered by the house.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) SECOND READING. Upon second reading, the bill number and short title and the last line of the bill shall be

read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) SUBSTITUTE BILLS. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed. A motion for the substitution shall not be in order until the second reading of the original bill.

(D) THIRD READING. Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) SUSPENSION CALENDAR. Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

(F) HOUSE RESOLUTIONS. House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house. House resolutions are not subject to debate, except for resolutions necessary for the operation of the house, and resolutions commemorating Children's Day, Day of Remembrance, Martin Luther King Jr. Day, National Guard Day, and President's Day.

(G) CONCURRENT RESOLUTIONS. Reading of concurrent resolutions may be advanced by majority vote.

**Amendments**

**Rule 11.** The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 10(E) and as follows:

(A) AMENDMENTS TO BE OFFERED IN PROPER FORM. The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) COMMITTEE AMENDMENTS. When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house before any amendments that may be offered from the floor.

(C) SENATE AMENDMENTS TO HOUSE BILLS. A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

(D) AMENDMENTS TO BE GERMANE. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) SCOPE AND OBJECT NOT TO BE CHANGED. No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Art. II § 38)

(F) NO AMENDMENT BY REFERENCE. No act shall ever be revised or amended without being set forth at full length. (Art. II § 37)

(G) TITLE AMENDMENTS. The subject matter portion of a bill title shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall either be presented with the text amendment or be incorporated by the chief clerk in the engrossing process.

#### **Final Passage**

**Rule 12.** Rules relating to bills on final passage are as follows:

(A) BUDGET BILLS. No final passage vote may be taken on an operating budget, transportation budget, or capital budget bill until twenty-four (24) hours after the bill is placed on the third reading calendar. The twenty-four (24) hour requirement does not apply to conference reports, which are governed by Joint Rule 20, or to bills placed on the third reading calendar by a two-thirds (2/3) vote of the members present.

(B) RECOMMITMENT BEFORE FINAL PASSAGE. A bill may be recommitted at any time before its final passage.

(C) FINAL PASSAGE. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Art. II § 22)

(D) BILLS PASSED - CERTIFICATION. When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

#### **Hour of Meeting, Roll Call and Quorum**

**Rule 13.** (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 21(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

#### **Daily Calendar and Order of Business**

**Rule 14.** The rules relating to the daily calendar and order of business are as follows:

(A) DAILY CALENDAR. Business of the house shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer, and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor, and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions, and concurrent resolutions.

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

(B) UNFINISHED BUSINESS. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

(C) EXCEPTIONS. Exceptions to the order of business are as follows:

(1) The order of business may be changed by a majority vote of those present.

(2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

#### **Motions**

**Rule 15.** Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

- (1) Privileged motions:
  - Adjourn
  - Adjourn to a time certain
  - Recess to a time certain
  - Reconsider
  - Demand for division
  - Question of privilege
  - Orders of the day
- (2) Subsidiary motions:
  - First rank: Question of consideration
  - Second rank: To lay on the table
  - Third rank: For the previous question
  - Fourth rank: To postpone to a day certain  
To commit or recommit  
To postpone indefinitely
  - Fifth rank: To amend
- (3) Incidental motions:
  - Points of order and appeal
  - Method of consideration
  - Suspension of the rules
  - Reading papers
  - Withdraw a motion
  - Division of a question

(C) THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT. Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 22.

Motions to adopt house resolutions shall be decided without debate, except as provided in Rule 10(F).

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) MOTION TO ADJOURN. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

#### **Members Right to Debate**

**Rule 16.** The methods by which a member may exercise his or her right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day any bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 18 (Previous Question).

#### **Rules of Debate**

**Rule 17.** The rules for debate in the house are as follows:

(A) QUESTION OF PRIVILEGE. Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) WITHDRAWAL OF MOTION, BILL, ETC. After a motion is stated by the speaker or a bill, memorial, resolution, petition, or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) READING OF A PAPER. When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granting permission for the distribution. This shall not apply to materials normally distributed by the chief clerk.

(E) ORDER OF QUESTIONS. All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(F) DIVISION OF POINTS OF DEBATE. Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(G) DECORUM OF MEMBERS. While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(H) REMARKS CONFINED. A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(I) EXCEPTION TO WORDS SPOKEN IN DEBATE. If any member be called to order for words spoken in debate,

the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(J) **TRANSGRESSION OF RULES - APPEAL.** If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall prevail.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

#### **Ending of Debate - Previous Question**

**Rule 18.** The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative \_\_\_\_\_ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

#### **Voting**

**Rule 19. (A) PUTTING OF QUESTION.** The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) **ALL MEMBERS TO VOTE.** Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

(C) **CHANGE OF VOTE.** When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) **PRIVATE INTEREST.** No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Art. II § 30)

(E) **INTERRUPTION OF ROLL CALL.** Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(F) **YEAS AND NAYS - RECORDED VOTES.** Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

(G) **TIE VOTE, QUESTION LOSES.** In case of an equal division, the question shall be lost.

(H) **DIVISION.** If the speaker is in doubt, or if division is called for by any member, the house shall divide.

(I) **STATEMENT FOR JOURNAL.** A member whose recorded vote does not accurately reflect his or her intent may submit a written statement for the journal clarifying their intent to vote aye or nay. The statement must be submitted to the chief clerk on the same day the vote is taken. A member who is excused for one or more days of recorded votes may submit a written statement for the journal explaining the reason for his or her absence. The statement may not exceed fifty words and must be submitted to the chief clerk on the same day the member returns.

#### **Reconsideration**

**Rule 20.** Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken.

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

**Call of the House**

**Rule 21.** One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) **DOORS TO BE CLOSED.** When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) **SERGEANT AT ARMS TO BRING IN THE ABSENTEES.** The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) **HOUSE UNDER CALL.** While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house, a motion to excuse absentees, or a motion to dispense with the call of the house. The motion to proceed with business under the call of the house and the motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof. The motion to dispense with the call of the house may be adopted by a majority of the members present.

**Appeal from Decision of Chair**

**Rule 22.** The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

**Standing Committees**

**Rule 23.** The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1	Agriculture & Natural Resources.....	13
.		
2	Appropriations .....	33
.		
3	Business & Financial Services .....	11
.		
4	Capital Budget .....	9
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5	Commerce & Gaming .....	9
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6	Community Development, Housing & Tribal Affairs	7
.		
7	Early Learning & Human Services .....	11
.		
8	Education.....	21
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9	Environment .....	11
.		
1	Finance .....	<del>(16)</del> 15
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1	General Government & Information Technology .....	7
1		
.		
1	Health Care & Wellness .....	15
2		
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1	Higher Education.....	13
3		
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1	Judiciary .....	13
4		
.		
1	<u>Labor &amp; Workplace Standards</u> .....	7
5		
.		
1	Local Government.....	9
6		
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Committee members shall be selected by each party's caucus. Membership on appropriations subcommittees is restricted to the membership of the appropriations committee. The majority party caucus shall select all committee chairs.

**Duties of Committees**

**Rule 24.** House committees shall operate as follows:

(A) **NOTICE OF COMMITTEE MEETING.** The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

(B) COMMITTEE QUORUM. A majority of any committee shall constitute a quorum for the transaction of business.

(C) SESSION MEETINGS. No committee shall sit while the house is in session without special leave of the speaker.

(D) DUTIES OF STANDING COMMITTEES.

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial, or resolution may be reported out: PROVIDED, That by motion under the eighth order of business, a majority of the members elected to the house may relieve a committee of a bill and place it on the second reading calendar.

Majority recommendations of a committee can only be "do pass," "do pass as amended," or that "the substitute bill be substituted therefor and that the substitute bill do pass."

(3) Members of the committee not concurring in the majority report may prepare a written minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report.

(4) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members signing such reports.

(5) Every vote to report a bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

(6) All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage.

(7) No standing committee shall vote by secret written ballot on any issue.

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

(9) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or requires the exercise of rule-making powers and, if so, consider:

(a) The nature of the new rule-making powers; and

(b) To which agencies the new rule-making powers would be delegated and which agencies, if any, may have related rule-making powers.

(10) Standing committee subcommittees established in Rule 23 have the same powers and duties as standing committees.

(11) Insofar as practicable, testimony in public hearings should be balanced between those in support of and in opposition to proposed legislation, with consideration given to providing an opportunity for members of the public to testify within available time.

#### **Standing Committees - Expenses - Subpoena Power**

**Rule 25.** Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

The standing committees of the house may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a standing committee of the house may issue any process, the committee chairperson shall submit for approval of the executive rules committee a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by the executive rules committee. The process shall be limited to the named individuals.

#### **Vetoed Bills**

**Rule 26.** Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house. Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the term, after which they shall be filed with the secretary of state.

#### **Suspension of Compensation**

**Rule 27.** (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities,

and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members.

#### **Smoking**

**Rule 28.** Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

"No smoking" signs shall be posted so as to give notice of this rule.

#### **Liquor**

**Rule 29.** The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

#### **Parliamentary Rules**

**Rule 30.** The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

#### **Standing Rules Amendment**

**Rule 31.** Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 10.

#### **Rules to Apply for Assembly**

**Rule 32.** The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

#### **Legislative Mailings**

**Rule 33.** The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative mailings at public expense are for legitimate legislative purposes.

Representative Sullivan moved adoption of HOUSE RESOLUTION NO. 4648.

Representative Sullivan spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4648 was adopted.

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

### **INTRODUCTION & FIRST READING**

HB 2290 by Representative MacEwen

AN ACT Relating to limiting out-of-state requests for public records; amending RCW 42.56.010, 42.56.520, and 42.56.550; reenacting and amending RCW 42.56.080; and creating new sections.

Referred to Committee on State Government.

HB 2291 by Representative MacEwen

AN ACT Relating to ensuring business vitality by allowing for total compensation when calculating the minimum wage rate and providing for youth wages; amending RCW 49.46.020 and 49.46.010; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 2292 by Representative MacEwen

AN ACT Relating to circumstances under which the name of a candidate for elective office may appear on the ballot more than once; and amending RCW 29A.36.201.

Referred to Committee on State Government.

HB 2293 by Representative MacEwen

AN ACT Relating to presidential electors; and amending RCW 29A.56.310, 29A.56.320, and 29A.56.340.

Referred to Committee on State Government.

HB 2294 by Representatives Taylor, G. Hunt, Young, McCaslin, Shea, Scott, McCabe, Rodne, Chandler, Buys, Haler, Griffey, Short, Holy, MacEwen, Pike, Harris, Condotta, Van Werven and Klippert

AN ACT Relating to restricting public funds from being used for elective abortions; amending RCW 9.02.100, 9.02.160, 9.02.170, and 43.70.040; reenacting and amending RCW 74.09.659; adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2295 by Representatives Rossetti, Orcutt and Blake

AN ACT Relating to eliminating the reduction in state basic education funding that occurs in counties with federal forest lands; amending RCW 28A.150.250 and 28A.520.020; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 2296 by Representatives Rossetti, Orcutt and Blake

AN ACT Relating to the taxing authority of public facilities districts; and amending RCW 82.14.390.

Referred to Committee on Finance.

HB 2297 by Representative Moeller

AN ACT Relating to surname changes; amending RCW 9A.44.130; adding a new section to chapter 26.04 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 2298 by Representative Moeller

AN ACT Relating to survivor benefits from the public employees' retirement system for survivors of members in registered domestic partnerships prior to December 2012; and amending RCW 41.40.188, 41.40.660, and 41.40.845.

Referred to Committee on Appropriations.

HB 2299 by Representative Moeller

AN ACT Relating to the public disclosure commission concerning responsibilities and funding; adding a new section to chapter 42.17A RCW; and creating a new section.

Referred to Committee on State Government.

HB 2300 by Representative Moeller

AN ACT Relating to protecting the personal information of a person acting as a guardian ad litem; adding a new section to chapter 42.56 RCW; and creating new sections.

Referred to Committee on State Government.

HB 2301 by Representatives Hargrove and Reykdal

AN ACT Relating to increasing the number of state need grant recipients by awarding the community and technical college rate in certain financial aid programs for a student's first two years of postsecondary credit; amending RCW 28B.92.020, 28B.92.060, and 28B.118.010; and creating a new section.

Referred to Committee on Higher Education.

HB 2302 by Representative Muri

AN ACT Relating to the election of county prosecutor as a nonpartisan office; amending RCW 29A.04.110, 29A.52.231, 36.16.110, 36.16.115, and 42.12.040; and repealing 2013 c 11 s 45.

Referred to Committee on State Government.

HB 2303 by Representatives Van De Wege, Dunshee, Tharinger, Pettigrew and Moeller

AN ACT Relating to the international wildland urban interface code; and amending RCW 19.27.031.

Referred to Committee on Local Government.

HB 2304 by Representatives DeBolt, Schmick, Cody, Tharinger and Moeller

AN ACT Relating to prescriptive authority of naturopaths; amending RCW 69.43.135; reenacting and amending RCW 18.36A.020, 69.41.030, 69.45.010, and 69.50.101; and adding a new section to chapter 18.36A RCW.

Referred to Committee on Health Care & Wellness.

HB 2305 by Representatives Ryu, Vick and Zeiger

AN ACT Relating to the handling of certain personal property in a self-service storage facility; and amending RCW 19.150.060 and 19.150.160.

Referred to Committee on Business & Financial Services.

HB 2306 by Representative Sawyer

AN ACT Relating to the prohibition of racially offensive school names; adding a new section to chapter 28A.642 RCW; and creating a new section.

Referred to Committee on Education.

HB 2307 by Representatives Farrell, Senn, Riccelli, Appleton, Wylie, Robinson, Tarleton, Goodman, Ormsby, Tharinger, Gregerson, Pollet, Sullivan, Stanford, Jinkins, Kuderer, Ortiz-Self and S. Hunt

AN ACT Relating to providing reasonable accommodations in the workplace for pregnant women; amending RCW 49.60.030 and 49.60.180; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2308 by Representative Van De Wege

AN ACT Relating to applications for forest practices on lands located within the boundaries of master planned resorts established under chapter 36.70A RCW; and amending RCW 76.09.050 and 76.09.240.

Referred to Committee on Agriculture & Natural Resources.

HB 2309 by Representatives Smith, Stanford and Griffey

AN ACT Relating to increasing the available term of water pollution control revolving fund program loans to reflect the 2014 amendments to the federal clean water act allowing such an increase; and amending RCW 90.50A.010, 90.50A.020, 90.50A.030, 90.50A.040, and 90.50A.050.

Referred to Committee on Capital Budget.

HB 2310 by Representatives Van De Wege, Dunshee and Pettigrew

AN ACT Relating to fire prevention in 2016; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 2311 by Representatives Blake, Scott, Hargrove, Hurst, McCaslin, Griffey, Rodne, Manweller, Buys and Holy

AN ACT Relating to the validity of administrative rules; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government.

HB 2312 by Representatives Harmsworth, Bergquist, Buys, Stambaugh, Hayes, Magendanz, Zeiger, Stanford, Orcutt, Rodne, Manweller, Shea, McCaslin, Stokesbary, Caldier, Wilcox and Young

AN ACT Relating to operation of the Interstate 405 express toll lanes; amending RCW 47.56.880; and declaring an emergency.

Referred to Committee on Transportation.

HB 2313 by Representatives Orwall, Magendanz, S. Hunt, Harris, Cody, Johnson, Stanford, Nealey, Haler, Goodman, Riccelli, DeBolt, Pollet, Short, Kagi, Jinkins and Stokesbary

AN ACT Relating to protecting youth from tobacco products and vapor products by increasing the minimum legal age of sale of tobacco and vapor products; and amending RCW 70.155.005, 26.28.080, 70.155.010, 70.155.020, 70.155.030, 70.155.110, and 70.155.120.

Referred to Committee on Health Care & Wellness.

HB 2314 by Representatives Goodman, Hayes and Pettigrew

AN ACT Relating to the manufacture, sale, distribution, and installation of motor vehicle air bags; amending RCW 46.37.640, 46.37.650, 46.37.660, 46.63.020, and 9.94A.515; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2315 by Representative Kirby

AN ACT Relating to the mortgage lending fraud prosecution account; amending RCW 43.320.140 and 36.22.181; and providing expiration dates.

Referred to Committee on Business & Financial Services.

HB 2316 by Representative Kirby

AN ACT Relating to clarifying, and making department of financial institutions technical regulatory changes to, the securities act of Washington; amending RCW 21.20.040, 21.20.110, 21.20.120, 21.20.140, 21.20.270, 21.20.275, 21.20.280, 21.20.300, 21.20.325, 21.20.340, 21.20.360, 21.20.390, 21.20.710, 21.20.727, and 21.20.883; and reenacting RCW 21.20.400.

Referred to Committee on Business & Financial Services.

HB 2317 by Representatives Van De Wege, Tharinger, Pettigrew and Moeller

AN ACT Relating to expanding the use of neighborhood and medium-speed electric vehicles; amending RCW 46.61.723 and 46.61.725; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2318 by Representatives Van De Wege and Tharinger

AN ACT Relating to adding an additional exception to chapter 16.30 RCW that applies to possessors of potentially dangerous wild animals that are licensed by the United States department of agriculture under the federal animal welfare act; and amending RCW 16.30.020.

Referred to Committee on Judiciary.

HB 2319 by Representatives Jinkins, DeBolt and Tharinger

AN ACT Relating to prescription drug insurance continuity of care; and amending RCW 48.43.515.

Referred to Committee on Health Care & Wellness.

HB 2320 by Representatives Stokesbary, Hurst and Peterson

AN ACT Relating to providing that the horse racing commission operating account is a nonappropriated account; and amending RCW 67.16.280.

Referred to Committee on Commerce & Gaming.

HB 2321 by Representatives Stokesbary, Reykdal and Peterson

AN ACT Relating to removing disincentives to the voluntary formation of regional fire protection service authorities by equalizing certain provisions with existing laws governing fire protection districts and by clarifying the formation process; amending RCW 52.26.030, 52.26.230, 84.52.043, 84.52.043, 84.52.125,

and 84.55.092; reenacting and amending RCW 52.26.020, 84.52.010, and 84.52.010; adding a new section to chapter 52.26 RCW; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Local Government.

HB 2322 by Representative Zeiger

AN ACT Relating to the vehicle license cost recovery fee charged for certain rental car transactions; and reenacting and amending RCW 47.04.310.

Referred to Committee on Transportation.

HB 2323 by Representatives Kilduff and Walsh

AN ACT Relating to the creation of the Washington achieving a better life experience program; amending RCW 43.33A.190; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.330 RCW; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

HB 2324 by Representative Van De Wege

AN ACT Relating to educational interpreters; amending RCW 28A.410.271; and adding a new section to chapter 28A.155 RCW.

Referred to Committee on Education.

HB 2325 by Representative Muri

AN ACT Relating to an elective firearms safety and hunter education course for high school students; amending RCW 77.32.155; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 2326 by Representative Moeller

AN ACT Relating to streamlining the independent review organization process by transferring regulatory authority over independent review organizations from the department of health to the insurance commissioner and requiring independent review organizations to report decisions and associated information directly to the insurance commissioner; amending RCW 43.70.235, 41.05.017, and 70.47.130; adding a new section to chapter 48.43 RCW; creating a new section; and recodifying RCW 43.70.235.

Referred to Committee on Health Care & Wellness.

HB 2327 by Representative Appleton

AN ACT Relating to the protection of horses and other equines from slaughter for human consumption; amending RCW 16.68.140; reenacting and amending RCW 16.68.010; adding a new section to chapter 16.52 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2328 by Representative Appleton

AN ACT Relating to providing women with timely information regarding their breast health; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care & Wellness.

HB 2329 by Representatives Haler, Reykdal, Zeiger and Pettigrew

AN ACT Relating to including certain residents who do not have a high school diploma or credential and the number of students expected to enroll in basic education for adults courses at community and technical colleges in caseload forecast council forecasting; amending RCW 43.88C.010; and creating a new section.

Referred to Committee on Higher Education.

HB 2330 by Representative Muri

AN ACT Relating to parking spaces with electric vehicle charging stations; amending RCW 46.08.185; and prescribing penalties.

Referred to Committee on Transportation.

HB 2331 by Representatives Chandler, Stanford, Blake, Kretz, Wilcox and Walkinshaw

AN ACT Relating to the expiration date of the invasive species council and account; and amending RCW 79A.25.310 and 79A.25.370.

Referred to Committee on Agriculture & Natural Resources.

HB 2332 by Representative Kirby

AN ACT Relating to the filing and public disclosure of health care provider compensation; reenacting and amending RCW 42.56.400; reenacting RCW 48.46.243; creating a new section; repealing RCW 48.44.070; and repealing 2015 c 122 s 24, 2015 c 17 s 16, and 2013 c 277 s 6 (uncodified).

Referred to Committee on Health Care & Wellness.

HB 2333 by Representative Reykdal

AN ACT Relating to providing a choice between membership in the public employees' retirement system

plans 2 and 3 for employees age twenty-five or less in subsequent terms of employment; and amending RCW 41.40.785 and 41.54.010.

Referred to Committee on Appropriations.

HB 2334 by Representative Ryu

AN ACT Relating to the excise taxation of martial arts; amending RCW 82.04.050; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2335 by Representative Cody

AN ACT Relating to health care provider credentialing; adding a new section to chapter 48.43 RCW; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health Care & Wellness.

HB 2336 by Representative Manweller

AN ACT Relating to implementing joint legislative audit and review committee recommendations to improve claims management and efficiencies in workers' compensation; amending RCW 51.14.120; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 2337 by Representative Manweller

AN ACT Relating to implementing joint legislative audit and review committee recommendations to improve claims management and efficiencies in workers' compensation; amending RCW 51.32.090; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 2338 by Representative Manweller

AN ACT Relating to implementing joint legislative audit and review committee recommendations to improve claims management and efficiencies in workers' compensation; amending RCW 51.32.090; and creating new sections.

Referred to Committee on Labor & Workplace Standards.

HB 2339 by Representative Moeller

AN ACT Relating to health coverage for residential treatment; and amending RCW 41.05.600, 48.20.580, 48.21.241, 48.41.220, 48.44.341, 48.46.291, and 70.47.200.

Referred to Committee on Health Care & Wellness.

HB 2340 by Representative Schmick

AN ACT Relating to the Washington state health insurance pool; and amending RCW 48.41.100 and 48.41.160.

Referred to Committee on Health Care & Wellness.

HB 2341 by Representative Orwall

AN ACT Relating to DNA biological samples; and amending RCW 43.43.754.

Referred to Committee on Public Safety.

HB 2342 by Representative Hurst

AN ACT Relating to performance of personal services by members of the liquor industry to retailers; and amending RCW 66.28.310.

Referred to Committee on Commerce & Gaming.

HB 2343 by Representative Cody

AN ACT Relating to granting limited licenses to medical school graduates who are not participating in a residency program; amending RCW 18.71.095; adding new sections to chapter 18.57 RCW; adding new sections to chapter 18.71 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2344 by Representative Morris

AN ACT Relating to county ferry districts; amending RCW 36.54.110, 36.54.120, and 36.54.200; and providing an effective date.

Referred to Committee on Transportation.

HB 2345 by Representatives Morris and Smith

AN ACT Relating to the deployment of combined heat and power systems; and adding a new section to chapter 80.28 RCW.

Referred to Committee on Technology & Economic Development.

HB 2346 by Representatives Morris and Smith

AN ACT Relating to promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance for renewable energy system component recycling; amending RCW 82.16.120, 82.16.130, 82.08.962, 82.08.963, 82.12.962, and 82.12.963;

adding new sections to chapter 82.16 RCW; adding a new section to chapter 70.95N RCW; creating a new section; and declaring an emergency.

Referred to Committee on Technology & Economic Development.

HB 2347 by Representative Hurst

AN ACT Relating to reducing the tax on useable marijuana, marijuana concentrates, and marijuana-infused products; and amending RCW 69.50.535.

Referred to Committee on Commerce & Gaming.

HB 2348 by Representatives Hawkins, Gregerson, Kilduff, Peterson, Dent, Johnson, Wylie, Haler, Manweller, Dye, Riccelli, Magendanz, Harris, Ortiz-Self, Fey, Klippert, Orwall, Nealey, Kuderer, Muri, Appleton, Smith, Reykdal, Zeiger, Ormsby, Robinson, McCabe, Stanford, Walsh and Hayes

AN ACT Relating to providing local governments with flexibility regarding local fireworks ordinances; amending RCW 70.77.250; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

HB 2349 by Representative Haler

AN ACT Relating to eliminating the term "branch" as an identifying factor for extensions of the public institutions of higher education; and amending RCW 28B.12.030, 28B.15.0139, 28B.45.010, 28B.45.012, 28B.45.014, 28B.45.020, 28B.45.0201, 28B.45.030, 28B.45.040, 28B.45.080, 28B.50.820, 34.05.514, 44.28.816, 43.41.393, 43.88D.010, and 84.14.010.

Referred to Committee on Higher Education.

HB 2350 by Representative Cody

AN ACT Relating to defining the administration of medication by medical assistants; and amending RCW 18.360.010.

Referred to Committee on Health Care & Wellness.

HB 2351 by Representative Stanford

AN ACT Relating to providing consumer notice regarding cinnamon sources that naturally contain high levels of coumarin; adding a new section to chapter 69.04 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2352 by Representative Stanford

AN ACT Relating to riparian restoration and planting on farmlands; and amending RCW 79A.15.130.

Referred to Committee on Agriculture & Natural Resources.

HB 2353 by Representatives S. Hunt, Stokesbary, Gregerson, Johnson, Haler and Pollet

AN ACT Relating to civil penalties for knowing attendance by a member of a governing body at a meeting held in violation of the open public meetings act; amending RCW 42.30.120; and prescribing penalties.

Referred to Committee on State Government.

HB 2354 by Representative Moeller

AN ACT Relating to assault weapons and large capacity magazines; amending RCW 9.41.010 and 9.94A.515; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2355 by Representatives Kirby and Vick

AN ACT Relating to registered service contract and protection product guarantee providers; and amending RCW 48.110.030, 48.110.050, 48.110.055, 48.110.073, 48.110.130, and 48.110.902.

Referred to Committee on Business & Financial Services.

HB 2356 by Representatives Kirby and Vick

AN ACT Relating to employer agreements to reimburse certain employee costs for the use of personal vehicles for business purposes; and reenacting and amending RCW 48.110.015.

Referred to Committee on Business & Financial Services.

HB 2357 by Representatives Peterson, Young and S. Hunt

AN ACT Relating to the authority of the pollution liability insurance agency; amending RCW 70.148.020, 70.148.900, 70.149.900, 82.23A.020, and 82.23A.902; reenacting and amending RCW 43.84.092 and 43.84.092; adding a new chapter to Title 70 RCW; making an appropriation; providing an effective date; providing a contingent effective date; providing expiration dates; and providing a contingent expiration date.

Referred to Committee on Environment.

HB 2358 by Representatives Kochmar and Gregerson

AN ACT Relating to water-sewer districts; amending RCW 57.08.016 and 70.95A.020; adding a new section to chapter 57.20 RCW; and adding a new section to chapter 57.08 RCW.

Referred to Committee on Local Government.

HB 2359 by Representative Goodman

AN ACT Relating to updating obsolete provisions and making technical corrections; amending RCW 6.21.040, 6.23.030, 9.96.020, 10.14.085, 10.37.040, 11.28.090, 11.28.140, 11.68.110, 11.88.140, 12.04.020, 12.04.030, 12.04.100, 12.04.201, 12.04.203, 12.04.204, 12.04.205, 12.04.206, 12.04.207, 12.40.110, 17.28.090, 18.44.251, 19.120.040, 26.04.090, 26.18.100, 26.50.085, 35.22.110, 35.58.090, 35A.08.120, 36.24.110, 36.60.020, 36.68.470, 41.50.590, 43.20B.040, 58.09.080, 60.08.020, 61.12.020, 64.04.030, 64.04.040, 64.04.050, 64.08.060, 64.08.070, 65.12.035, 65.12.125, 65.12.230, 65.12.235, 65.12.255, 65.12.270, 67.38.030, 84.40.320, 85.28.060, 88.32.070, 88.32.140, 91.08.380, 49.12.450, and 70.95G.030; amending 2013 2nd sp.s. c 4 s 1905 (uncodified); reenacting RCW 28B.15.069 and 43.19.501; repealing RCW 19.27A.035; and providing expiration dates.

Referred to Committee on Judiciary.

HB 2360 by Representatives Lytton, Magendanz and Sullivan

AN ACT Relating to eliminating the quality education council; amending RCW 28A.175.075, 28A.230.090, 28A.300.136, and 28A.400.201; and repealing RCW 28A.290.010 and 28A.290.020.

Referred to Committee on Education.

HB 2361 by Representatives Lytton, Magendanz and Sullivan

AN ACT Relating to delaying implementation of revisions to the school levy lid; amending RCW 84.52.0531; amending 2013 c 242 s 10, 2012 1st sp.s. c 10 s 10, 2010 c 237 ss 9, 8, and 10, and 2013 2nd sp.s. c 4 s 1905 (uncodified); reenacting and amending RCW 84.52.0531; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Education.

HB 2362 by Representatives Hansen, Pettigrew and Nealey

AN ACT Relating to video and/or sound recordings made by law enforcement or corrections officers; amending RCW 42.56.120; reenacting and amending RCW 42.56.240 and 42.56.080; adding a new chapter to Title 10 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Judiciary.

HB 2363 by Representatives Cody and Harris

AN ACT Relating to pharmaceutical drug cost and utilization transparency; amending RCW 43.371.060; and reenacting and amending RCW 43.371.010.

Referred to Committee on Health Care & Wellness.

HB 2364 by Representative Wylie

AN ACT Relating to the licensing of marijuana-related businesses involving a partnership, employee cooperative, association, nonprofit corporation, corporation, or limited liability company; and amending RCW 69.50.331.

Referred to Committee on Commerce & Gaming.

HB 2365 by Representatives Wylie and Hurst

AN ACT Relating to allowing marijuana retailers to sell marijuana merchandise; amending RCW 69.50.357, 69.50.342, and 69.50.345; reenacting and amending RCW 69.50.101; and providing an effective date.

Referred to Committee on Commerce & Gaming.

HB 2366 by Representatives Lytton, Magendanz and Sullivan

AN ACT Relating to basic education obligations; creating new sections; making appropriations; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2367 by Representatives Magendanz, Springer and Stokesbary

AN ACT Relating to public schools that are not common schools; amending RCW 28A.150.310, 28A.185.040, 28A.193.080, 28A.205.070, 28A.215.060, 28A.715.040, and 28B.76.526; reenacting and amending RCW 28A.710.010, 28A.710.020, 28A.710.030, 28A.710.040, 28A.710.050, 28A.710.060, 28A.710.070, 28A.710.080, 28A.710.090, 28A.710.100, 28A.710.110, 28A.710.120, 28A.710.130, 28A.710.140, 28A.710.150, 28A.710.160, 28A.710.170, 28A.710.180, 28A.710.190, 28A.710.200, 28A.710.210, 28A.710.220, 28A.710.230, 28A.710.250, 28A.150.010, and 28A.315.005; reenacting RCW 28A.710.240, 28A.710.260, 41.32.033, 41.35.035, 41.40.025, 41.05.011, 41.56.0251, and 41.59.031; adding new sections to chapter 28A.710 RCW; adding a new section to chapter 28A.300 RCW; creating a new section; repealing RCW 28A.710.005; making appropriations; and declaring an emergency.

Referred to Committee on Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1182  
 HOUSE BILL NO. 1341  
 SECOND SUBSTITUTE HOUSE BILL NO. 1654  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1685  
 HOUSE BILL NO. 1742  
 HOUSE BILL NO. 1755  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 1836

and the bills were referred to the Committee on Agriculture & Natural Resources.

There being no objection, the Committee on Rules was relieved of the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1106  
 SUBSTITUTE HOUSE BILL NO. 1109  
 HOUSE BILL NO. 1152  
 HOUSE BILL NO. 1169  
 HOUSE BILL NO. 1230  
 HOUSE BILL NO. 1345  
 HOUSE BILL NO. 1395  
 SUBSTITUTE HOUSE BILL NO. 1439  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 1682  
 SUBSTITUTE HOUSE BILL NO. 1696  
 HOUSE BILL NO. 1704  
 SUBSTITUTE HOUSE BILL NO. 1725  
 HOUSE BILL NO. 1732  
 SUBSTITUTE HOUSE BILL NO. 1737  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1740  
 HOUSE BILL NO. 1775  
 HOUSE BILL NO. 1863  
 SUBSTITUTE HOUSE BILL NO. 2109  
 SECOND ENGROSSED HOUSE BILL NO. 2214  
 HOUSE BILL NO. 2221  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2239  
 HOUSE BILL NO. 2268  
 HOUSE BILL NO. 2269  
 HOUSE BILL NO. 2270

and the bills were referred to the Committee on Appropriations.

There being no objection, the Committee on Rules was relieved of the following bills:

SUBSTITUTE HOUSE BILL NO. 1048  
 HOUSE BILL NO. 1062  
 HOUSE BILL NO. 1065

HOUSE BILL NO. 1171  
 HOUSE BILL NO. 1176  
 HOUSE BILL NO. 1212  
 HOUSE BILL NO. 1249  
 HOUSE BILL NO. 1329  
 HOUSE BILL NO. 1336  
 HOUSE BILL NO. 1415  
 HOUSE BILL NO. 1475  
 HOUSE BILL NO. 1579  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1761  
 HOUSE BILL NO. 1871  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2131

and the bills were referred to the Committee on Business & Financial Services.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1634  
 HOUSE BILL NO. 1693  
 HOUSE BILL NO. 2035  
 HOUSE BILL NO. 2146

and the bills were referred to the Committee on Capital Budget.

There being no objection, the Committee on Rules was relieved of the following bill:

HOUSE BILL NO. 2001

and the bill was referred to the Committee on Commerce & Gaming.

There being no objection, the Committee on Rules was relieved of the following bills:

SUBSTITUTE HOUSE BILL NO. 1511  
 HOUSE BILL NO. 1631  
 HOUSE BILL NO. 1997  
 HOUSE BILL NO. 2114

and the bills were referred to the Committee on Community Development, Housing & Tribal Affairs.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1150  
 SECOND SUBSTITUTE HOUSE BILL NO. 1436  
 HOUSE BILL NO. 1481  
 HOUSE BILL NO. 1672  
 HOUSE BILL NO. 1728  
 SECOND SUBSTITUTE HOUSE BILL NO. 1735  
 SUBSTITUTE HOUSE BILL NO. 1800  
 SECOND SUBSTITUTE HOUSE BILL NO. 1999  
 HOUSE BILL NO. 2100  
 HOUSE BILL NO. 2113

and the bills were referred to the Committee on Early Learning & Human Services.

There being no objection, the Committee on Rules was relieved of the following bills:

SUBSTITUTE HOUSE BILL NO. 1121  
HOUSE BILL NO. 1142  
SUBSTITUTE HOUSE BILL NO. 1149  
SUBSTITUTE HOUSE BILL NO. 1295  
HOUSE BILL NO. 1331  
SUBSTITUTE HOUSE BILL NO. 1408  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1495  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 1541  
SUBSTITUTE HOUSE BILL NO. 1562  
HOUSE BILL NO. 1666  
HOUSE BILL NO. 1714  
HOUSE BILL NO. 1771  
SUBSTITUTE HOUSE BILL NO. 1783  
SUBSTITUTE HOUSE BILL NO. 1790  
HOUSE BILL NO. 1804  
SUBSTITUTE HOUSE BILL NO. 1855  
HOUSE BILL NO. 1865  
HOUSE BILL NO. 2023  
HOUSE BILL NO. 2048

and the bills were referred to the Committee on Education.

There being no objection, the Committee on Rules was relieved of the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 1472  
HOUSE BILL NO. 1487  
HOUSE BILL NO. 1715  
HOUSE BILL NO. 1833  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1845  
HOUSE BILL NO. 1891  
HOUSE BILL NO. 2061  
HOUSE JOINT MEMORIAL NO. 4009

and the bills were referred to the Committee on Environment.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1107  
SUBSTITUTE HOUSE BILL NO. 1551  
HOUSE BILL NO. 1678  
HOUSE BILL NO. 1689  
ENGROSSED HOUSE BILL NO. 2084  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2156  
HOUSE BILL NO. 2211

and the bills were referred to the Committee on Finance.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1008  
HOUSE BILL NO. 1055  
SECOND SUBSTITUTE HOUSE BILL NO. 1391

HOUSE BILL NO. 2125  
and the bills were referred to the Committee on General Government & Information Technology.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1005  
HOUSE BILL NO. 1042  
SUBSTITUTE HOUSE BILL NO. 1053  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1103  
HOUSE BILL NO. 1134  
SUBSTITUTE HOUSE BILL NO. 1135  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1186  
SUBSTITUTE HOUSE BILL NO. 1190  
HOUSE BILL NO. 1403  
HOUSE BILL NO. 1437  
HOUSE BILL NO. 1626  
SUBSTITUTE HOUSE BILL NO. 1667  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1762  
HOUSE BILL NO. 1852  
SECOND SUBSTITUTE HOUSE BILL NO. 1916  
SUBSTITUTE HOUSE BILL NO. 1956  
HOUSE BILL NO. 2044

and the bills were referred to the Committee on Health Care & Wellness.

There being no objection, the Committee on Rules was relieved of the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236  
SUBSTITUTE HOUSE BILL NO. 1238  
HOUSE BILL NO. 1445  
SUBSTITUTE HOUSE BILL NO. 1644  
SECOND ENGROSSED SECOND SUBSTITUTE  
HOUSE BILL NO. 1825  
HOUSE BILL NO. 1880  
SECOND SUBSTITUTE HOUSE BILL NO. 2041

and the bills were referred to the Committee on Higher Education.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1034  
SUBSTITUTE HOUSE BILL NO. 1037  
SUBSTITUTE HOUSE BILL NO. 1070  
HOUSE BILL NO. 1071  
HOUSE BILL NO. 1092  
HOUSE BILL NO. 1111  
HOUSE BILL NO. 1120  
HOUSE BILL NO. 1129  
SUBSTITUTE HOUSE BILL NO. 1257  
ENGROSSED HOUSE BILL NO. 1258  
HOUSE BILL NO. 1260  
HOUSE BILL NO. 1407  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1448  
HOUSE BILL NO. 1476  
SUBSTITUTE HOUSE BILL NO. 1536  
HOUSE BILL NO. 1567  
HOUSE BILL NO. 1574

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1713  
HOUSE BILL NO. 1726  
HOUSE BILL NO. 1731  
HOUSE BILL NO. 1917  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2060

and the bills were referred to the Committee on Judiciary.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1195  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1211  
HOUSE BILL NO. 1231  
HOUSE BILL NO. 1354  
HOUSE BILL NO. 1355  
HOUSE BILL NO. 1356  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1646  
SUBSTITUTE HOUSE BILL NO. 1651  
HOUSE BILL NO. 1930  
HOUSE BILL NO. 1987

and the bills were referred to the Committee on Labor & Workplace Standards.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1197  
HOUSE BILL NO. 1310  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 1368  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1417  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1420  
HOUSE BILL NO. 1529  
HOUSE BILL NO. 1605  
HOUSE BILL NO. 1702  
HOUSE BILL NO. 1707  
HOUSE BILL NO. 1799  
HOUSE BILL NO. 1802  
HOUSE BILL NO. 1815  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 1850  
HOUSE BILL NO. 1911

and the bills were referred to the Committee on Local Government.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1499  
ENGROSSED HOUSE BILL NO. 1632  
SUBSTITUTE HOUSE BILL NO. 1668  
ENGROSSED HOUSE BILL NO. 1729  
HOUSE BILL NO. 1744  
HOUSE BILL NO. 2098

and the bills were referred to the Committee on Public Safety.

There being no objection, the Committee on Rules was relieved of the following bills:

SUBSTITUTE HOUSE BILL NO. 1089  
HOUSE BILL NO. 1136  
HOUSE BILL NO. 1143  
HOUSE BILL NO. 1217  
HOUSE BILL NO. 1235  
HOUSE BILL NO. 1364  
HOUSE BILL NO. 1635  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1745  
HOUSE BILL NO. 1849  
HOUSE BILL NO. 1866  
HOUSE BILL NO. 1920  
HOUSE BILL NO. 1942  
HOUSE BILL NO. 2133

and the bills were referred to the Committee on State Government.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1265  
HOUSE BILL NO. 1670  
HOUSE BILL NO. 1843  
ENGROSSED HOUSE BILL NO. 1998  
HOUSE BILL NO. 2002  
HOUSE BILL NO. 2064

and the bills were referred to the Committee on Technology & Economic Development.

There being no objection, the Committee on Rules was relieved of the following bills:

HOUSE BILL NO. 1007  
ENGROSSED HOUSE BILL NO. 1087  
HOUSE BILL NO. 1112  
SUBSTITUTE HOUSE BILL NO. 1159  
HOUSE BILL NO. 1218  
HOUSE BILL NO. 1221  
HOUSE BILL NO. 1298  
HOUSE BILL NO. 1393  
HOUSE BILL NO. 1396  
HOUSE BILL NO. 1404  
HOUSE BILL NO. 1585  
HOUSE BILL NO. 1757  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1808  
SUBSTITUTE HOUSE BILL NO. 1822  
HOUSE BILL NO. 1882  
SUBSTITUTE HOUSE BILL NO. 1892  
HOUSE BILL NO. 1993  
HOUSE BILL NO. 1995  
HOUSE BILL NO. 2127  
HOUSE BILL NO. 2142

and the bills were referred to the Committee on Transportation.

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

### COMMITTEE APPOINTMENTS

The Speaker announced the following committee appointments:

Representative Appleton is appointed Chair of the Committee on Local Government and removed from the Committee on State Government.

Representative Berquist is appointed to the Committee on Rules.

Representative Dunshee is appointed Chair of the Committee on Appropriations and removed from the Committee on Agriculture & Natural Resources.

Representative Fitzgibbon is appointed to the Committee on Appropriations and removed from the Committee on Finance.

Representative Frame is appointed to the Committee on Finance, the Committee on Higher Education, and the Committee on State Government.

Representative Harmsworth is appointed Assistant Ranking Member to the Committee on Transportation.

Representative Harris is appointed to the Committee on Education and removed from the Committee on Rules.

Representative Hawkins is removed from the Committee on Community Development, Housing & Tribal Affairs.

Representative Hickel is appointed to the Committee on Community Development, Housing & Tribal Affairs, the Committee on Rules and the Committee on Transportation.

Representative Johnson is appointed to the Committee on General Government & Information Technology and removed from the Committee on Community Development, Housing & Tribal Affairs.

Representative Kuderer is appointed to the Committee on Education, the Committee on Judiciary and the Committee on General Government & Information Technology as Vice Chair.

Representative Lytton is appointed Chair of the Committee on Finance, removed from the Committee on Education and the Committee on Rules, and removed as Vice Chair of the Committee on Agriculture & Natural Resources.

Representative McCabe is removed from the Committee on General Government & Information Technology.

Representative Moscoso is appointed to the Committee on State Government and removed from the Committee on Community Development, Housing & Tribal Affairs.

Representative Parker is removed from the Committee on Education.

Representative Riccelli is appointed to the Committee on Rules.

Representative Robinson is appointed to the Committee on Appropriations and is appointed Vice Chair of the Committee on Finance.

Representative Rossetti is appointed to the Committee on Education, the Committee on Technology & Economic Development and the Committee on Transportation.

Representative Ryu is appointed to the Committee on Community Development, Housing & Tribal Affairs, as chair, and removed from the Committee on Rules and the Committee on Technology & Economic Development, and removed as Vice Chair of the Committee on Business and Financial Services.

Representative Senn is appointed Vice Chair of the Committee on Early Learning & Human Services and removed as the Vice Chair of the Committee on General Government & Information Technology.

Representative Stambaugh is appointed to the Committee on Transportation.

Representative Stanford is appointed Vice Chair of the Committee on Business & Financial Services.

Representative Tharinger is appointed to the Committee on Capital Budget, as Chair, and removed from the Committee on Finance.

Representative Walkinshaw is appointed to the Committee on Agriculture & Natural Resources, as Vice Chair, removed from the Committee on Judiciary, and removed as Vice Chair of the Committee on Early Learning & Human Services.

Representative Wilson is appointed Ranking Member of the Committee on Community Development, Housing & Tribal Affairs and removed from the Committee on Transportation.

Representative Zeiger is removed from the Committee on Transportation.

There being no objection, the House adjourned until 9:55 a.m., January 12, 2016, the 2nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

JOURNAL OF THE HOUSE  
SIXTY FOURTH LEGISLATURE - REGULAR SESSION

SECOND DAY

House Chamber, Olympia, Tuesday, January 12, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

**MESSAGES FROM THE SENATE**

January 11, 2016

MR. SPEAKER:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4413,  
HOUSE CONCURRENT RESOLUTION NO. 4414,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

January 11, 2016

MR. SPEAKER:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8406,

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

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

**INTRODUCTION & FIRST READING**

HB 2368 by Representatives Hurst and Condotta

AN ACT Relating to creating a two-year pilot program authorizing up to five qualified licensed marijuana retailers to deliver marijuana to Washington residents in a city with a population of over six hundred fifty thousand; creating new sections; prescribing penalties; and providing an expiration date.

Referred to Committee on Commerce & Gaming.

HB 2369 by Representative Hurst

AN ACT Relating to the authority of liquor enforcement officers; and amending RCW 66.44.010.

Referred to Committee on Public Safety.

HB 2370 by Representatives Hurst and Sawyer

AN ACT Relating to prohibiting fantasy sports games; amending RCW 9.94A.515; adding new sections to chapter 9.46 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Gaming.

HB 2371 by Representatives Kuderer, Magendanz, Hudgins, McBride, Goodman, Senn, Jinkins, Appleton and Kilduff

AN ACT Relating to the court's consultation of the judicial information system before granting orders; and amending RCW 2.28.210.

Referred to Committee on Judiciary.

HB 2372 by Representatives Senn, Kagi, Jinkins, Tarleton, Reykdal, Appleton, McBride, Pollet and Farrell

AN ACT Relating to the disposition of forfeited firearms; and amending RCW 9.41.098.

Referred to Committee on Judiciary.

HB 2373 by Representatives Senn, Kagi, Stambaugh, Kuderer, Jinkins, Reykdal, Robinson, Frame, Kilduff, Sawyer, Orwall, Sells, McBride, Bergquist and Pollet

AN ACT Relating to evaluating student mental health services and providing students with skills that promote mental health and well-being and increase academic performance; amending RCW 28A.310.500; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 2374 by Representatives Senn, Kagi, Appleton, Walkinshaw, McBride, Peterson, Pollet and Farrell

AN ACT Relating to a statewide ammunition fee to fund local public safety; amending RCW 82.14.310 and 82.14.330; adding new sections to chapter 9.41 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2375 by Representatives Magendanz, Orwall, Smith, Tarleton, MacEwen, Muri, Stanford and Wylie

AN ACT Relating to cybercrime; amending RCW 9.94A.515; reenacting and amending RCW 9A.52.010; adding a new chapter to Title 9A RCW; creating new sections; repealing RCW 9A.52.110, 9A.52.120, and 9A.52.130; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2376 by Representatives Dunshee and Chandler

AN ACT Relating to fiscal matters; amending RCW 19.02.210, 38.52.105, 41.80.010, 43.79.201, 43.79.460, 43.79.496, 43.83B.360, 43.350.070, 43.372.070, 69.50.530, 90.56.335, and 90.76.100; amending 2015 3rd sp.s. c 4 ss 101, 102, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 504, 505, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 601, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 701, 704, 705, 712, 725, 801, 802, 803, and 805 (uncodified); adding new sections to 2015 3rd sp.s. c 4 (uncodified); repealing 2015 3rd sp.s. c 4 s 715 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2377 by Representatives Taylor, Magendanz, Reykdal, Young, Stokesbary, Muri, Condotta, Rossetti, Wilson and Scott

AN ACT Relating to establishing schools as essential public facilities within the growth management act; amending RCW 36.70A.200; creating new sections; and declaring an emergency.

Referred to Committee on Local Government.

HB 2378 by Representatives Stanford and Chandler

AN ACT Relating to the caseload forecast council; amending RCW 43.88C.010, 43.88C.020, and 43.88C.050; and creating a new section.

Referred to Committee on Appropriations.

HB 2379 by Representatives Moeller, Jinkins and Appleton

AN ACT Relating to the creation of two elder justice center demonstration programs; adding a new section to chapter 74.34 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2380 by Representatives Tharinger and DeBolt

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.83B.430 and 70.148.020; amending 2015 3rd sp.s. c 3 ss 1036, 1037, 1076, 1077, 1083, 1095, 1114, 2004, 2016, 2023, 2035, 2038, 3054, 3058, 3059, 3060, 3066, 3084, 3165, 3166, 3200, 3224, 3235, 4002, 5010, 5011, 5012, 5013, 5085, 5086, 5089, 5098, 5101, 7001, 7002, 7012, 7023, 7037, and 7038 (uncodified); adding new sections to 2015 3rd sp.s. c 3 (uncodified); creating a new section; repealing

2015 3rd sp.s. c 3 s 1072 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2381 by Representatives Ortiz-Self, Kilduff, Walsh, Peterson, Gregerson, Cody, Caldier, Jinkins, Reykdal, Frame, Stanford, Sells, McBride, Bergquist and Pollet

AN ACT Relating to creating a task force on school counselors, psychologists, and social workers; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2382 by Representatives Magendanz, Muri, Stambaugh, Caldier, Stokesbary, Hargrove and Pollet

AN ACT Relating to increasing recruitment and retention of teachers in alternate route programs; amending RCW 28A.415.265; creating new sections; and providing expiration dates.

Referred to Committee on Education.

HB 2383 by Representatives Reykdal, Ormsby, Jinkins, Appleton, Stanford, Gregerson, McBride and Santos

AN ACT Relating to establishing acupuncture as an authorized treatment for injured workers; and amending RCW 51.04.030.

Referred to Committee on Labor & Workplace Standards.

HB 2384 by Representatives Buys, Wylie, Orwall and Rodne

AN ACT Relating to clarifying the meaning of mobile telecommunications service provider; amending RCW 9A.86.010; and prescribing penalties.

Referred to Committee on Technology & Economic Development.

HB 2385 by Representatives Pollet and Farrell

AN ACT Relating to requiring certain asphalt production facilities to meet contemporary air emission standards; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Environment.

HB 2386 by Representatives Pollet, Van De Wege, Jinkins, Tarleton, Walkinshaw and Stanford

AN ACT Relating to providing the public with information regarding products that result from certain approved beneficial uses of biosolids; amending RCW

70.95J.010, 70.95J.030, and 70.95J.020; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 2387 by Representative S. Hunt

AN ACT Relating to flamethrowing devices; adding a new section to chapter 43.43 RCW; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2388 by Representatives Hudgins, MacEwen, Stanford, Rossetti and Bergquist

AN ACT Relating to theatrical wrestling; amending RCW 67.08.100 and 67.08.160; reenacting and amending RCW 67.08.002; adding a new section to chapter 67.08 RCW; and creating a new section.

Referred to Committee on Business & Financial Services.

HJM 4012 by Representatives Moeller, Jinkins and Stanford

Requesting that the food and drug administration continue its efforts to change its blood donation deferral guidance.

Referred to Committee on Health Care & Wellness.

SCR 8406 by Senators Fain and Rolfes

Establishing cutoff dates for the consideration of legislation during the 2016 regular session of the sixty-fourth legislature.

There being no objection, the bills, memorials, and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of SENATE CONCURRENT RESOLUTION NO. 8406 which was read the first time, and under suspension of the rules was placed on the second reading calendar.

The Speaker assumed the chair.

#### **SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

HOUSE CONCURRENT RESOLUTION NO. 4413  
HOUSE CONCURRENT RESOLUTION NO. 4414

The Speaker called upon Representative Orwall to preside.

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

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 1734, and the bill was referred to the Committee on Judiciary.

#### **MESSAGE FROM THE SENATE**

January 12, 2016

MR. SPEAKER:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4413,  
HOUSE CONCURRENT RESOLUTION NO. 4414,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

#### **JOINT SESSION**

The Senate appeared at the Chamber doors and requested admission. The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate, Lieutenant Governor Brad Owen, Senator Tim Sheldon and Senator Karen Faser to seats on the Rostrum. The Senators were invited to sit within the Chamber.

The Speaker (Representative Orwall presiding) called upon President Owen to preside.

The President of the Senate, Lieutenant Governor Owen, called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

President Owen: "The purpose of the Joint Session is to receive the state of the state message from His Excellency, Governor Jay Inslee.

The President appointed a special committee to escort the Supreme Court Justices to the House Chamber: Representatives Patty Kuderer and Drew Stokesbary, and Senators Karen Keiser and Steve O'Ban.

The President appointed a special committee to escort the State elected officials to the House Chamber: Representatives Noel Frame and Gina McCabe, and Senators Don Benton and Maralyn Chase.

The President appointed a special committee to advise His Excellency, Governor Jay Inslee, that the joint session had assembled and to escort him to the House Chamber: Representatives J.D. Rossetti and Teri Hickel, and Senators Jan Angel and Reuven Carlyle.

The Supreme Court Justices arrived, were escorted to the Floor of the House Chamber and were introduced: Chief Justice Barbara Madsen, Associate Chief Justice Charles Johnson, and Justices Susan Owens, Mary Fairhurst, Debra Stephens, Charlie Wiggins, Steven Gonzalez, Sheryl Gordon McCloud and Mary Yu.

The State elected officials arrived, were escorted to the floor of the House and were introduced: Secretary of State

Kim Wyman, Treasurer Jim McIntire, Attorney General Bob Ferguson, Superintendent of Public Instruction Randy Dorn, Insurance Commissioner Mike Kreidler and Commissioner of Public Lands Peter Goldmark.

The President introduced the officers and members of the Consular Association of Washington: Consular Generals Masahiro Omura of Japan, Duk-ho Moon of the Republic of Korea, Khalit Aisin of the Russian Federation, Eduardo Baca of Mexico, Robin Twyman of the United Kingdom, Harkiran Rajasansi of Canada, Clary Aida Monzon de Pineda of El Salvador, H. Ronald Masnik of Belgium, Vassos M. Demetriou of Cyprus, Luis Esteban of Spain, Jack A. Cowan of France, Helen M. Szablya of Hungary, Matti Suokko of Finland, Daravuth Huoth of Cambodia, Philippe Goetschel of Switzerland, Lars Jonsson of Sweden, Kim Nesselquist of Norway, Stephen Zirschky of Latvia, Rachel Jacobsen of New Zealand, Pedro Augusto Leite Costa of Brazil, Teresa Indelak Davis of Poland, Eva Kammel of Austria, Valeriy Goloborodko of Ukraine, Mark Gantar of Ethiopia, Andy Chin of Taiwan, Victor Lapatinskas of Lithuania, and Miguel Velasquez of Peru.

The President introduced First Lady Trudi Inslee and members of the Inslee family.

The President introduced the leaders representing various tribal nations: Timothy Ballew II, Chairman of the Lummi Nation; Carol Evans, Chairwoman of the Spokane Tribe; Bill Iyall, Chairman of the Cowlitz Tribe; Naomi Jacobson, Quileute Tribal Councilmember; Jay Julius, Lummi Tribal Councilmember; Fawn Sharp, President of the Quinault Indian Nation; and Tom Strong, Skokomish Tribal Councilmember.

The President introduced leaders from our institutions of higher education: Bill Ayer, Chair, University of Washington Board of Regents; Dan Bernardo, President of Washington State University; and George Bridges, President of The Evergreen State College.

The President introduced civic leaders in attendance: Carol Anders, Mayor of Pateros; Pat McCarthy, Pierce County Executive; Ed Murray, Mayor of Seattle; Ray Stephanson, Mayor of Everett; Ron Sims, Former King County Executive; and Ralph Munro, Former Secretary of State.

The President also recognized Carmento Floyd, widow of former Washington State University President Elson Floyd.

His Excellency Governor Jay Inslee arrived, was escorted to the Rostrum and was introduced.

The flags were escorted to the rostrum by the Washington State Patrol Honor Guard, commanded by Sergeant Jason Greer. The National Anthem was performed by the Ballard High School Concert Choir. The President led the Chamber in the Pledge of Allegiance. Prayer was offered by Father Steve Werner, St. Patrick Catholic Parish, Pasco, Washington.

Father Werner: “Creator and ruler of the universe, We give you thanks for the beauty and richness of our state. From the arid Snake River Canyon to the temperate rainforest of the western Olympic Peninsula. From the Salmon-Priest Wilderness Area to the Willapa National Wildlife Refuge. From Mount Adams to Mount Baker. From the Blues Mountains to the San Juan Islands. From the waves of grain on the Palouse to the waves of the ocean on the Pacific Coast. From the Spokane Valley to the Puget Sound. From the Columbia River’s entrance near Northport to its delta near Ilwaco.

You entrusted your world to us as a gift. Help us to care for it and all people, that we may live in right relationship--with You, with ourselves, with one another, and with creation.

You created human beings in your image and likeness. Help us to imitate your love for the human family by recognizing that we are all connected—to our brothers and sisters around our state, around our nation, around our world, and to past and future generations.

Giver of wisdom and love, You breathe life in us and guide us. Help us to hear the cry of those in need, and the cry of creation, so that we may care for our common home.

Help us as a state to be merciful as You are merciful. May all who live in poverty be nourished, sheltered, clothed, and cared for. May families be strengthened, and workers who support those families receive just compensation and treatment. May all children have access to a quality education. May the immigrant, refugee and unborn be welcomed. May the physically and mentally ill receive adequate medical care, and the healthy have access to preventative care. May the imprisoned be rehabilitated. May the elderly and vulnerable be revered and respected.

Help us to live according to your vision, stirring to action the hearts of all—individuals and families, communities of faith and good will, and civil and political leaders.

Spirit of God, In your goodness, guide those in authority. Bless our governor and the servants of our State who are engaged in the noble profession of legislation for the common good of all. Give them wisdom in all of their decision-making, so that people throughout our state may enjoy freedom, security and peace.

Amen.”

## STATE OF THE STATE

Governor Inslee: “Thank you, Father Werner, for those inspirational words.

Thank you to the Ballard High School Concert Choir for that beautiful rendition of our national anthem.

Mr. President, Mr. Speaker, Madam Chief Justice, distinguished justices of the court, honored officials, members of the Washington State Legislature, tribal leaders, local government officials, members of the Consular Corps and my fellow Washingtonians.

It is an honor to stand here once again to talk about the great state of Washington.

I consider it a tremendous privilege to serve as governor of the most innovative, most forward-thinking, most dynamic state in the nation.

And I couldn't do this job without the incredible support of the people who are constant reminders of why everything we do here matters: My family, especially my wife, Trudi, and my three grandchildren.

Since we all last met, we've celebrated some big moments in the state of Washington. I want to begin today by taking a moment to highlight some of these.

We witnessed a new milestone in space exploration. Remember those incredible photos of Pluto last year? We know how that spacecraft got there. Nine years ago, propulsion engineers over at Aerojet Rocketdyne in Redmond were working on the rockets for the New Horizons mission.

And now we're at the forefront with companies like Blue Origin and Space X. They've brought the future of space travel to our state, successfully launching — and landing — rockets over the past year. It's exciting these companies recognize that the greatest aerospace workers in the world are found right here in the state of Washington.

We saluted the accomplishments of educators like Jennifer Cullison, a science teacher from Woodland High School in Clark County. She was named a Claes Nobel Educator of the Year. Isn't it great this prestigious honor was given to one of our own outstanding, hard-working teachers? Please join me in recognizing her achievements.

We also celebrated the nation's oldest working registered nurse, SeeSee Rigney, who is still practicing at 90 years of age. If you want to be inspired, go see Nurse SeeSee making the rounds at Tacoma General Hospital, where she has worked for nearly 70 years.

We also had some sad moments over the past year. For me, one of those moments was when we said goodbye to Washington State University President Elson Floyd.

Elson was one of my most-trusted advisers. He played a key role in shaping my administration. I miss him. I know we all miss him. But his legacy will live on in our state's second medical school, a school that will carry his name.

We are honored to have Elson's widow, Carmenta Floyd, here with us today. Please join me in recognizing Carmenta and her contributions to education in our state.

We also lost a member of our Washington State National Guard in Afghanistan last week, Staff Sergeant Matthew McClintock. Our thoughts and prayers are with his family, especially his wife and infant son in Des Moines. Please join me in a moment of silence to honor his service and sacrifice.

Thank you.

One year ago, I stood here and said it was time to reinvest in ourselves, in our future and in our children's future. To do these things, we'd have to work in a bipartisan way. Let's be honest — that's not always easy.

But I'm happy to say that we did just that. We accomplished some big things last year in a bipartisan fashion, like transportation.

Back in the fall of 2014, there were those who thought we ought to just fix a few potholes and call it good.

But I didn't give up. And I continued working together with the House and Senate, with Republicans and Democrats, with business and labor. And together, we passed a \$16 billion package, the largest — and the greenest — transportation package in Washington state history.

We also authorized another \$15 billion for Sound Transit light rail expansion.

Not only will this help congestion, this package supports 200,000 family-wage jobs across our state.

We've been out formally kicking off these projects. I've been to Everett, I've been to Tacoma, and tomorrow, I'll be in Vancouver, celebrating the projects funded by this package. It's a great feeling. And we were able to get that done because we worked together.

Speaking of investments, let's talk about the most important investment we know we can make, and that's in our children. Last year we put an additional \$2.3 billion in early learning, K-12 and higher education funding in the budget on a bipartisan basis. Since 2013, education funding increased by 35 percent.

It is altogether fitting and proper we take a moment to recognize this incredible investment. We should be proud that we made the largest dollar-amount investment in education in Washington state history.

At the same time, no one should believe we're done. We have more work to do, and I'll talk about that in a moment. But we have taken major steps that will have major impacts for our kids.

We've given nearly 7,000 more children access to high-quality early learning over the past three years.

We've provided funding for every child to have all-day kindergarten. This and early learning were some of my highest priorities because they are critical educational opportunities that come along only once in the life of a child.

Of all the things we do, I believe this will have the most impact in our communities, and do the most to close the opportunity gap.

In our state, every single child deserves a great education in our public schools.

We've reduced class sizes in our kindergarten-through-third grade classrooms.

And because we know a high-quality teacher is the single most important asset in every classroom, we provided funding for more teacher mentoring opportunities, especially for new teachers.

And we were able to provide them with a cost-of-living adjustment — the first since 2008. It was a modest increase. I recognize that.

We also did something to make paying for college easier on family budgets.

Isn't it great we're the only state in the nation that passed a tuition cut last year?

Republicans had a great idea to do that. I gladly give them credit.

I also gladly give Democrats credit for coming in and saying we ought to cut tuition for everyone, including for students at our community and technical colleges. And together, we found a way to pay for that. That's something everyone here can celebrate.

And finally, we restored funding for one of our most precious public assets, our state parks. It is heartbreaking to have even considered having to close these parks.

You know, one day last year I stopped at Twanoh State Park on Hood Canal and there was a family there with a young kid, just playing in this little swim area. It took me back to my own childhood, when my dad and mom would throw us in the back of the station wagon and take us to Twanoh for the day.

Just knowing this tradition will continue is extremely gratifying, and it keeps with the spirit of one of our state's biggest outdoor recreation proponents, my friend, the late Doug Walker. Doug's deep love of Washington's wilderness will continue to be felt through the impact of his philanthropic efforts and his work on the Blue Ribbon Task Force on Parks and Outdoor Recreation. Our thoughts are with the Walker family as they mourn his recent passing.

Finally, we gave state employees their first wage increase since 2008, and I'd like to speak directly to them for a moment.

A lot of you are doing really great work. I was happy to finally be able to get you a modest raise.

Under my Results Washington initiative, our state has become a national leader in using performance management strategies to improve government. John Shook, who is known for being the godfather of Lean management in America, has told us that he believes Washington is at the very forefront of this effort. Thousands of you are showing the world how the public sector can use Lean thinking to manage growing workloads, increase efficiency and improve quality. I commend you for that.

Those of you on the front lines of our state agencies really do important work. Part of this effort is that we hold ourselves to the highest standards. So if the public trust is violated, we blow the whistle on it, and we provide absolute accountability. And that's what's happening with the sentencing errors that went on for 13 years at the Department of Corrections.

You are often the first ones to see when something is not working right. That's why you should feel empowered to bring these things to management's attention and know you are being heard. I expect all state employees, and especially your managers, to act responsibly in this regard, and you can expect those who do not to be held accountable.

We always have to remember that our core mission is serving the people of Washington. Every single thing we do ought to reflect that mission.

Now, I came into office focused on creating jobs and growing our economy. It's why I've pushed for these investments in education, in transportation, and in our quality of life. So let's look at how we're doing.

I'm pleased to report that Washington continues to rank in the top five states for job growth.

We have the fastest GDP growth in the nation, more than twice the national growth rate.

And over the past few years, Washington exports grew a whopping 20 percent — more than any other state. California, New York, Texas — we beat them all.

Look, I've been focused on jobs since I took office. So it's very gratifying to be able to say that we've added nearly a quarter million jobs since 2013.

There are 30,000 more people working in the building trades sector than there were three years ago. I'm so glad they are able to get up every day and go to good-paying jobs, building our economy.

Although our economic growth has not been uniform, we do know that unemployment in all our state's counties is now, for the first time in eight years, in the single digits.

Folks, there is a lot of good economic news in the state of Washington these days. And it means we're doing something right.

And we should have confidence, because we know what we've already achieved together the past three years.

So with all of us gathered here, I want to talk about what I think our business is for the next 60 days. Between now and March 10th, there are four things that must get done.

First, we have a serious statewide teacher shortage from Kennewick to Kent, from Yakima to Everett. All told, we need about 7,000 more teachers in our schools.

Now, I've proposed a way to do this. It's a small but important first step to address this very real problem.

To recruit and retain teachers, my plan would raise their beginning salary from just under \$36,000 to \$40,000 per year. Nearly 8,800 beginning teachers would see a raise next year under this proposal.

Then, to help make all teacher salaries more competitive, my plan also provides a minimum 1 percent raise to all other teachers. It also increases funding for our teacher mentoring program, so teachers in their first or second year on the job have the support they need and don't end up leaving the profession, which half are doing.

And I propose we pay for it through elimination of some tax breaks whose benefits simply do not outweigh our obligations to our students, to our teachers and to our schools.

For those who wonder how we're going to get this done, here's a reminder that we've done it before. In the past three years, we've closed tax breaks on a bipartisan basis that generate \$1.1 billion over six years. We did it because we had some critical needs in our state. We can do it again.

Because it doesn't matter if we have the best mentors for our teachers, or the smallest class sizes in the nation. If nobody is standing in front of the classroom, we have zip.

The second thing we need to focus on is last year's record-setting wildfires.

A million acres of our state were scorched — an area larger than the state of Delaware. More than 300 homes — primarily in Eastern Washington — were destroyed. And tragically, three firefighters lost their lives.

I've proposed using our Budget Stabilization Account to cover the \$180 million in costs related to battling these wildfires. It's exactly what these reserves were meant for.

Additionally, I've proposed using \$29 million from the Disaster Response Account to help communities recover from these devastating fires and to ensure we are better prepared for our next fire season.

The third thing we need to focus on is our mental health system. During the Great Recession, the state made devastating cuts to services for our most vulnerable, and we continue to be hobbled by those cuts.

While we have acted together to add more than \$700 million to our state's mental health system, we still have significant work to do.

It is not acceptable to let people with severe mental illness languish in our emergency rooms and jails.

In the last legislative session, we added hundreds of treatment beds, psychologists and psychiatrists, nurses and other staff to get people treated more quickly.

My December supplemental budget also included a number of investments to keep people out of our hospitals and keep them safely in their communities, with family and friends.

After all, only 3 percent of the people who access mental health services in this state go to our state hospitals. The other 97 percent are served in our communities, and we need to make sure that we have the appropriate services in place for them.

These aren't nameless, faceless people. They are our loved ones. They are our colleagues. They are our friends. We're talking about the elderly person with dementia, or the college freshman who experiences a psychotic break, or the wounded veteran with a traumatic brain injury. And we need to make sure they get the treatment to stabilize and help them.

This is why my budget proposal funds four new 16-bed crisis triage facilities and three new mobile crisis teams across the state to reach those in need.

But all the investments we've made require skilled staff to set them up and keep them running. Right now, we have a serious staffing shortage, particularly at our state psychiatric hospitals.

We need to ensure we have enough doctors, nurses, social workers and treatment staff so that everyone is safe — patients and staff.

These are investments we ought to have confidence in, because we know when people get the mental health treatment they need, they can improve dramatically. People walk out of Western State Hospital and go on to have great, productive lives.

So we have urgent short-term needs. But we also need to take the long view on how to organize and deliver a stronger mental health system for our citizens. That's why my budget includes funding for just this purpose.

Our aim is simple: timely access to high-quality treatment in the appropriate setting.

We've all known someone struggling with mental illness. Let's get this done for them this year.

Now, let's talk about our fourth pressing need. We need to put in place a framework for our future K-12 education investments. This is absolutely necessary this session.

We are on track. I convened a bipartisan group of legislators who met during the summer and fall to develop this framework for the next — and the most complex — part of our K-12 financing plan. Legislation has been introduced that contains the first step so we can be successful when we return next year.

I'm confident we'll take the second step next year because legislators have met every deadline they've set for themselves. Our next deadline requires the legislature to fully fund basic education in the 2017 legislative session, and there's no reason we can't do that too. We're not going to just fix a few potholes, we're going to finish the job. That means actually financing these critical investments so our kids and grandkids get the education they deserve.

And we are going to do this not just because it's a constitutional imperative, not just because it's a judicial decree, but because it's the right thing for our kids.

I also want to talk today about other issues that engage people beyond this chamber, and are important enough for a statewide conversation.

There are a variety of ways our state can move forward, and one way is the voters take things into their own hands through the initiative process.

First and foremost is the issue of working families not being able to keep up, even as our economy improves.

Our economy is not working for everyone. On the one hand, we have the biggest boomtown in North America. On the other hand, we have working families and communities falling behind even though they're working hard and doing a great job.

I'm seeing Washingtonians — hard-working people in every corner of this state — struggling with rising housing prices, with student loan debt, with medical bills.

That's why I'm supporting the initiative that was filed yesterday that phases in a true minimum wage and provides paid sick leave for hard-working Washingtonians.

I stand on this rock-solid belief: if you work 40 hours a week, you deserve a wage that puts a roof over your head and food on the table. Period. And you shouldn't have to give up a day's pay if you or your kids get sick.

But it is not just minimum-wage workers who are falling behind. The problem is most workers are not sharing in the fruits of their own increased productivity. Workers are producing more goods and services per hour than at any other time in our state's history.

In a nutshell: People are working harder, they're working longer hours and they're getting paid less in real dollars.

Now, this is not true for corporate executives. The CEO-to-worker pay ratio was 20-to-1 in 1965. Today it's more than 300-to-1.

Look, I'm fine paying for exceptional results and investing in talent. I believe in that. But I also believe that these gaps and practices should be transparent.

I think the State Investment Board can help.

As a shareholder in companies, the board currently votes against executive compensation packages if they do not align with the company's financial performance.

I've asked the investment board to go further, and exercise its voting authority to reduce the widening pay gap between CEOs and their workers.

I'm encouraging the board to promote this policy with other states and institutional investors.

Small steps like this can be the beginnings of bigger journeys. I started a different journey last week with my new executive order on public health and firearms.

More people in Washington are dying from firearm fatalities than even from traffic accidents. We have a public health crisis in need of a public health solution. Every single day, someone in our state dies from gun violence. We can and must find effective ways to reduce the rates of accidental shootings, gun crime and suicide by gun.

My executive order would strengthen the background check system approved by voters in 2014. It will also allow us to collect information that will drive smart, data-driven solutions to gun violence. And it implements the statewide Suicide Prevention Plan recommended by a task force I convened.

No matter how this conversation advances, these are important actions we can take now.

We also need to continue to take action on protecting our clean air and clean water, particularly from the threat of carbon pollution.

In my mind's eye, the older I get, the more beautiful Washington state becomes. Our verdant, healthy place for

our kids to grow up is just a wonder. So I'm glad the needle is moving on this because the problem of carbon pollution is not going away.

Everyone knows I'm a technology optimist about this. We need more of our homegrown leaders and innovators devising solutions.

I'm also heartened by the engagement we're getting from the business community as our Department of Ecology drafts its Clean Air Rule. People are robustly participating in the process. They're looking for solutions. I'm really excited about that progress, and invite anyone not yet involved to be part of this.

And in this effort, we know we're not alone. The world is moving on this, and so are we.

Three years ago, I stood up here as the newly inaugurated governor and said that as Washington moves forward, we need to remember who we are as a state.

Looking at what we've accomplished together, I believe we've stayed true to the values we cherish as Washingtonians.

We've remained confident in our ability to innovate, because we're continually recognized for the groundbreaking things our businesses and our universities are doing.

We've remained confident in the brightness of our future because we invested record amounts of money in our children's education — the truest measure of our commitment.

We've remained confident in the inclusiveness that built our economy and today is building our communities. Whether it's at big companies or at small businesses, we're one of the most successful economies in the world because we embrace diversity and welcome all people to our great state.

This is a confident state. It deserves a confident Legislature. It deserves a confident governor. And I have to tell you, as a fifth-generation Washingtonian, I stand here today with confidence.

I see the greatness of this state. I feel it. I believe it. It's who we are.

And that is how we're going to approach this session. Not with temerity. But with confidence. With recognition of the depths of our challenges, and with confidence that together we can solve them.

So now — together — let's get to work."

The President thanked the Governor for his remarks and asked the special committee to escort Governor Inslee from the House Chamber.

The President asked the special committee to escort the State elected officials from the House Chamber.

The President asked the special committee to escort the Supreme Court Justices from the House Chamber.

On motion of Representative Sullivan, the Joint Session was dissolved. The Speaker (Representative Orwall presiding) assumed the chair.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Owen, Senator Sheldon, Senator Fraser and members of the Washington State Senate from the House Chamber.

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

There being no objection, the House adjourned until 10:00 a.m., January 13, 2016, the 3rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## THIRD DAY

House Chamber, Olympia, Wednesday, January 13, 2016

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Macey Picinich and Nicholas Lyne. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Dean Curry, Life Center, Tacoma, Washington.

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

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

## SECOND READING

## SENATE CONCURRENT RESOLUTION NO. 8406, by Senators Fain and Rolfes

**Establishing cutoff dates for the consideration of legislation during the 2016 regular session of the sixty-fourth legislature.**

The concurrent resolution was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8406.

SENATE CONCURRENT RESOLUTION NO. 8406 was adopted.

The Speaker (Representative Moeller presiding) called upon Representative Orwall to preside.

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

## INTRODUCTION &amp; FIRST READING

HB 2389 by Representatives Kagi and Walsh

AN ACT Relating to the definition of school-age child for purposes of school-age child care; and amending RCW 43.215.010.

Referred to Committee on Early Learning & Human Services.

HB 2390 by Representatives Klippert, Orwall, Zeiger, Kilduff, MacEwen, Johnson, Haler, Chandler, Short and Kretz

AN ACT Relating to the enforcement of employment rights arising from state active duty service by a member of the national guard; and amending RCW 73.16.061.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2391 by Representatives McCabe, Appleton, Griffey, Tharinger, Springer, Peterson, McBride, Manweller, Johnson, Reykdal, Chandler, Fitzgibbon, Dent, Kochmar, Wilcox and Pike

AN ACT Relating to county payroll draw days; and amending RCW 36.17.040.

Referred to Committee on Local Government.

HB 2392 by Representatives Ortiz-Self, Walkinshaw, Appleton, Robinson, Cody, Hudgins, Farrell, Gregerson and Orwall

AN ACT Relating to protecting community members from pesticides; amending RCW 70.104.020, 70.104.030, 17.21.100, and 49.70.119; adding new sections to chapter 70.104 RCW; adding a new section to chapter 49.70 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2393 by Representative Farrell

AN ACT Relating to liability insurance requirements for motorcycles; and amending RCW 46.30.020.

Referred to Committee on Transportation.

HB 2394 by Representatives Walsh, Senn, Kagi, Moscoso, Kilduff, Kochmar, Dent and Holy

AN ACT Relating to creating the parent to parent program for individuals with developmental disabilities; adding new sections to chapter 71A.14 RCW; and creating a new section.

Referred to Committee on Early Learning & Human Services.

HB 2395 by Representatives McBride, Robinson, Kuderer, Clibborn, Senn, Orwall, Stanford and Gregerson

AN ACT Relating to supporting affordable housing with a local government fee on condominium conversions; amending RCW 64.34.050 and 82.02.020; adding a new chapter to Title 35 RCW; and providing an effective date.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2396 by Representatives McBride, Caldier, Senn, Goodman and Kagi

AN ACT Relating to access to nonemergency, outpatient, primary health care services for unaccompanied homeless youth under the federal McKinney-Vento homeless assistance act; and amending RCW 7.70.065.

Referred to Committee on Judiciary.

HB 2397 by Representatives McBride, Robinson, Kuderer, Stanford, Clibborn and Goodman

AN ACT Relating to supporting affordable housing by permitting a local government fee on demolitions that reduce potential housing stock; amending RCW 82.02.020; adding a new chapter to Title 35 RCW; and providing an effective date.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2398 by Representatives Holy, Riccelli, Appleton, Haler, Stokesbary, Ormsby and Parker

AN ACT Relating to clarifying current requirements for public purchases of goods and services from nonprofit agencies for the blind; adding a new section to chapter 39.26 RCW; adding a new section to chapter 39.24 RCW; and creating a new section.

Referred to Committee on State Government.

HB 2399 by Representatives Holy, Appleton, Manweller, S. Hunt, Haler, Moscoso, Taylor, Shea, Young, Hayes, Van Werven, Walsh, Bergquist, Farrell, Klippert, Rodne, Dent, Parker, Scott, Griffey, G. Hunt, Reykdal, Goodman, Caldier, Pike and Condotta

AN ACT Relating to prohibiting the consideration of the number of citations for traffic infractions issued by a law enforcement officer in the performance review of the officer; adding a new section to chapter 46.64 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 2400 by Representative Fitzgibbon

AN ACT Relating to clarifying that the provisions of chapter 70.95 RCW do not apply to steel slag that is a product of production in the electric arc steel-making process and is managed as an item of commercial value and placed in commerce; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Environment.

HB 2401 by Representatives Kochmar, Griffey, Wylie, Appleton, Walsh and Ryu

AN ACT Relating to court orders for visitation with adults; adding a new chapter to Title 11 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2402 by Representatives Kochmar, Griffey, Wylie, Appleton, Walsh, Short and Hickel

AN ACT Relating to communication with relatives of incapacitated persons; and amending RCW 11.92.043.

Referred to Committee on Judiciary.

HB 2403 by Representatives Kochmar, Senn, Griffey, Appleton, Walsh, Wylie, Scott, Ryu, McCabe, Stambaugh, Short, Magendanz, Caldier and Hickel

AN ACT Relating to Down syndrome resources; adding a new section to chapter 43.70 RCW; adding a new section to chapter 18.50 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.79 RCW; adding a new section to chapter 18.290 RCW; adding a new section to chapter 70.41 RCW; and adding a new section to chapter 18.46 RCW.

Referred to Committee on Health Care & Wellness.

HB 2404 by Representatives Kochmar, Stambaugh, Short, Caldier, Walsh, Van Werven and Pike

AN ACT Relating to providing reasonable accommodations in the workplace for pregnant women; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2405 by Representatives Muri and Kilduff

AN ACT Relating to the role of parties in cases related to certain notices and records; amending RCW 9.41.047, 28A.405.330, 46.29.270, 46.29.310, 53.48.030, and 13.34.070; and reenacting and amending RCW 13.50.010.

Referred to Committee on Judiciary.

HB 2406 by Representatives Manweller, Sells and Stanford

AN ACT Relating to employment noncompetition agreements; and adding a new section to chapter 49.44 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2407 by Representative Manweller

AN ACT Relating to prohibiting regulation of the amount of rent for commercial properties; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government.

HB 2408 by Representatives Jinkins, Clibborn, Caldier, Rodne, Robinson, Short, Johnson and Fitzgibbon

AN ACT Relating to mitigating barriers to patient access to care resulting from health insurance contracting practices; amending RCW 41.05.074 and 48.43.016; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2409 by Representatives Orwall, Santos, Gregerson, Johnson, Reykdal, Magendanz, Pollet, Ortiz-Self, S. Hunt, Moscoso, Fitzgibbon and Bergquist

AN ACT Relating to supporting special needs students; and adding new sections to chapter 28A.320 RCW.

Referred to Committee on Education.

HB 2410 by Representatives Hayes, Orwall, Klippert, Goodman, Wilson and Griffey

AN ACT Relating to requiring information about certain criminal defendants be included in the felony firearm offense conviction database; and amending RCW 9.41.330.

Referred to Committee on Judiciary.

HB 2411 by Representatives Hayes and Orwall

AN ACT Relating to removing the marriage element from the crime of rape of a child in the first degree; amending RCW 9A.44.073; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2412 by Representatives Blake, Chandler and Buys

AN ACT Relating to the apple commission; amending RCW 15.24.010, 15.24.020, 15.24.030, 15.24.035, 15.24.073, 15.24.080, 15.24.090, 15.24.100, 15.24.110, 15.24.120, and 15.24.900; and repealing RCW 15.24.033, 15.24.040, 15.24.060, 15.24.086, and 15.24.170.

Referred to Committee on Agriculture & Natural Resources.

HB 2413 by Representatives Dent, Tarleton, Dye, Gregerson, Griffey, Hargrove, Klippert and Pike

AN ACT Relating to aircraft registration simplification and fairness; amending RCW 47.68.240, 47.68.250, and 47.68.250; creating new sections; providing effective dates; and providing an expiration date.

Referred to Committee on Transportation.

HB 2414 by Representatives Wylie, Pike, Moeller, Harris, Orcutt and Vick

AN ACT Relating to the creation of a bistate bridge project legislative work group; adding a new section to chapter 47.01 RCW; and making an appropriation.

Referred to Committee on Transportation.

HB 2415 by Representatives Pike, Wylie, Vick, Moeller, Harris and Wilson

AN ACT Relating to establishing a pilot project to create and expand instructional worksite learning; adding a new section to chapter 28A.630 RCW; creating a new section; and providing an expiration.

Referred to Committee on Education.

HB 2416 by Representatives Pike, Manweller, Klippert, Vick, Wilson and Buys

AN ACT Relating to correctional industries' insurance costs; amending RCW 72.09.100 and 51.12.045; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Public Safety.

HB 2417 by Representatives Pike, Moeller and Wylie

AN ACT Relating to modifying certain driver's license requirements; amending RCW 46.20.075 and 46.20.130; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2418 by Representatives Pike, Taylor, Vick, Harris and Buys

AN ACT Relating to modifying the membership and appointment process of the growth management hearings board; amending RCW 36.70A.250, 36.70A.252, and 36.70A.260; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

HB 2419 by Representatives Pike, Goodman, Young, Shea, Vick and Buys

AN ACT Relating to authorizing the department of licensing to not issue front license plates for certain vehicles; reenacting and amending RCW 46.16A.200; and providing an effective date.

Referred to Committee on Transportation.

HB 2420 by Representatives Pike and Taylor

AN ACT Relating to encouraging sustainable agricultural production and rural development through flexibility in lot sizes; amending RCW 36.70A.030; and creating a new section.

Referred to Committee on Local Government.

HB 2421 by Representatives Pike, Vick, Blake, Manweller, Harris, Wilson, Shea, Taylor and Dent

AN ACT Relating to directing that the state may not regulate greenhouse gas emissions beyond the requirements established by federal law; amending RCW 70.94.151; adding a new section to chapter 70.94 RCW; and creating a new section.

Referred to Committee on Environment.

HB 2422 by Representatives Tarleton, Orcutt, Blake, Haler, McBride, Harris, Ryu, Klippert, Springer and Tharinger

AN ACT Relating to providing funding for steelhead conservation through the issuance of Washington's fish license plate collection; amending RCW 46.68.425; reenacting and amending RCW 46.18.200, 46.17.220, and 77.12.170; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2423 by Representatives Kilduff, Wylie, Muri, Harris, Stokesbary and Moeller

AN ACT Relating to the creation of an office of the homeowners' association ombuds; reenacting and

amending RCW 64.38.010 and 43.84.092; and adding new sections to chapter 64.38 RCW.

Referred to Committee on Judiciary.

HB 2424 by Representatives Tharinger, Johnson, Cody, Harris, Rodne, Riccelli, Jinkins, Walkinshaw and Moeller

AN ACT Relating to hospital discharge planning with lay caregivers; amending RCW 70.41.320; reenacting and amending RCW 70.41.020; and adding new sections to chapter 70.41 RCW.

Referred to Committee on Health Care & Wellness.

HB 2425 by Representatives Kuderer, Schmick, S. Hunt, Chandler, Goodman, Rodne, Kilduff and Manweller

AN ACT Relating to changing the words "massage practitioner" and "animal massage practitioner" to "massage therapist" and "animal massage therapist"; amending RCW 18.108.025, 18.108.030, 18.108.040, 18.108.045, 18.108.070, 18.108.073, 18.108.085, 18.108.095, 18.108.115, 18.108.125, 18.108.131, 18.108.220, 18.108.230, 18.108.250, 18.120.020, 18.130.040, 18.240.005, 18.240.010, 18.240.020, 18.250.010, 35.21.692, 35A.82.025, 36.32.122, and 50.04.223; reenacting and amending RCW 18.108.010 and 18.74.010; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2426 by Representatives Fitzgibbon and Stokesbary

AN ACT Relating to modifying the appointment process for trustees of rural county library districts in counties with one million or more residents; amending RCW 27.12.190; and adding a new section to chapter 27.12 RCW.

Referred to Committee on Local Government.

HB 2427 by Representatives Springer, Stokesbary, Fitzgibbon, Muri and Appleton

AN ACT Relating to local government modernization; amending RCW 19.360.020, 19.360.030, 19.360.040, 19.360.050, 19.360.060, 36.62.252, 36.32.235, 36.32.245, and 35.58.585; and creating a new section.

Referred to Committee on Local Government.

HB 2428 by Representatives Wylie, Ryu, Stambaugh, Kochmar and Fey

AN ACT Relating to exempting documents recording a special purpose district lien from the surcharge for local homeless housing and assistance; and amending RCW 36.22.179.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2429 by Representatives Caldier, Reykdal, Magendanz, Ortiz-Self, Young, McBride and McCaslin

AN ACT Relating to providing assessment results to students and their parents or guardians; and adding a new section to chapter 28A.655 RCW.

Referred to Committee on Education.

HB 2430 by Representative Stanford

AN ACT Relating to preserving water resources for an array of water supply needs, including irrigated agriculture, fish and wildlife habitat, and municipal use, by updating water conservation standards for appliances; amending RCW 90.54.180 and 19.27.170; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2431 by Representatives Harris, Moeller and Riccelli

AN ACT Relating to the prescribing of schedule II controlled substances; and amending RCW 69.50.402.

Referred to Committee on Health Care & Wellness.

HB 2432 by Representatives Riccelli, Harris, Cody and Caldier

AN ACT Relating to substance abuse monitoring for licensed veterinarians, osteopathic physicians and surgeons, and osteopathic physician assistants; amending RCW 18.57A.020 and 18.92.047; and adding a new section to chapter 18.57 RCW.

Referred to Committee on Health Care & Wellness.

HB 2433 by Representatives Vick and Kirby

AN ACT Relating to certified public accountant firm mobility; and amending RCW 18.04.025, 18.04.055, 18.04.105, 18.04.195, 18.04.345, 18.04.205, and 18.04.350.

Referred to Committee on Business & Financial Services.

HB 2434 by Representatives Morris, Smith and Tarleton

AN ACT Relating to the promotion of space exploration; adding a new section to chapter 44.28 RCW; adding a new chapter to Title 28B RCW; and creating new sections.

Referred to Committee on Technology & Economic Development.

HB 2435 by Representatives Hudgins and S. Hunt

AN ACT Relating to enhancing election reconciliation reports; and amending RCW 29A.60.235.

Referred to Committee on State Government.

HB 2436 by Representatives Hudgins, S. Hunt, Orwall and Bergquist

AN ACT Relating to equalizing access to permanent ballot drop boxes for every Washington citizen; adding a new section to chapter 29A.40 RCW; and creating a new section.

Referred to Committee on State Government.

HB 2437 by Representatives Hudgins and S. Hunt

AN ACT Relating to election year restrictions on state legislators; amending RCW 42.52.185; and creating a new section.

Referred to Committee on State Government.

HB 2438 by Representatives Nealey, Reykdal, Wylie, Vick, Orcutt, Senn, Wilcox, Kirby, Condotta and Hudgins

AN ACT Relating to gradually increasing the local government share of excess liquor revenues until the percentage-based method for distributions is restored; amending RCW 66.08.190, 66.08.190, and 66.08.210; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Commerce & Gaming.

HB 2439 by Representatives Kagi, Walsh, Senn, Johnson, Orwall, Dent and McBride

AN ACT Relating to increasing access to adequate and appropriate mental health services for children and youth; amending RCW 74.09.520; adding a new section to chapter 74.09 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

HB 2440 by Representatives Kagi, Smith, McBride, Hargrove, McCaslin, Dent, Clibborn, Walsh, Walkinshaw, Scott, Sawyer, Ortiz-Self, Caldier, Hudgins, Senn, Robinson, Ormsby and Cody

AN ACT Relating to host home programs for youth; amending RCW 74.15.020; and adding a new section to chapter 74.15 RCW.

Referred to Committee on Early Learning & Human Services.

HB 2441 by Representative Kirby

AN ACT Relating to the social security offset to disability compensation; and amending RCW 51.32.225.

Referred to Committee on Labor & Workplace Standards.

HB 2442 by Representatives Appleton and Moscoso

AN ACT Relating to providing a property tax exemption for certain property within an affordable housing incentive zone; adding new sections to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2443 by Representative Sells

AN ACT Relating to the compliance of certain conversion vending units and medical units with certain department of labor and industries requirements; amending RCW 43.22.380, 43.22.360, and 43.22.335; creating a new section; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

HB 2444 by Representatives Manweller and Sells

AN ACT Relating to eliminating the reference to the standard industrial classification system in the worker and community right to know fund; and amending RCW 49.70.170.

Referred to Committee on Labor & Workplace Standards.

HB 2445 by Representatives Robinson, Cody and Riccelli

AN ACT Relating to third-party administrators and benefits managers; adding a new chapter to Title 48 RCW; repealing RCW 19.340.010, 19.340.020, 19.340.030, 19.340.040, 19.340.050, 19.340.060, 19.340.070, 19.340.080, 19.340.090, 19.340.100, and 19.365.010; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2446 by Representatives Rossetti, Orcutt and Blake

AN ACT Relating to the distinction among the roles of governmental employee participants and nongovernmental employee participants on work groups established by the director of the department of fish and wildlife; and amending RCW 77.04.120.

Referred to Committee on Agriculture & Natural Resources.

HB 2447 by Representatives Cody, Robinson, Tharinger and Van De Wege

AN ACT Relating to emergency health care services balanced billing; amending RCW 48.43.093; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 2448 by Representatives Robinson and Harris

AN ACT Relating to the practice of certain East Asian medicine therapies; amending RCW 18.06.010; reenacting and amending RCW 69.41.010; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2449 by Representatives Orwall, Magendanz, Kagi, Santos, Senn, Peterson, Appleton, Moscoso and Goodman

AN ACT Relating to court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy; amending RCW 28A.225.005, 28A.225.025, 28A.225.035, 28A.225.090, 43.185C.315, and 43.185C.320; adding new sections to chapter 28A.225 RCW; adding a new section to chapter 43.185C RCW; creating new sections; and providing expiration dates.

Referred to Committee on Judiciary.

HB 2450 by Representatives Tharinger, Short, Cody, Schmick and Jinkins

AN ACT Relating to allowing critical access hospitals participating in the Washington rural health access preservation pilot to resume critical access hospital payment and licensure; and amending RCW 74.09.5225, 70.41.090, and 70.38.111.

Referred to Committee on Health Care & Wellness.

HB 2451 by Representatives Stambaugh, Pollet, Haler, Frame and Bergquist

AN ACT Relating to tracking and mapping student engagement initiatives that improve student success through partnerships between K-12 and postsecondary educational institutions; adding a new section to chapter 28B.35 RCW; creating new sections; and making an appropriation.

Referred to Committee on Higher Education.

HB 2452 by Representatives Riccelli, Harris, Cody, Johnson, Robinson, Senn and Clibborn

AN ACT Relating to the interstate medical licensure compact; amending RCW 43.70.250; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 2453 by Representatives Jinkins, Rodne, Cody, Schmick, Chandler and Dunshee

AN ACT Relating to improving oversight of the state hospitals; and adding a new chapter to Title 72 RCW.

Referred to Committee on Health Care & Wellness.

HB 2454 by Representative MacEwen

AN ACT Relating to authorizing cities and counties to facilitate the maintenance and repair of private roadways impacting the public interest; and adding a new chapter to Title 36 RCW.

Referred to Committee on Local Government.

HB 2455 by Representatives Morris and Smith

AN ACT Relating to allowing incremental electricity produced as a result of certain capital investment projects to qualify as an eligible renewable resource under the energy independence act; and amending RCW 19.285.030 and 19.285.080.

Referred to Committee on Technology & Economic Development.

HB 2456 by Representatives Tarleton, Young, Clibborn, DeBolt, Orcutt, Wylie, Wilcox and Manweller

AN ACT Relating to the taxation and permitting of vessels in Washington; amending RCW 82.08.700 and 82.12.700; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 2457 by Representative Young

AN ACT Relating to recorded interests in easements by an electric utility; and amending RCW 36.35.290.

Referred to Committee on Judiciary.

HB 2458 by Representatives Parker, Cody, Riccelli and Holy

AN ACT Relating to participation in the prescription drug donation program; amending RCW 69.70.010, 69.70.020, 69.70.040, and 69.70.060; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2459 by Representatives Taylor, Griffey, McCaslin, Shea and Haler

AN ACT Relating to review by the growth management hearings board and superior courts of cases involving city or county comprehensive plans or development regulations arising from the economic development element of the growth management act in counties and cities experiencing economic deterioration; amending RCW 36.70A.030, 36.70A.280, 36.70A.280, and 36.70A.295; providing an effective date; and providing an expiration date.

Referred to Committee on Local Government.

HB 2460 by Representatives Walkinshaw, Jinkins, Robinson, Pollet, Moscoso, Appleton, Tharinger, Senn, Cody, Farrell, Goodman, Tarleton, Kagi, Fitzgibbon, Reykdal, Frame and Moeller

AN ACT Relating to providing local authorities with the authority to regulate firearms in certain public places; and amending RCW 9.41.300.

Referred to Committee on Judiciary.

HB 2461 by Representatives Jinkins, Appleton, Kagi, Moscoso, Robinson, Reykdal, Walkinshaw, Tharinger, Tarleton, Senn, Fitzgibbon, Cody, Frame and Moeller

AN ACT Relating to creating an extreme risk protection order; amending RCW 9.41.047; adding new sections to chapter 10.79 RCW; adding a new chapter to Title 26 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2462 by Representatives Kilduff, Goodman and Rodne

AN ACT Relating to surrender of person under surety's bond; and amending RCW 10.19.160.

Referred to Committee on Public Safety.

HB 2463 by Representatives Rodne, Jinkins, Goodman and Kilduff

AN ACT Relating to the courts' consultation of the judicial information system before granting orders; and amending RCW 2.28.210.

Referred to Committee on Judiciary.

HB 2464 by Representatives Peterson and Walkinshaw

AN ACT Relating to insurance coverage for abuse-deterrent opioids; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2465 by Representatives Robinson, Stambaugh, Wylie, Walsh, S. Hunt, Frame, Sawyer, Rossetti, Riccelli, Magendanz and Harris

AN ACT Relating to requiring private health insurers and the medicaid program to reimburse for a twelve-month supply of contraceptive drugs; amending RCW 74.09.520; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2466 by Representatives Cody, Schmick and Van De Wege

AN ACT Relating to nursing home facilities; amending RCW 74.46.561, 74.42.360, and 74.42.010; reenacting and amending RCW 74.46.020; repealing RCW 74.46.803 and 74.46.807; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 2467 by Representatives Tarleton, Lytton, Pollet, McBride, Morris, Reykdal and Bergquist

AN ACT Relating to establishing licensing of recreational motorized mineral prospecting in Washington state streams and rivers equivalent to the licensing of recreational fishing; amending RCW 77.55.091; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2468 by Representatives Pike, Moscoso, Manweller, Wylie, Harris, Blake, Vick, Tarleton and Wilson

AN ACT Relating to rail dependent uses for purposes of the growth management act and related development regulations; amending RCW 36.70A.030, 36.70A.060, 36.70A.070, 36.70A.070, and 36.70A.108; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Local Government.

HB 2469 by Representatives Bergquist, Van Werven, S. Hunt and Moscoso

AN ACT Relating to candidate filing fee petitions; amending RCW 29A.04.611, 29A.24.091, and 29A.24.101; adding a new section to chapter 29A.04 RCW; and providing an effective date.

Referred to Committee on State Government.

HB 2470 by Representative Appleton

AN ACT Relating to coroners and medical examiners regarding death investigations; and amending RCW 68.50.050 and 68.50.020.

Referred to Committee on Public Safety.

HB 2471 by Representative Appleton

AN ACT Relating to repealing the warrant authority of coroners; amending RCW 36.24.100; and repealing RCW 36.24.110 and 36.24.120.

Referred to Committee on Judiciary.

HB 2472 by Representative Santos

AN ACT Relating to improving the recruitment and retention of qualified teachers by raising salaries and strengthening teacher mentoring; creating new sections; and making appropriations.

Referred to Committee on Appropriations.

HB 2473 by Representatives Goodman, Holy and Klippert

AN ACT Relating to the definitions of culpability in the criminal code; and amending RCW 9A.08.010.

Referred to Committee on Public Safety.

HB 2474 by Representative Harmsworth

AN ACT Relating to vehicle transfer administration and enforcement; amending RCW 19.16.250, 46.12.630, 46.12.650, 46.12.655, 46.55.105, and 46.55.110; adding a new section to chapter 46.64 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2475 by Representatives Zeiger, Cody, Schmick and Jinkins

AN ACT Relating to allowing the disclosure of health care information with persons with a close relationship with a patient; amending RCW 70.02.050; and reenacting and amending RCW 70.02.230.

Referred to Committee on Health Care & Wellness.

HB 2476 by Representatives Johnson, Santos, Magendanz, Chandler, S. Hunt, DeBolt, Blake, McCabe, Reykdal, Tharinger, Dent and Hawkins

AN ACT Relating to waivers from the one hundred eighty-day school year requirement; and amending RCW 28A.305.141.

Referred to Committee on Education.

HB 2477 by Representatives Fitzgibbon and Cody

AN ACT Relating to candidate filing fee petitions; and amending RCW 29A.24.091 and 29A.24.111.

Referred to Committee on State Government.

HB 2478 by Representatives Peterson, Stambaugh, Buys, Dent, Gregerson, Riccelli, Orwall, Stanford, Blake and Sawyer

AN ACT Relating to supporting agricultural production, including that of apiarists, through the preservation of forage for pollinators; amending RCW 17.10.145; adding a new section to chapter 43.220 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2479 by Representative Lytton

AN ACT Relating to investing in education by modifying and improving the fairness of Washington's excise tax system by narrowing or eliminating tax preferences; amending RCW 82.12.0263, 82.08.0273, 82.08.0293, 82.12.0293, and 82.45.010; adding new sections to chapter 82.12 RCW; adding new sections to chapter 82.08 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 39.42 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Finance.

HB 2480 by Representatives Blake, Buys and Scott

AN ACT Relating to state natural resource-related agencies providing financial assistance to agencies of the federal government; and amending RCW 43.41.270.

Referred to Committee on Agriculture & Natural Resources.

HB 2481 by Representatives Blake, Wilcox, Kirby, Buys, Scott, Rossetti, Kretz, Shea, G. Hunt, McCaslin and Moscoso

AN ACT Relating to short-barreled rifles; and amending RCW 9.41.190.

Referred to Committee on Judiciary.

HB 2482 by Representatives Blake, Wilcox, Kirby and Buys

AN ACT Relating to drug-free zone sentence enhancements; and amending RCW 9.94A.533.

Referred to Committee on Public Safety.

HB 2483 by Representatives Sawyer and Orwall

AN ACT Relating to protecting minors from sexual exploitation; adding a new chapter to Title 10 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Education was relieved of HOUSE BILL NO. 2361, and the bill was referred to the Committee on Appropriations.

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

There being no objection, the House adjourned until 9:55 a.m., January 14, 2016, the 4th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## FOURTH DAY

House Chamber, Olympia, Thursday, January 14, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

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

## INTRODUCTION &amp; FIRST READING

HB 2484 by Representatives Walkinshaw, Moscoso, Ortiz-Self, Sells, Reykdal, Robinson, Pollet, Kilduff, Ryu, Frame and Ormsby

AN ACT Relating to requiring inspections, specialized training, and other enhanced workplace standards on dairy farms; amending RCW 49.17.160 and 49.17.180; adding new sections to chapter 49.17 RCW; and prescribing penalties.

Referred to Committee on Labor & Workplace Standards.

HB 2485 by Representatives Cody and Harris

AN ACT Relating to hospital privileges for advanced registered nurse practitioners; and amending RCW 70.41.230.

Referred to Committee on Health Care & Wellness.

HB 2486 by Representatives Fitzgibbon, Tharinger and Ryu

AN ACT Relating to updating specified environmental statutes of the department of ecology to improve efficiency and provide for increased flexibility for local governments; amending RCW 43.21B.305, 43.21B.110, 43.21B.110, 70.95.240, 70.95.300, 70.95M.080, 70.105.095, 70.107.010, 70.107.030, 70.107.060, 70.240.050, 86.16.081, 90.56.060, and 90.58.190; reenacting and amending RCW 43.21B.300 and 90.58.090; reenacting RCW 43.21B.005; creating a new section; repealing RCW 43.21A.610, 43.21A.612, 43.21A.614, 43.21A.616, 43.21A.618, 43.21A.620, 43.21A.622, 43.21A.624, 43.21A.626, 43.21A.628, 43.21A.630, 43.21A.632, 43.21A.634, 43.21A.636, 43.21A.638, 43.21A.640, 43.21A.642, 70.95.205, 70.95.700, 70.107.040, 70.107.050, and 90.56.335; repealing 2010 1st sp.s. c 7 s 39 and 2010 c 84 s 4; providing an effective date; and providing an expiration date.

Referred to Committee on Environment.

HB 2487 by Representative Van De Wege

AN ACT Relating to allowing certain law enforcement officers' and firefighters' plan 2 retirees to purchase annuities; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Appropriations.

HB 2488 by Representatives Manweller, Zeiger, Haler, Van Werven, Parker, Stambaugh, Holy, Rodne, Hargrove, Buys and Magendanz

AN ACT Relating to creating an academic bill of rights; adding a new chapter to Title 28B RCW; creating a new section; and prescribing penalties.

Referred to Committee on Higher Education.

HB 2489 by Representatives Manweller and Condotta

AN ACT Relating to parity in worker wages; adding a new section to chapter 49.46 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2490 by Representatives Manweller and Condotta

AN ACT Relating to accountability and fairness in public employee collective bargaining; amending RCW 42.30.140, 74.39A.270, 41.56.028, 41.56.029, and 41.56.510; adding a new section to chapter 42.30 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.76 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 49.39 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 2491 by Representatives Manweller and Condotta

AN ACT Relating to state preemption of local wage laws and contracts; amending RCW 49.46.120; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 53.08 RCW; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2492 by Representatives Goodman, Hawkins and Klippert

AN ACT Relating to aggravated sentencing for certain theft or robbery offenses; and amending RCW 9.94A.535.

Referred to Committee on Public Safety.

HB 2493 by Representatives Smith and Tharinger

AN ACT Relating to extending the expiration date of the habitat and recreation lands coordinating group; amending RCW 79A.25.260; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2494 by Representatives Tarleton and Santos

AN ACT Relating to penalties for marijuana offenses; amending RCW 69.50.4013, 69.50.401, and 69.50.4014; reenacting and amending RCW 69.50.101; and prescribing penalties.

Referred to Committee on Commerce & Gaming.

HB 2495 by Representative Muri

AN ACT Relating to military service credit for members of the Washington state patrol retirement system; and reenacting and amending RCW 43.43.260.

Referred to Committee on Appropriations.

HB 2496 by Representatives Kilduff, Muri, Shea, Orwall, Klippert, Hayes, Sawyer, Hansen, Rodne, Haler, Goodman, Jinkins, Kuderer and Appleton

AN ACT Relating to pro bono legal services for military service members, veterans, and their families; and adding new sections to chapter 43.10 RCW.

Referred to Committee on Judiciary.

HB 2497 by Representatives Robinson, Goodman and Caldier

AN ACT Relating to the prevention, education, and treatment of female genital mutilation; adding a new

section to chapter 70.54 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2498 by Representatives Caldier, Cody, DeBolt, Manweller, Walsh, Johnson and Pike

AN ACT Relating to prior authorization for dental services and supplies in medical assistance programs; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

HB 2499 by Representatives Caldier, Moeller, Cody, Rodne, Manweller, Young and Kochmar

AN ACT Relating to insurance coverage of dental procedures; adding a new section to chapter 48.43 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2500 by Representatives Caldier, Blake, Young and Dent

AN ACT Relating to creating a preferred alternative for the placement and sale of impounded livestock; and amending RCW 16.24.110, 16.24.120, 16.24.130, and 16.24.150.

Referred to Committee on Agriculture & Natural Resources.

HB 2501 by Representatives Caldier, Jinkins, McBride, Moeller, Young and Rodne

AN ACT Relating to the communication of information to continue health services for confined persons; amending RCW 70.48.100 and 70.02.050; adding a new section to chapter 70.48 RCW; adding a new section to chapter 71.24 RCW; creating a new section; and providing an effective date.

Referred to Committee on Public Safety.

HB 2502 by Representatives Caldier, Manweller, DeBolt, Harris and Rodne

AN ACT Relating to the suspension of the health care authority rule-making authority related to dentists; and amending RCW 41.05.021.

Referred to Committee on Health Care & Wellness.

HB 2503 by Representatives Buys, Griffey, Springer and Van De Wege

AN ACT Relating to preventing water-sewer districts from prohibiting multipurpose fire sprinkler systems; and adding a new section to chapter 57.02 RCW.

Referred to Committee on Local Government.

HB 2504 by Representatives Hurst and Vick

AN ACT Relating to the reduction of the retail spirits license issuance fee; and amending RCW 66.24.630.

Referred to Committee on Commerce & Gaming.

HB 2505 by Representatives G. Hunt and Kirby

AN ACT Relating to payroll cards; and adding a new chapter to Title 19 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2506 by Representatives Young, Tarleton, Smith, Morris and Harmsworth

AN ACT Relating to the development of a state plan to implement federal regulations on electric generation facilities; and adding a new section to chapter 80.80 RCW.

Referred to Committee on Technology & Economic Development.

HB 2507 by Representatives Klippert, Blake, Walsh, Tharinger, Haler, Ormsby, Van De Wege and Nealey

AN ACT Relating to clarifying reimbursement for employees who are victims of offender assaults; and amending RCW 72.09.240.

Referred to Committee on General Government & Information Technology.

HB 2508 by Representatives Buys, Springer, Short and Pike

AN ACT Relating to adoption of the International Plumbing Code as an alternative recognized building code; amending RCW 19.27.031; and creating new sections.

Referred to Committee on Local Government.

HB 2509 by Representatives Tharinger, DeBolt and Blake

AN ACT Relating to implementing the recommendations of the 2015 review of the Washington wildlife and recreation program; amending RCW 79A.15.010, 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.070, 79A.15.080, 79A.15.110, and 79A.15.130; reenacting and amending RCW 79A.15.060; creating a new section; and repealing RCW 79A.15.120.

Referred to Committee on Capital Budget.

HB 2510 by Representatives Appleton, Griffey and Reykdal

AN ACT Relating to modernizing and clarifying existing county statutory authorities; amending RCW 36.32.210, 36.72.075, 52.26.070, 68.50.040, and 70.94.120; and repealing RCW 36.32.310.

Referred to Committee on Local Government.

HB 2511 by Representatives Pike, Scott, Vick, Shea and Walsh

AN ACT Relating to child care center licensing requirements; adding a new section to chapter 43.215 RCW; and creating a new section.

Referred to Committee on Early Learning & Human Services.

HB 2512 by Representatives Clibborn and Orcutt

AN ACT Relating to the retention and maintenance of auto dealer and repair facility records; and amending RCW 46.70.120 and 46.71.060.

Referred to Committee on Business & Financial Services.

HB 2513 by Representatives Klippert, Griffey, Kilduff and Magendanz

AN ACT Relating to encouraging courts to require that children subject to truancy petitions complete and submit assignments; and amending RCW 28A.225.090.

Referred to Committee on Judiciary.

HB 2514 by Representatives Griffey, Blake, Shea, Muri, G. Hunt, Rossetti, Wilcox, Parker, Wilson, McCaslin, McCabe, Dent, Tharinger, Van De Wege, Hurst and Young

AN ACT Relating to providing funding for the hunter education training program operated by the department of fish and wildlife through the issuance of national rifle association special license plates; amending RCW 46.68.425 and 77.15.425; reenacting and amending RCW 46.18.200 and 46.17.220; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2515 by Representatives Pettigrew and Harris

AN ACT Relating to ensuring access to primary care services for medicaid beneficiaries by applying the medicare payment rate floor to primary care services furnished under medicaid by providers of primary care services; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2516 by Representatives Kirby, Vick, Griffey and Ormsby

AN ACT Relating to commuter ride-sharing arrangements; and reenacting and amending RCW 48.177.005.

Referred to Committee on Business & Financial Services.

HB 2517 by Representatives Manweller, Jinkins, Harris and Cody

AN ACT Relating to dental office support services; and amending RCW 18.32.010, 18.32.020, 18.32.030, and 18.32.675.

Referred to Committee on Health Care & Wellness.

HB 2518 by Representatives Sawyer, Walsh and Kagi

AN ACT Relating to reducing intergenerational poverty; and adding a new chapter to Title 74 RCW.

Referred to Committee on Early Learning & Human Services.

HB 2519 by Representatives McCaslin, Gregerson, Shea, Appleton, Tharinger, Peterson, McBride, Manweller, Stokesbary, Reykdal, Sells, Fitzgibbon, Springer, Kochmar, Orwall, Nealey and Pike

AN ACT Relating to nuisance abatement cost recovery for cities; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Local Government.

HB 2520 by Representative Wylie

AN ACT Relating to the sale of marijuana to regulated cooperatives; amending RCW 69.50.325 and 69.51A.250; and providing an effective date.

Referred to Committee on Commerce & Gaming.

HB 2521 by Representatives Wylie and Condotta

AN ACT Relating to allowing for proper disposal of unsellable marijuana by a licensed marijuana retail outlet; amending RCW 69.50.357; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Gaming.

HB 2522 by Representative Wylie

AN ACT Relating to establishing crimes related to minors entering, remaining in, or being served by a marijuana retail outlet; amending RCW 69.50.357; and prescribing penalties.

Referred to Committee on Commerce & Gaming.

HB 2523 by Representatives Lytton, Nealey, Tarleton and Stambaugh

AN ACT Relating to a leasehold excise tax credit for properties of market value in excess of ten million dollars; amending RCW 82.29A.120; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

HB 2524 by Representatives Clibborn, Orcutt and Fey

AN ACT Relating to transportation funding and appropriations; amending RCW 46.20.202 and 81.53.281; amending 2015 1st sp.s. c 10 ss 101, 102, 103, 105, 106, 201-211, 213-223, 301-311, and 401-407 (uncodified); amending 2015 3rd sp.s. c 43 s 606 (uncodified); amending 2015 3rd sp.s. c 4 ss 728-735 (uncodified); adding new sections to 2015 1st sp.s. c 10 (uncodified); repealing 2015 3rd sp.s. c 43 ss 201-207, 301-309, and 401 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 2525 by Representatives Morris and Magendanz

AN ACT Relating to risk mitigation plans to promote the transition of eligible coal units; amending RCW 80.80.060; adding a new chapter to Title 80 RCW; and creating a new section.

Referred to Committee on Technology & Economic Development.

HB 2526 by Representatives McCaslin, Blake, Buys, Muri, Griffey, Goodman, Hargrove, Reykdal, Gregerson, Klippert and Kilduff

AN ACT Relating to reducing the number of days that a person must maintain a permanent place of abode in Washington before qualifying as a state resident for the purposes of Title 77 RCW; amending RCW 77.08.075; creating a new section; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

HB 2527 by Representatives Peterson and Goodman

AN ACT Relating to ensuring the ongoing viability of safe on-site sewage systems as a component of statewide sewage management through the implementation of on-site program management plans; amending RCW 70.05.190, 70.118A.030, 70.118A.070, 70.118A.020, 70.118A.080, 70.118A.050, 70.118A.060, 90.71.350, and 90.71.340;

adding a new section to chapter 70.118A RCW; and creating a new section.

Referred to Committee on Environment.

HB 2528 by Representatives Tarleton, Smith, Morris and Harmsworth

AN ACT Relating to the reorganization and streamlining of economic development-related committees; adding a new chapter to Title 44 RCW; and repealing RCW 43.15.060, 43.15.065, 43.15.070, 43.15.075, 43.15.080, 43.15.085, 43.15.090, 44.55.010, 44.55.020, 44.55.030, 44.55.040, 44.55.050, and 44.55.060.

Referred to Committee on Technology & Economic Development.

HB 2529 by Representatives Blake, Johnson, Rodne, Goodman, McCabe and Kilduff

AN ACT Relating to the disposition of penalties paid for failure to comply with recreational site or lands pass/permit requirements; amending RCW 7.84.100; and reenacting and amending RCW 3.62.020.

Referred to Committee on Appropriations.

HB 2530 by Representatives Orwall, McCabe, Appleton, Wylie, Tarleton, Senn, McBride, Kagi, Ryu, Hudgins, S. Hunt, Gregerson, Reykdal, Farrell, Pollet, Ortiz-Self, Harris, Bergquist, Lytton, Kochmar, Blake, Cody, Stambaugh and Wilson

AN ACT Relating to protecting victims of sex crimes; amending RCW 36.27.020, 43.43.670, and 82.32.145; reenacting and amending RCW 42.56.240; adding new sections to chapter 36.28A RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.28 RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 43.31 RCW; adding a new chapter to Title 82 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety.

HB 2531 by Representatives Sullivan, DeBolt, Moeller, Caldier, Van De Wege and Magendanz

AN ACT Relating to ownership, maintenance, and operation of an office within the practice of dentistry; amending RCW 18.32.020; and adding a new section to chapter 18.32 RCW.

Referred to Committee on Health Care & Wellness.

HB 2532 by Representatives Kilduff, Muri, McCaslin, Ortiz-Self, Senn, McBride and Robinson

AN ACT Relating to studying public access to library services in local jurisdictions across Washington; and creating new sections.

Referred to Committee on Local Government.

HB 2533 by Representatives Kilduff, Caldier, Sawyer and Orwall

AN ACT Relating to protecting minors from sexual exploitation; amending RCW 9.68A.107; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2534 by Representatives Kilduff, Orwall, Muri and McCabe

AN ACT Relating to creating a community care and supportive services program for veterans; adding new sections to chapter 43.60A RCW; creating a new section; and providing an expiration date.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2535 by Representative Stokesbary

AN ACT Relating to property tax relief programs available to senior citizens, persons retired because of physical disability, qualifying veterans, and widows or widowers of veterans; amending RCW 84.36.381, 84.36.383, 84.36.385, 84.38.020, and 84.39.010; reenacting and amending RCW 84.38.030; adding a new section to chapter 84.38 RCW; adding a new section to chapter 84.39 RCW; and creating new sections.

Referred to Committee on Finance.

HB 2536 by Representative Stokesbary

AN ACT Relating to property tax relief programs available to senior citizens, persons retired because of physical disability, qualifying veterans, and widows or widowers of veterans; amending RCW 84.36.381; and creating new sections.

Referred to Committee on Finance.

HB 2537 by Representatives Stokesbary, Kilduff, Zeiger, Chandler and Moeller

AN ACT Relating to periodic review of state spending programs; and adding a new chapter to Title 43 RCW.

Referred to Committee on Appropriations.

HB 2538 by Representatives Stokesbary, Fey, Haler, Kirby and Vick

AN ACT Relating to modifying a property tax exemption for the value of new construction of industrial and manufacturing industries in targeted areas; and amending RCW 84.25.030 and 84.25.050.

Referred to Committee on Finance.

HB 2539 by Representatives Nealey, Manweller, Hansen, Tharinger, Harris and Walsh

AN ACT Relating to the inheritance exemption for the real estate excise tax; amending RCW 82.45.197; and creating new sections.

Referred to Committee on Finance.

HB 2540 by Representatives Nealey, Tharinger, Harris, Walsh and Ryu

AN ACT Relating to modifying the penalty for taxpayers that do not submit an annual survey or report; amending RCW 82.32.534 and 82.32.585; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2541 by Representatives Frame, Rodne, Jinkins, Walkinshaw, Riccelli, Senn, Orwall, Muri, S. Hunt, Gregerson, Sawyer, Caldier, Goodman, Haler, Hansen and Kuderer

AN ACT Relating to less restrictive involuntary treatment orders; and amending RCW 71.05.230, 71.05.240, 71.05.290, 71.05.320, and 71.05.585.

Referred to Committee on Judiciary.

HB 2542 by Representatives Riccelli, Orcutt, McBride, Vick, Magendanz, Van De Wege, Wylie, Pollet, Moscoso, Short, Peterson, MacEwen, Ormsby, Parker, Robinson, Cody, Ryu, Rossetti, Bergquist, Kuderer, Farrell, Walkinshaw, Nealey, Springer and Chandler

AN ACT Relating to increasing Washington state's motion picture and film industry viability by increasing the tax credit available to certain motion picture activities; amending RCW 82.04.4489; and creating a new section.

Referred to Committee on Finance.

HB 2543 by Representatives Stokesbary, Hickel, Stambaugh, Moscoso, Kochmar, Fitzgibbon, Ryu, Santos, Peterson, Walkinshaw, Frame and Fey

AN ACT Relating to civil service qualifications; amending RCW 41.08.070, 41.12.070, 41.14.100, 43.101.080, and 43.101.095; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2544 by Representatives Frame, Ryu and Robinson

AN ACT Relating to providing local governments with options to preserve affordable housing in their communities; and adding a new chapter to Title 84 RCW.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2545 by Representatives Van De Wege, Taylor, DeBolt, Cody, Rodne, Kochmar, Stambaugh, Riccelli, Johnson, Jinkins, Kagi, Harris, Smith, Stokesbary, Caldier, Zeiger, Tharinger and Hickel

AN ACT Relating to reducing public health threats that particularly impact highly exposed populations, including children and firefighters, by establishing a process for the department of health to restrict the use of toxic flame retardant chemicals in certain types of consumer products; amending RCW 70.240.050; adding a new chapter to Title 70 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2546 by Representatives Pollet, Tarleton, Reykdal and Stanford

AN ACT Relating to adding a faculty representative to the membership of the board of regents at the University of Washington; and amending RCW 28B.20.100.

Referred to Committee on Higher Education.

HB 2547 by Representatives Pollet, Farrell, Senn, Orwall and Walkinshaw

AN ACT Relating to ensuring that recreational facilities with synthetic turf materials are not a hazard to public health; amending RCW 43.21B.110 and 43.21B.110; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Environment.

HB 2548 by Representatives Condotta and Manweller

AN ACT Relating to department of labor and industries appeals; and amending RCW 18.27.250, 19.28.131, 19.28.381, 19.28.490, and 70.87.170.

Referred to Committee on Labor & Workplace Standards.

HB 2549 by Representatives Condotta and Manweller

AN ACT Relating to permitting of conveyances; and amending RCW 70.87.030.

Referred to Committee on Labor & Workplace Standards.

HB 2550 by Representative Condotta

AN ACT Relating to allowing prospective jurors who are elderly to choose to be excused from jury service or to remain a prospective juror; and amending RCW 2.36.100.

Referred to Committee on Judiciary.

HB 2551 by Representative Condotta

AN ACT Relating to state-shared taxes for the purpose of designated disaster area financing; adding a new section to chapter 82.14 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committee on Local Government.

HB 2552 by Representative Condotta

AN ACT Relating to tourism marketing; reenacting and amending RCW 43.79A.040; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; and adding a new chapter to Title 82 RCW.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2553 by Representatives Wilson, Griffey, Vick and G. Hunt

AN ACT Relating to protecting the constitutionally guaranteed right to the lawful possession of firearms during a state of emergency; amending RCW 43.06.220; and creating a new section.

Referred to Committee on Judiciary.

HB 2554 by Representatives Wilson, Van Werven, Vick, Griffey and Pike

AN ACT Relating to adding responsibilities to the duties of the joint administrative rules review committee; amending RCW 34.05.630 and 34.05.655; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government.

HB 2555 by Representatives Wilson, Zeiger, Stambaugh, Harris, Vick, Orcutt, Griffey and Pike

AN ACT Relating to auto mall directional signs; and adding a new section to chapter 47.36 RCW.

Referred to Committee on Transportation.

HB 2556 by Representative S. Hunt

AN ACT Relating to eliminating the certificate of academic achievement as a requirement for high school graduation; amending RCW 28A.230.090, 28A.655.068, 28A.655.070, 28A.230.125, 28A.195.010, 28A.200.010, 28A.230.122, 28A.300.575, 28A.305.130, 28A.320.190, 28A.320.195, 28A.320.208, 28A.600.310, and 28A.700.080; and repealing RCW 28A.155.045, 28A.155.170, 28A.600.405, 28A.655.061, 28A.655.063, 28A.655.065, and 28A.655.066.

Referred to Committee on Education.

HB 2557 by Representative S. Hunt

AN ACT Relating to the return of unused shared leave; and amending RCW 41.04.665.

Referred to Committee on State Government.

HB 2558 by Representatives Goodman and Klippert

AN ACT Relating to establishing the joint legislative task force on jail standards; adding a new section to chapter 70.48 RCW; and providing an expiration date.

Referred to Committee on Public Safety.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Health Care & Wellness was relieved of HOUSE BILL NO. 2466, and the bill was referred to the Committee on Appropriations.

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

There being no objection, the House adjourned until 9:55 a.m., January 15, 2016, the 5th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - REGULAR SESSION**

**FIFTH DAY**

House Chamber, Olympia, Friday, January 15, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

**MESSAGE FROM THE SENATE**

January 14, 2016

MR. SPEAKER:

The President has signed:  
SENATE CONCURRENT RESOLUTION NO. 8406,  
and the same is herewith transmitted.

Hunter G. Goodman, Secretary

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

**INTRODUCTION & FIRST READING**

HB 2559 by Representative S. Hunt

AN ACT Relating to enhanced disclosure requirements for large campaign contributions; and amending RCW 42.17A.265.

Referred to Committee on State Government.

HB 2560 by Representative S. Hunt

AN ACT Relating to surplus campaign funds account reporting requirements; and amending RCW 42.17A.235 and 42.17A.430.

Referred to Committee on State Government.

HB 2561 by Representative S. Hunt

AN ACT Relating to standardizing disclosure requirements for political committees; and amending RCW 42.17A.250.

Referred to Committee on State Government.

HB 2562 by Representative S. Hunt

AN ACT Relating to the definition of "contribution" for the purposes of campaign disclosure provisions; and reenacting and amending RCW 42.17A.005.

Referred to Committee on State Government.

HB 2563 by Representatives S. Hunt and Moeller

AN ACT Relating to electronic filing requirements for campaign-related expenditures and contributions; and amending RCW 42.17A.245, 42.17A.260, 42.17A.055, 42.17A.255, 42.17A.265, 42.17A.600, 42.17A.615, 42.17A.630, and 42.17A.700.

Referred to Committee on State Government.

HB 2564 by Representatives Manweller and Vick

AN ACT Relating to the property tax exemption for public burying grounds and cemeteries; amending RCW 84.36.020, 84.36.020, 84.36.262, and 84.36.805; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 2565 by Representatives Vick, Reykdal, Orcutt, Wilson, Springer, Robinson, Nealey, Wilcox, Manweller, Stokesbary, Condotta and Pike

AN ACT Relating to reducing the frequency of local sales and use tax changes; and amending RCW 82.14.055.

Referred to Committee on Finance.

HB 2566 by Representative Fitzgibbon

AN ACT Relating to facilitating the disposal of contaminated dredged sediments; and amending RCW 70.105D.010, 70.105D.040, and 79.105.500.

Referred to Committee on Environment.

HB 2567 by Representative Clibborn

AN ACT Relating to correcting certain manifest drafting errors in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue); amending RCW 46.20.202 and 82.70.040; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

HB 2568 by Representatives Blake, Buys, Moscoso and Fitzgibbon

AN ACT Relating to managing Capitol lake as an estuarine environment; amending RCW 79.24.650, 79.24.700, and 79.24.720; and adding a new section to chapter 79.24 RCW.

Referred to Committee on State Government.

HB 2569 by Representative Sells

AN ACT Relating to the use of high occupancy vehicle lanes by law enforcement and fire department vehicles; and amending RCW 46.61.165 and 47.52.025.

Referred to Committee on Transportation.

HB 2570 by Representatives Taylor, Shea, MacEwen, Holy, Condotta, Rodne, G. Hunt and Young

AN ACT Relating to limiting the subpoena power of special inquiry judges; and amending RCW 10.27.170 and 10.29.050.

Referred to Committee on Judiciary.

HB 2571 by Representatives Dent, Blake, Buys, Chandler, Peterson, Johnson, Manweller, Walsh, Holy, Caldier, Klippert, Schmick and Griffey

AN ACT Relating to sales of personal property used in conducting a farm activity where the sale is made by or through an auctioneer; amending RCW 82.08.0257 and 82.12.0258; and creating new sections.

Referred to Committee on Finance.

HB 2572 by Representatives Dent, Blake, Buys, Schmick, Chandler, Peterson, Manweller, Johnson, Walsh, Holy, Caldier, Klippert and Griffey

AN ACT Relating to a sales and use tax exemption for replacement parts for agricultural aircraft; amending RCW 82.08.855; and creating new sections.

Referred to Committee on Finance.

HB 2573 by Representatives Santos and Magendanz

AN ACT Relating to the shortage of public school teachers and substitute teachers; amending RCW 28A.410.250 and 28A.660.050; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 41.32 RCW; creating new sections; and making an appropriation.

Referred to Committee on Education.

HB 2574 by Representatives Farrell, Fey, Peterson, Moscoso, Clibborn and Fitzgibbon

AN ACT Relating to enhancing public safety by reducing distracted driving incidents caused by the use of personal wireless communications devices;

amending RCW 46.61.668, 46.20.055, 46.20.075, 46.25.010, and 46.20.130; creating a new section; repealing RCW 46.61.667; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2575 by Representatives Farrell and Fitzgibbon

AN ACT Relating to continuing state efforts to increase oil transportation safety; adding new sections to chapter 90.56 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Environment.

HB 2576 by Representatives McBride, Nealey, Ryu, Tarleton, Springer, S. Hunt, Johnson, Zeiger and Rossetti

AN ACT Relating to public records act requests to local agencies; amending RCW 42.56.520, 42.56.100, 42.56.120, and 42.56.550; reenacting and amending RCW 42.56.240 and 42.56.080; adding new sections to chapter 42.56 RCW; and creating new sections.

Referred to Committee on Local Government.

HB 2577 by Representatives Wylie, Blake, S. Hunt, Vick and Kretz

AN ACT Relating to authorizing preferential pricing for spirits and wine sold to on-premises licensees; amending RCW 66.28.170; creating a new section; and repealing RCW 66.24.440.

Referred to Committee on Commerce & Gaming.

HB 2578 by Representatives Jinkins, Manweller, Gregerson, McCabe, G. Hunt and Tharinger

AN ACT Relating to job search requirements for unemployment compensation claimants; amending RCW 50.20.240; creating a new section; and providing an effective date.

Referred to Committee on Labor & Workplace Standards.

HB 2579 by Representatives Griffey, Goodman, Orwall, Dent and Wilson

AN ACT Relating to prefire mitigation; amending RCW 43.43.934; reenacting and amending RCW 43.79A.040; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2580 by Representatives Cody, Rodne, Robinson and Johnson

AN ACT Relating to establishing a public registry for the transparency of blood establishments; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care & Wellness.

HB 2581 by Representatives Lytton, Hayes, Van De Wege, Vick, Manweller, Sells, Gregerson, Peterson, Morris, Buys and Rossetti

AN ACT Relating to the alcohol content of cider; and amending RCW 66.24.210.

Referred to Committee on Commerce & Gaming.

HB 2582 by Representatives Bergquist, Stokesbary, Orwall, Gregerson and Zeiger

AN ACT Relating to modifying provisions of the Washington advanced college tuition payment program; amending RCW 28B.95.030; and creating a new section.

Referred to Committee on Higher Education.

HB 2583 by Representatives McBride, Haler, Zeiger, Stambaugh, Moscoso, Bergquist, Fitzgibbon and Peterson

AN ACT Relating to authorizing specified local governments to designate a portion of their territory as a creative district subject to certification by the Washington arts commission; adding new sections to chapter 43.46 RCW; and creating a new section.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2584 by Representatives Vick, Van De Wege, Blake, Harris and Tarleton

AN ACT Relating to public disclosure of information submitted to the liquor and cannabis board regarding marijuana product traceability and operations; and amending RCW 42.56.270.

Referred to Committee on Commerce & Gaming.

HB 2585 by Representatives Robinson and Walsh

AN ACT Relating to private activity bond allocation; and amending RCW 39.86.120, 39.86.140, and 39.86.190.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2586 by Representatives Reykdal, Magendanz and Haler

AN ACT Relating to siting common schools; adding a new section to chapter 36.70A RCW; adding a new

section to chapter 28A.315 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Local Government.

HB 2587 by Representatives Rodne, Goodman and Orwall

AN ACT Relating to the superior court judges' association; amending RCW 2.16.010 and 9.94A.860; and creating a new section.

Referred to Committee on Judiciary.

HB 2588 by Representatives Reykdal, Muri, Kirby, Blake, Condotta, Goodman and Orcutt

AN ACT Relating to vapor products in respect to provisions concerning certain child-resistant packaging, definitions related to "vapor product," signage requirements prohibiting vapor product sales to minors, prohibition of the purchase and possession of vapor products by minors, the liquor and cannabis board's enforcement authority over vapor products, preemption of certain local regulation of vapor products, and a requirement for vendor-assisted sales of vapor products in retail establishments; amending RCW 26.28.080 and 70.155.130; adding a new chapter to Title 70 RCW; prescribing penalties; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Commerce & Gaming.

HB 2589 by Representatives G. Hunt, Short, Van Werven, Rodne, McCabe, Taylor, Holy, Manweller, Shea, Walsh, Scott, Muri, Smith, Schmick, Harmsworth, McCaslin, Kochmar, Condotta, MacEwen, Buys, Griffey, Wilson, Pike, Young, Klippert, Hawkins, Haler, Kretz, Wilcox, Zeiger, Dent, Hargrove, Hickel and Stambaugh

AN ACT Relating to allowing the use of gender-segregated facilities; and amending RCW 49.60.030.

Referred to Committee on Judiciary.

HB 2590 by Representatives Moscoso, Rodne and Clibborn

AN ACT Relating to county road administration and maintenance; amending RCW 35.21.790, 35A.21.210, 36.87.120, 36.80.015, 36.80.030, 36.80.040, 36.80.050, 36.80.060, and 36.32.235; adding a new section to chapter 36.75 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 2591 by Representatives Hargrove, Kagi, Walsh, Dent, Caldier and Senn

AN ACT Relating to notifying foster parents of dependency hearings and their opportunity to be heard

in those hearings; and amending RCW 13.34.096 and 13.34.820.

Referred to Committee on Early Learning & Human Services.

HB 2592 by Representatives Holy, Van De Wege, Hayes, Fitzgibbon, Bergquist, Wilcox and Moeller

AN ACT Relating to benefits for certain retirement system members who die or become disabled in the course of providing emergency management services; amending RCW 41.26.510 and 41.26.470; and reenacting and amending RCW 41.26.520.

Referred to Committee on Appropriations.

HB 2593 by Representatives Kilduff, Zeiger, Moscoso and Bergquist

AN ACT Relating to making community and technical colleges more affordable by eliminating the application fee for low-income students and reviewing placement testing fees; adding a new section to chapter 28B.50 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2594 by Representative MacEwen

AN ACT Relating to simplifying the taxation of amenities owned by homeowners' associations; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating new sections.

Referred to Committee on Finance.

HB 2595 by Representatives Ortiz-Self, Ryu, Peterson, Robinson, McBride, Reykdal, Walkinshaw, Farrell and Kagi

AN ACT Relating to safe technology use and digital citizenship in public schools; adding a new section to chapter 28A.650 RCW; and creating a new section.

Referred to Committee on Education.

HB 2596 by Representatives Dye, Blake, Kretz, Tharinger, Short and Schmick

AN ACT Relating to reducing the occurrences of small wildland fires escalating into catastrophic fires through the creation of a mechanism to better equip local wildland fire suppression entities in their immediate, local suppression activities; amending RCW 43.30.111; reenacting and amending RCW 76.04.005; adding new sections to chapter 76.04 RCW; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2597 by Representatives Orwall, Magendanz, Reykdal, McBride and Lytton

AN ACT Relating to sexual abuse response plans; and amending RCW 28A.320.127.

Referred to Committee on Education.

HB 2598 by Representatives Orcutt and Clibborn

AN ACT Relating to authorizing the use of certain cargo extensions that connect to a recreational vehicle frame; amending RCW 46.04.620 and 46.44.037; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2599 by Representatives Orcutt, Clibborn, Moscoso, Harmsworth, Tarleton and Zeiger

AN ACT Relating to the freight mobility strategic investment board's authority to remove funding allocation for projects after a certain number of years without construction occurring; and amending RCW 47.06A.050.

Referred to Committee on Transportation.

HB 2600 by Representatives Orcutt and Reykdal

AN ACT Relating to the expansion of counties qualifying for the farm internship program, including certain southwest Washington counties; amending RCW 49.12.470; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

HB 2601 by Representatives Orcutt and Rossetti

AN ACT Relating to restricting aggressive panhandling at public rest stops and rest areas; adding a new section to chapter 47.38 RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2602 by Representatives Walkinshaw, Ryu, Moeller, Robinson, McBride, Riccelli and Wylie

AN ACT Relating to prescription drugs and capping consumer costs; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2603 by Representatives Kuderer, Goodman, Jinkins, Senn, Gregerson, Frame and Springer

AN ACT Relating to preventing firearms access by a person detained for involuntary mental health treatment; amending RCW 9.41.047; and adding a new section to chapter 71.05 RCW.

Referred to Committee on Judiciary.

HB 2604 by Representatives Kuderer, Goodman, Johnson, Wilcox, Morris, Hudgins and MacEwen

AN ACT Relating to disclosure of financial, commercial, and proprietary criminal background check information of employees of private employers; and amending RCW 42.56.270.

Referred to Committee on State Government.

HB 2605 by Representatives Kirby, Vick and Blake

AN ACT Relating to creating a special permit by a manufacturer of beer to hold a private event for the purpose of tasting and selling beer of its own production; and reenacting and amending RCW 66.20.010.

Referred to Committee on Commerce & Gaming.

HB 2606 by Representatives Goodman, Zeiger and Fitzgibbon

AN ACT Relating to allowing physical therapists to perform dry needling; reenacting and amending RCW 18.74.010; and adding a new section to chapter 18.74 RCW.

Referred to Committee on Health Care & Wellness.

HB 2607 by Representatives Magendanz, Muri, McCaslin, Griffey, Stambaugh and Harris

AN ACT Relating to integrated student services and family engagement; amending RCW 28A.165.035, 28A.165.055, and 28A.300.130; adding a new section to chapter 28A.300 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2608 by Representatives Magendanz, Muri, Griffey, Stambaugh and Harris

AN ACT Relating to student and teacher data; amending RCW 28A.300.042, 28A.300.505, and 28A.300.507; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 2609 by Representatives Magendanz, Muri, McCaslin, Griffey, Stambaugh and Harris

AN ACT Relating to educator cultural competence; amending RCW 28A.405.106 and 28A.405.120; adding a new section to chapter 28A.345 RCW; adding a new section to chapter 28A.415 RCW; and adding a new section to chapter 28A.657 RCW.

Referred to Committee on Education.

HB 2610 by Representatives Riccelli and Ormsby

AN ACT Relating to county commissioner elections; amending RCW 36.32.030, 36.32.050, 36.32.020, 36.32.010, 36.32.055, 36.32.0552, and 36.32.0556; and adding new sections to chapter 36.32 RCW.

Referred to Committee on State Government.

HB 2611 by Representatives Dye, Blake, Schmick and Kretz

AN ACT Relating to vehicle weight limits for the movement of agricultural commodities; and amending RCW 46.44.041, 46.44.091, and 36.75.270.

Referred to Committee on Transportation.

HB 2612 by Representatives Shea, Young, Scott, Taylor, G. Hunt, Rodne, Caldier, Holy, McCaslin, Dent, MacEwen and Hayes

AN ACT Relating to authorizing the termination of all legal responsibilities of a nonparent if genetic testing shows by clear and convincing evidence that a man is not the genetic father of a child; amending RCW 26.26.310, 26.26.320, 26.26.335, 26.26.530, 26.26.535, 26.26.600, and 26.26.405; adding a new section to chapter 26.26 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2613 by Representatives Condotta, Reykdal, Manweller, Fitzgibbon, Muri, MacEwen and Magendanz

AN ACT Relating to retail sale and use tax exemptions for certain clean alternative fuel and electrically powered vehicles; amending RCW 82.08.809 and 82.12.809; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2614 by Representative DeBolt

AN ACT Relating to providing for financing of flood risk reduction and habitat restoration projects in the state; reenacting and amending RCW 43.84.092; adding new sections to chapter 43.99G RCW; adding a new chapter to Title 70 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Capital Budget.

HB 2615 by Representatives Pollet, Haler, Moscoso, Appleton, Fitzgibbon, Gregerson, Ormsby, Ortiz-Self, Lytton, Riccelli, Ryu, Reykdal, Cody and Tarleton

AN ACT Relating to improving student success at community and technical colleges by considering benefits of full-time faculty and staff; amending RCW 28B.50.850; and adding new sections to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

HJM 4013 by Representatives Manweller, Young, Vick, Griffey and Pike

Applying for a convention to propose amendments to the United States Constitution relating to fiscal restraints on the federal government, the power and jurisdiction of the federal government, and terms of office for federal officials and for members of Congress.

Referred to Committee on State Government.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

#### **COMMITTEE APPOINTMENT**

The Speaker (Representative Orwall presiding) announced the following committee appointment(s): Representative McCabe is appointed Assistant Ranking Member of the Committee on Business and Financial Services.

The Speaker assumed the chair.

#### **SIGNED BY THE SPEAKER**

The Speaker signed SENATE CONCURRENT RESOLUTION NO. 8406.

The Speaker called upon Representative Orwall to preside.

There being no objection, the House adjourned until 10:00 a.m., January 18, 2016, the 8th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## EIGHTH DAY

House Chamber, Olympia, Monday, January 18, 2016

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

The flags were escorted to the rostrum by the Columbia River Young Marines. The National Anthem was performed by Minister E-thell Tillis of the A.M.E. Zion Church, Vancouver, Washington. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Marva Edwards, A.M.E. Zion Church.

Roshawn Johnson of Tacoma performed "Hero". Ms. Johnson was joined by the A.M.E. Zion Church Choir and they performed "We Shall Overcome".

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2016-4649, by Representatives Chopp, Kristiansen, Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, G. Hunt, S. Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger**

WHEREAS, Today, January 18, 2016, the people of the great State of Washington and the nation join together to rejoice and honor the life and legacy of Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, Dr. King was born on January 15, 1929, in Atlanta, Georgia, and on June 18, 1953, he and Coretta Scott were married in Marion, Alabama; and

WHEREAS, Despite Dr. King's assassination on April 4, 1968, his legacy of compassion and nonviolence lived on through his followers and his wife, Coretta Scott King; and

WHEREAS, Dr. King vehemently endorsed the virtues of compassion and equality and bravely shared his vision

with America in our nation's capital by declaring, "I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident, that all men are created equal'"; and

WHEREAS, His belief in equality and opportunity for all was not restricted to the cessation of racial injustice, but also extended to the necessity of economic justice for all people, so that all may live free of the afflictions of poverty; and

WHEREAS, Dr. King propelled the truths of segregation and racial injustice to the forefront of American conversation at dinner tables across the country, helping to bring an end to unjust laws, and fulfilling the promise of a democracy for every American; and

WHEREAS, The Civil Rights Act of 1964 and the Voting Rights Act of 1965 became law thanks to the blood, sweat, and tears shed by Dr. King and his supporters from every community in the United States; and

WHEREAS, We remember Dr. King's steadfast commitment to the ideals of impartiality and opportunity for all in the face of tyranny, cruelty, and mistreatment by those in power; and

WHEREAS, Dr. King received the Nobel Peace Prize in 1964, the youngest man to ever be selected for this extraordinary honor; and

WHEREAS, Dr. King's life and work will be continually celebrated through a permanent federal holiday honoring his birth established by the Congress of the United States; and

WHEREAS, Dr. King's legacy has encouraged Americans long after his assassination to honor him still, posthumously bestowing him the Presidential Medal of Freedom in 1977, and the Congressional Gold Medal in 2004; and

WHEREAS, We continue to look toward Dr. King's experiences and teachings as we tackle the concerns of achieving complete racial, social, and economic justice for all Washingtonians;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of the State of Washington, recognize and honor the life and work of the Reverend Dr. Martin Luther King, Jr. and his commitment to a just and free world; and

BE IT FURTHER RESOLVED, That the House of Representatives call on the people of the State of Washington to join us in reflecting on Dr. King's life and ideals and to seek to fulfill his dream of equality and opportunity for all people.

Representative Kuderer moved adoption of HOUSE RESOLUTION NO. 4649.

Representatives Kuderer, Kochmar, Pettigrew and Hickel spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4649 was adopted.

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

### INTRODUCTION & FIRST READING

HB 2616 by Representatives Buys, Blake, Van Werven, Chandler and Wilcox

AN ACT Relating to watershed management actions by watershed improvement districts; amending RCW 39.34.190, 77.55.021, and 87.03.019; adding a new section to chapter 36.70A RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 90.48 RCW; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Environment.

HB 2617 by Representatives Manweller, Muri, Holy, Haler and Magendanz

AN ACT Relating to authorizing political subdivisions to implement district-based elections; and amending RCW 35.18.020, 35.23.850, 35A.12.180, 36.32.050, and 36.32.0556.

Referred to Committee on State Government.

HB 2618 by Representatives Tarleton, Zeiger, Appleton, Haler and Santos

AN ACT Relating to port district worker development and training programs; and amending RCW 53.08.245.

Referred to Committee on Higher Education.

HB 2619 by Representatives Haler, Pettigrew, Klippert, Reykdal, Zeiger, Frame and Pollet

AN ACT Relating to providing postsecondary education to enhance education opportunities and public safety; amending RCW 72.09.460 and 72.09.465; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2620 by Representatives Tarleton and Smith

AN ACT Relating to administrative processes for the utilities and transportation commission in managing deposits and cost reimbursements of the energy facility site evaluation council; amending RCW 80.50.071; and creating a new section.

Referred to Committee on Technology & Economic Development.

HB 2621 by Representatives Kagi, Walsh, Senn, Stokesbary, Lytton, Magendanz, Muri and Goodman

AN ACT Relating to the department of early learning's access to records and personal information for purposes of determining character and suitability of child care workers; amending RCW 13.50.100, 26.44.031, 26.44.100, 43.215.200, and 74.04.060; reenacting and amending RCW 13.50.010, 26.44.031, 43.43.832, and 43.215.215; and creating a new section.

Referred to Committee on Early Learning & Human Services.

HB 2622 by Representatives Manweller, Vick, Haler and Muri

AN ACT Relating to eliminating various occupational licensure and certification requirements through creation of a state review web site; amending RCW 18.11.050, 18.11.070, 18.11.085, 18.11.095, 18.11.200, 18.11.220, 18.11.240, 18.16.020, 18.16.030, 18.16.050, 18.16.060, 18.16.130, 18.16.170, 18.16.175, 18.16.190, 18.16.200, 18.16.290, 18.96.010, 18.96.020, 18.96.030, 18.240.005, 18.240.010, 18.240.020, 19.138.021, 19.138.040, 19.138.100, 19.138.180, 19.138.310, 46.10.420, 67.08.100, 77.65.010, 77.65.480, 77.65.490, 79A.60.410, 79A.60.430, and 79A.60.450; reenacting and amending RCW 77.65.370; adding a new section to chapter 67.08 RCW; adding a new chapter to Title 18 RCW; repealing RCW 18.11.060, 18.11.121, 18.11.130, 18.11.140, 18.11.160, 18.11.170, 18.11.180, 18.11.190, 18.11.205, 18.11.210, 18.11.270, 18.11.280, 18.96.040, 18.96.060, 18.96.070, 18.96.080, 18.96.090, 18.96.100, 18.96.110, 18.96.120, 18.96.140, 18.96.150, 18.96.180, 18.96.190, 18.96.200, 18.96.210, 18.96.230, 18.240.030, 18.240.050, 18.240.060, 18.240.070, 18.240.080, 18.240.090, 46.10.485, 77.65.440, 77.65.560, 79A.60.480, and 79A.60.490; and providing an effective date.

Referred to Committee on Business & Financial Services.

HB 2623 by Representatives Van Werven, Bergquist, Holy and Muri

AN ACT Relating to recounts of statewide advisory measures; and amending RCW 29A.64.090.

Referred to Committee on State Government.

HB 2624 by Representatives S. Hunt and Bergquist

AN ACT Relating to election errors involving measures; amending RCW 29A.68.011, 29A.68.020, 29A.68.030, 29A.68.050, 29A.68.070, 29A.68.080, 29A.68.090, 29A.68.110, and 29A.68.120; and adding a new section to chapter 29A.68 RCW.

Referred to Committee on State Government.

HB 2625 by Representatives Appleton and Griffey

AN ACT Relating to limiting the uses of the fire protection contractor license fund; and amending RCW 18.160.050.

Referred to Committee on Labor & Workplace Standards.

HB 2626 by Representatives Pike, Moeller, Fitzgibbon, Kilduff, Magendanz and McBride

AN ACT Relating to extending the term of validity for a driver's instruction permit; amending RCW 46.20.055 and 46.20.075; and providing an effective date.

Referred to Committee on Transportation.

HB 2627 by Representatives Pike, Moeller, Wylie, Fitzgibbon and Kilduff

AN ACT Relating to authorizing local governments to use a young driver safety training program created by the national safety council; and adding a new chapter to Title 46 RCW.

Referred to Committee on Judiciary.

HB 2628 by Representatives Pike, Fitzgibbon, Moeller, Caldier, Tarleton, Riccelli and Kilduff

AN ACT Relating to modifying the operating restrictions for intermediate license holders; amending RCW 46.20.075; and providing an effective date.

Referred to Committee on Transportation.

HB 2629 by Representatives Blake, Condotta and Farrell

AN ACT Relating to the possession and transfer of marijuana, marijuana plants, useable marijuana, marijuana-infused products, and marijuana concentrates; amending RCW 69.50.4013 and 69.50.4014; reenacting and amending RCW 69.50.101; and prescribing penalties.

Referred to Committee on Commerce & Gaming.

HB 2630 by Representatives Appleton, Manweller, Sells and Kilduff

AN ACT Relating to the overpayment of wages by a municipal corporation; and amending RCW 49.48.210.

Referred to Committee on Labor & Workplace Standards.

HB 2631 by Representatives Klippert, Taylor and Scott

AN ACT Relating to preventing discriminatory treatment by government of a person or entity based on beliefs and practices held with regard to marriage as the union between one man and one woman; adding new sections to chapter 49.60 RCW; adding a new section to chapter 19.86 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2632 by Representatives Van Werven, S. Hunt, Moscoso, Dent, Wilson, Vick, Manweller, Muri, Scott and Magendanz

AN ACT Relating to gender requirements in the election of chair and vice chair positions for state committees of political parties; and amending RCW 29A.80.020.

Referred to Committee on State Government.

HB 2633 by Representatives Blake, Buys, Rossetti, Lytton and Dent

AN ACT Relating to merging the state department of agriculture's fruit and vegetable inspection districts and accounts; amending RCW 15.17.240 and 15.17.020; and repealing RCW 15.17.230 and 15.17.247.

Referred to Committee on Agriculture & Natural Resources.

HB 2634 by Representatives Buys, Lytton, Dent, Blake, Stanford and McBride

AN ACT Relating to modifying the powers and duties of the Washington dairy products commission to include research and education related to the economic uses of nutrients produced by dairy farms; and amending RCW 15.44.060.

Referred to Committee on Agriculture & Natural Resources.

HB 2635 by Representatives Buys, Manweller, Lytton, Rossetti, Blake, Dent and Stanford

AN ACT Relating to the mandatory nonbinding arbitration provisions of the Washington state seed act; creating a new section; and repealing RCW 15.49.071, 15.49.081, 15.49.091, 15.49.101, and 15.49.111.

Referred to Committee on Agriculture & Natural Resources.

HB 2636 by Representatives Walkinshaw, Blake and Ryu

AN ACT Relating to recordkeeping requirements of secondary commercial fish receivers; and amending RCW 77.15.568.

Referred to Committee on Agriculture & Natural Resources.

HB 2637 by Representatives Manweller, DeBolt, G. Hunt and Zeiger

AN ACT Relating to preservation and improvement of historic cemeteries; amending RCW 18.39.175; and adding a new section to chapter 27.34 RCW.

Referred to Committee on Capital Budget.

HB 2638 by Representatives Robinson, DeBolt, Condotta, Walkinshaw, Frame, Jinkins, Sells, Bergquist, Rossetti, Reykdal, Farrell, Santos, Ormsby and Pollet

AN ACT Relating to providing accountability and transparency for aerospace-related tax incentives; amending RCW 82.04.4461 and 82.32.534; amending 2013 3rd sp.s. c 2 s 1 (uncodified); reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.135 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2639 by Representatives McCabe, Santos, Johnson, Kochmar, Cody, Caldier, Muri, Kilduff and McBride

AN ACT Relating to studying the costs and benefits of requiring school bus safety devices on new school buses; and creating new sections.

Referred to Committee on Education.

HB 2640 by Representatives Kirby, Vick and Stanford

AN ACT Relating to public funds and deposits; amending RCW 39.58.010, 39.58.050, 39.58.105, 39.58.108, 39.58.135, and 39.58.155; and repealing RCW 39.58.120 and 39.58.045.

Referred to Committee on Business & Financial Services.

HB 2641 by Representatives Wylie and Vick

AN ACT Relating to increasing the number of wineries and microbreweries that may offer wine or beer samples at farmers markets; and amending RCW 66.24.175.

Referred to Committee on Commerce & Gaming.

HB 2642 by Representatives Condotta, Wylie, Scott and Vick

AN ACT Relating to providing small winery tax relief; and amending RCW 66.24.210.

Referred to Committee on Commerce & Gaming.

HB 2643 by Representatives Short, Springer and Kretz

AN ACT Relating to school district boards of directors adopting procedures to implement a policy; and amending RCW 28A.320.015.

Referred to Committee on Education.

HB 2644 by Representatives Blake, Muri, Van De Wege, Jinkins, Kretz, Short, Fitzgibbon, Rossetti and McBride

AN ACT Relating to animal forfeiture in animal cruelty cases; amending RCW 16.52.085 and 16.52.200; and repealing RCW 60.56.025.

Referred to Committee on Judiciary.

HB 2645 by Representatives Hudgins, Robinson and Ormsby

AN ACT Relating to eliminating accounts; amending RCW 19.146.205, 43.330.418, 70.95.165, 72.72.030, and 72.72.050; reenacting and amending RCW 43.84.092; creating a new section; decodifying RCW 43.83.310; repealing RCW 38.40.220, 43.63A.315, 43.72.902, 43.83.310, 43.83.330, 43.83.320, 43.83.350, 43.330.094, 43.83.370, 43.167.040, 43.330.415, and 70.146.100; and providing an effective date.

Referred to Committee on Appropriations.

HB 2646 by Representatives Ormsby, Chandler, Reykdal, Hayes, Robinson, Tharinger, Riccelli, MacEwen and Bergquist

AN ACT Relating to plan membership default provisions in the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system; and amending RCW 41.32.835, 41.35.610, and 41.40.785.

Referred to Committee on Appropriations.

HB 2647 by Representatives Jinkins, Ryu, Fey, Santos and Frame

AN ACT Relating to disposing tax foreclosed property to cities for affordable housing purposes; and amending RCW 36.35.150.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2648 by Representatives Fey, Muri, Kirby, Jinkins, Ryu, Cody, Kilduff, Pettigrew, Riccelli and Bergquist

AN ACT Relating to an exemption from disclosure of certain financial, commercial, and proprietary information submitted to or obtained by a city retirement board on behalf of its employees' retirement system; and amending RCW 42.56.270.

Referred to Committee on State Government.

HB 2649 by Representatives Clibborn and Orcutt

AN ACT Relating to rail fixed guideway system safety and security oversight; and amending RCW 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, 81.104.115, and 81.112.180.

Referred to Committee on Transportation.

HB 2650 by Representatives Clibborn, Orcutt and Muri

AN ACT Relating to the deposit of moneys from various advertising activities; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

HB 2651 by Representatives Rossetti and Orcutt

AN ACT Relating to vehicle maximum gross weight values; and amending RCW 46.44.041.

Referred to Committee on Transportation.

HB 2652 by Representatives Cody, Schmick, Clibborn and Frame

AN ACT Relating to improving access to health care declarations; amending RCW 70.122.130; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

HB 2653 by Representatives Cody, Jinkins, Tharinger, Fitzgibbon, S. Hunt and Fey

AN ACT Relating to the excise taxation of personalized handguns; amending RCW 9.41.090; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating new sections.

Referred to Committee on Finance.

HB 2654 by Representatives Orwall, Shea, Walkinshaw, Zeiger, Springer, Moscoso, Farrell, Muri, Riccelli, Goodman, Kagi, Stokesbary, Haler, Kilduff and Appleton

AN ACT Relating to the reliability of incentivized evidence and testimony; adding new sections to chapter 10.58 RCW; adding a new section to chapter 10.73 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2655 by Representatives Stokesbary, Vick, MacEwen, Zeiger and Magendanz

AN ACT Relating to the excise taxation of crowdfunding donations; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 2656 by Representatives Stokesbary, Hargrove, Zeiger and Magendanz

AN ACT Relating to improving state budgeting through zero-based budget reviews; adding a new section to chapter 43.88 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2657 by Representatives Stokesbary and Magendanz

AN ACT Relating to counting experience at a private school under the years of service calculation for classroom teachers; and amending RCW 28A.150.410.

Referred to Committee on Appropriations.

HB 2658 by Representatives Ortiz-Self, Ryu, S. Hunt, Stanford and Reykdal

AN ACT Relating to tribal cultural resources protection in the forest practices act; amending RCW 76.09.010; reenacting and amending RCW 76.09.020; and adding a new section to chapter 76.09 RCW.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2659 by Representatives Jinkins, Hansen, Magendanz, Kilduff and Goodman

AN ACT Relating to the consolidation of traffic-based financial obligations through a unified payment plan system; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

HB 2660 by Representatives Bergquist, Hayes, Tarleton and Stambaugh

AN ACT Relating to the design and construction of certain transportation facilities adjacent to or across a river or waterway; adding a new section to chapter 47.01 RCW; and creating a new section.

Referred to Committee on Transportation.

**HB 2661** by Representatives Kilduff, Kuderer, Reykdal, Peterson, Riccelli, Zeiger, Walsh, Bergquist, Senn, Goodman, Santos, Pollet and McBride

AN ACT Relating to the developmental disabilities community trust account; and amending RCW 71A.20.170.

Referred to Committee on Capital Budget.

**HB 2662** by Representatives Kilduff, Haler, Muri, Ortiz-Self, Riccelli, Orwall, Walkinshaw, Robinson, Farrell, Bergquist, Stanford, Goodman, Frame and Fey

AN ACT Relating to creating the Washington next generation educational savings account program; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 28B RCW; and providing contingent effective dates.

Referred to Committee on Higher Education.

**HB 2663** by Representatives Springer and Kilduff

AN ACT Relating to sunshine committee recommendations to repeal obsolete exemptions to public disclosure provisions; and repealing RCW 42.56.480 and 66.16.090.

Referred to Committee on State Government.

**HB 2664** by Representatives Cody, Buys, Robinson, Harris, Van Werven, Reykdal, Orwall, Fey, Moeller, Santos, Sells, Appleton, Moscoso, Klippert, S. Hunt, Goodman, Ormsby and McBride

AN ACT Relating to eliminating the authority of school districts to waive, substitute, or exempt students from participation in physical education under certain circumstances; amending RCW 28A.230.040 and 28A.230.050; and creating a new section.

Referred to Committee on Education.

**HB 2665** by Representatives Santos, Walkinshaw, Farrell and Pollet

AN ACT Relating to requiring legislative approval of tax preferences as part of the two-year budget process; adding a new section to chapter 82.32 RCW; repealing RCW 48.32.130, 82.04.062, 82.04.110, 82.04.120, 82.04.240, 82.04.2403, 82.04.2404, 82.04.250, 82.04.255, 82.04.260, 82.04.263, 82.04.272, 82.04.280, 82.04.290, 82.04.2905, 82.04.2906, 82.04.2907, 82.04.2908, 82.04.2909, 82.04.294, 82.04.298, 82.04.310, 82.04.311, 82.04.315, 82.04.317, 82.04.422, 82.04.320, 82.04.322, 82.04.323, 82.04.324, 82.04.326, 82.04.327, 82.04.330, 82.04.100, 82.04.331, 82.04.332, 82.04.333, 82.04.334, 82.04.335, 82.04.337, 82.04.338, 82.04.339, 82.04.3395, 82.04.340, 82.04.350,

82.04.355, 82.04.360, 82.04.363, 82.04.3651, 82.04.367, 82.04.368, 82.04.370, 82.04.380, 82.04.385, 82.04.390, 82.04.392, 82.04.399, 82.04.405, 82.04.408, 82.04.410, 82.04.415, 82.04.416, 82.04.418, 82.04.419, 82.04.4201, 82.04.421, 82.04.424, 82.04.425, 82.04.4251, 82.04.426, 82.04.4261, 82.04.4262, 82.04.4263, 82.04.4264, 82.04.4265, 82.04.4266, 82.04.4267, 82.04.4268, 82.04.4269, 82.34.060, 82.04.4271, 82.04.4272, 82.04.4274, 82.04.4275, 82.04.4277, 82.04.4281, 82.04.4282, 82.04.4283, 82.04.4284, 82.04.4285, 82.04.4286, 82.04.4287, 82.04.4289, 82.04.4291, 82.04.4292, 82.04.4293, 82.04.4294, 82.04.4295, 82.04.4296, 82.04.4297, 82.04.4298, 82.04.4311, 82.04.432, 82.04.4322, 82.04.4324, 82.04.4326, 82.04.4327, 82.04.433, 82.04.4331, 82.04.4332, 82.04.4337, 82.04.4339, 82.04.43391, 82.04.43392, 82.04.43393, 82.04.43394, 82.04.434, 82.04.440, 82.04.4451, 82.04.44525, 82.04.4461, 82.04.4463, 82.04.447, 82.04.448, 82.04.4481, 82.04.4482, 82.04.4483, 82.04.4486, 82.04.4489, 82.04.449, 82.04.540, 82.04.600, 82.04.601, 82.04.610, 82.04.615, 82.04.620, 82.04.625, 82.04.627, 82.04.635, 82.04.640, 82.04.645, 82.04.650, 82.04.655, 82.04.750, 82.32.045, 82.32.055, 82.62.030, 82.62.045, 82.70.020, 82.73.030, 82.12.022, 82.12.024, 82.24.260, 82.24.290, 82.24.295, 82.26.040, 82.26.110, 82.27.010, 82.27.020, 82.27.030, 82.27.040, 83.100.020, 83.100.046, 83.100.047, 83.100.048, 35.58.560, 82.42.020, 82.42.030, 82.42.230, 82.38.080, 82.38.180, 82.21.040, 82.21.050, 35.21.755, 48.14.020, 48.14.0201, 48.14.021, 48.14.022, 48.32.145, 48.32A.125, 48.36A.240, 82.29A.020, 82.29A.120, 82.29A.125, 82.29A.130, 82.29A.132, 82.29A.134, 82.29A.135, 82.29A.136, 82.29A.137, 82.29A.138, 66.20.010, 66.24.290, 82.19.050, 82.23B.030, 82.23B.040, 82.23B.045, 67.16.105, 82.23A.010, 82.16.305, 82.48.110, 82.16.020, 82.16.040, 82.16.0421, 82.16.047, 82.16.0491, 82.16.0495, 82.16.0497, 82.16.0498, 82.16.050, 82.16.053, 82.16.055, 82.16.130, 82.16.300, 82.45.010, 82.45.190, 82.45.195, 36.100.090, 36.102.070, 47.01.412, 47.46.060, 82.04.050, 82.04.213, 82.08.010, 82.08.0203, 82.08.0205, 82.12.0205, 82.08.0206, 82.08.0208, 82.12.0208, 82.08.02081, 82.12.02081, 82.08.02082, 82.12.02082, 82.08.02087, 82.12.02087, 82.08.02088, 82.12.02088, 82.08.0251, 82.08.0252, 82.08.02525, 82.12.02525, 82.08.0253, 82.12.0345, 82.08.02535, 82.08.02537, 82.12.0347, 82.08.0254, 82.12.0255, 82.08.0255, 82.12.0256, 82.08.0256, 82.12.0257, 82.08.02565, 82.12.02565, 82.08.025651, 82.12.025651, 82.08.02566, 82.12.02566, 82.08.02568, 82.12.02568, 82.08.02569, 82.12.02569, 82.08.0257, 82.12.0258, 82.08.02573, 82.08.0258, 82.12.0259, 82.08.0259, 82.12.0261, 82.08.026, 82.12.023, 82.14.030, 82.08.0261, 82.08.0262, 82.12.0254, 82.08.0263, 82.08.0264, 82.08.0266, 82.08.0267, 82.12.0262, 82.08.0268, 82.08.0269, 82.08.0271, 82.12.930, 82.08.0272, 82.12.0267, 82.08.0273, 82.08.0274, 82.12.0268, 82.08.02745, 82.12.02685, 82.08.0275, 82.12.0269, 82.08.0277, 82.12.0273, 82.08.0278, 82.12.0274, 82.08.0279, 82.08.02795, 82.12.02745, 82.08.02805, 82.12.02747,

82.08.02806, 82.12.02748, 82.08.02807, 82.12.02749, 82.08.0281, 82.12.0275, 82.08.0282, 82.12.0276, 82.08.0283, 82.12.0277, 82.08.0285, 82.12.0279, 82.08.0287, 82.12.0282, 82.08.02875, 82.08.0288, 82.12.0283, 82.08.0291, 82.12.02917, 82.08.02915, 82.12.02915, 82.08.0293, 82.12.0293, 82.08.0294, 82.12.0294, 82.08.0296, 82.12.0296, 82.08.0297, 82.12.0297, 82.08.0298, 82.12.0298, 82.08.0299, 82.08.031, 82.12.031, 82.08.0311, 82.12.0311, 82.08.0315, 82.12.0316, 82.08.032, 82.12.032, 82.08.033, 82.12.033, 82.08.034, 82.12.034, 82.08.036, 82.12.038, 82.08.037, 82.12.037, 82.08.050, 82.12.040, 82.08.080, 82.08.205, 82.12.205, 82.08.207, 82.12.207, 82.08.210, 82.12.210, 82.08.215, 82.12.215, 82.08.220, 82.12.220, 82.08.700, 82.12.700, 82.08.803, 82.12.803, 82.08.804, 82.12.804, 82.08.805, 82.12.805, 82.08.806, 82.08.807, 82.12.807, 82.08.808, 82.12.808, 82.08.809, 82.12.809, 82.08.810, 82.12.810, 82.08.811, 82.12.811, 82.08.816, 82.12.816, 82.08.820, 82.12.820, 82.08.830, 82.08.832, 82.12.832, 82.08.834, 82.12.834, 82.08.850, 82.12.850, 82.08.855, 82.12.855, 82.08.865, 82.12.865, 82.08.870, 82.12.845, 82.08.875, 82.12.875, 82.08.880, 82.12.880, 82.08.890, 82.12.890, 82.08.900, 82.12.900, 82.08.910, 82.12.910, 82.08.920, 82.12.920, 82.08.925, 82.12.925, 82.08.935, 82.12.935, 82.08.940, 82.12.940, 82.08.945, 82.12.945, 82.08.950, 82.12.950, 82.08.956, 82.12.956, 82.08.962, 82.12.962, 82.08.963, 82.12.963, 82.08.965, 82.12.965, 82.08.9651, 82.12.9651, 82.08.970, 82.12.970, 82.08.975, 82.12.975, 82.08.980, 82.12.980, 82.08.983, 82.12.983, 82.08.985, 82.12.985, 82.08.986, 82.12.986, 82.08.990, 82.08.995, 82.12.995, 82.08.997, 82.08.998, 82.12.998, 82.08.999, 82.12.999, 82.08.9995, 82.12.9995, 82.08.9996, 82.12.9996, 82.12.010, 82.12.0251, 82.12.02595, 82.12.0263, 82.12.0264, 82.12.0265, 82.12.0266, 82.12.0272, 82.12.0284, 82.12.035, 82.12.225, 82.12.800, 82.12.801, 82.12.802, 82.12.860, 82.14.410, 82.14.430, 82.14.450, 82.32.065, 82.32.580, 82.32.760, 82.34.050, 82.60.040, 82.60.049, 82.63.010, 82.66.040, 82.75.010, 82.75.030, 82.82.020, 82.82.030, 82.64.030, 82.64.040, 82.18.050, 84.33.075, 84.33.0775, 84.33.0776, 84.33.086, 84.33.170, 82.44.010, 82.48.100, 82.44.015, 82.50.520, 82.49.020, and 88.02.570; and providing a contingent expiration date.

Referred to Committee on Finance.

HB 2666 by Representatives Santos, Walkinshaw and Farrell

AN ACT Relating to providing transparency on the effect of tax expenditures on the state's budget; amending RCW 43.06.400, 43.88.030, and 82.33.060; reenacting and amending RCW 82.33.020; and providing an effective date.

Referred to Committee on Appropriations.

HB 2667 by Representatives Farrell, Holy, Pollet, Shea, Nealey, Walsh, Scott, Kagi, Senn, Johnson and Short

AN ACT Relating to concerning administrative processes of the state parks and recreation commission that require a majority vote of the commission; amending RCW 79A.05.025 and 79A.05.175; and reenacting and amending RCW 79A.05.030.

Referred to Committee on Environment.

HB 2668 by Representatives Orwall, Goodman, Senn, Riccelli and Ormsby

AN ACT Relating to vacating convictions arising from offenses committed as a result of being a victim of trafficking, promoting prostitution, or promoting commercial sexual abuse of a minor; amending RCW 9.96.070; and reenacting and amending RCW 9.96.060.

Referred to Committee on Public Safety.

HB 2669 by Representatives Riccelli, Harris, Rossetti, Stambaugh, Bergquist, Walkinshaw, Robinson, Peterson, Jinkins, Farrell, Ortiz-Self, Pike, Goodman, Ormsby and Fey

AN ACT Relating to physical education instructional requirements for public school students; amending RCW 28A.230.040; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 2670 by Representatives Young, Sells, Haler, Taylor, Goodman, Sawyer, Riccelli, Van De Wege, Muri, Pollet, Scott, Klippert, Bergquist, Ortiz-Self, Stanford, McCaslin, Appleton, Condotta, G. Hunt, Farrell, Van Werven and Ormsby

AN ACT Relating to reforming the school assessment system to focus on teaching and learning; amending RCW 28A.155.170, 28A.180.100, 28A.195.010, 28A.200.010, 28A.230.090, 28A.230.122, 28A.230.125, 28A.305.130, 28A.320.195, 28A.320.208, 28A.415.360, 28A.600.310, 28A.655.061, 28A.655.068, 28A.655.070, 28A.700.080, and 28B.15.520; creating a new section; and repealing RCW 28A.155.045, 28A.600.405, 28A.655.065, 28A.655.066, and 28A.655.071.

Referred to Committee on Education.

HB 2671 by Representatives Kagi, Walsh and Stanford

AN ACT Relating to the definition of agency for purposes of early learning programs; and amending RCW 43.215.010.

Referred to Committee on Early Learning & Human Services.

HB 2672 by Representatives Zeiger, Smith, Harmsworth, DeBolt, Morris, Stokesbary, Hurst and Hargrove

AN ACT Relating to utility relocation costs; and amending RCW 81.112.100.

Referred to Committee on Transportation.

HB 2673 by Representatives Sawyer and Shea

AN ACT Relating to judgment liens; and amending RCW 6.13.090.

Referred to Committee on Judiciary.

HB 2674 by Representatives Jinkins, Rodne, Kilduff, Reykdal and Fey

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

Referred to Committee on Judiciary.

HB 2675 by Representatives Sells, Haler, Reykdal, Manweller, Ormsby, Ryu, Moscoso, Hayes, Zeiger, Johnson and Santos

AN ACT Relating to updating workforce investment act references and making no substantive changes; amending RCW 28B.50.281, 28C.18.010, 28C.18.060, 28C.18.150, 28C.18.164, 50.20.250, 50.22.150, 50.62.030, and 74.15.020; and reenacting and amending RCW 28C.04.410 and 50.22.155.

Referred to Committee on Higher Education.

HB 2676 by Representatives Blake and Rossetti

AN ACT Relating to authorizing cities and counties to exempt innovative housing from the state building code; amending RCW 19.27.060; adding a new section to chapter 19.27 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2677 by Representatives Senn, Walsh, Vick, Jinkins, Pike and Tharinger

AN ACT Relating to counties providing and maintaining detention rooms or detention houses; and amending RCW 13.04.135.

Referred to Committee on Early Learning & Human Services.

HB 2678 by Representatives Schmick, Cody and Van De Wege

AN ACT Relating to nursing home facilities; amending RCW 74.46.561, 74.42.360, and 74.42.010; reenacting and amending RCW 74.46.020; repealing RCW 74.46.803 and 74.46.807; and prescribing penalties.

Referred to Committee on Appropriations.

HB 2679 by Representatives Morris and Stanford

AN ACT Relating to consolidating the duties, powers, missions, functions, and funds of the life sciences discovery fund authority and the cancer research endowment authority within a center of excellence for life sciences and cancer research; amending RCW 43.348.040, 43.348.050, 43.348.080, 43.350.050, and 43.350.070; adding a new chapter to Title 43 RCW; recodifying RCW 43.348.040, 43.348.050, 43.348.080, 43.350.020, 43.350.030, 43.350.040, and 43.350.060; repealing RCW 43.348.005, 43.348.010, 43.348.020, 43.348.030, 43.348.060, 43.348.070, 43.348.900, and 43.350.010; and declaring an emergency.

Referred to Committee on Technology & Economic Development.

HB 2680 by Representatives Stambaugh, Frame, Zeiger, Riccelli, Van Werven, Magendanz, Kochmar, Kilduff, Hargrove, Stanford, Johnson and Hickel

AN ACT Relating to the Washington open education pilot grant program at the state universities, regional universities, and The Evergreen State College; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 2681 by Representatives Stambaugh, Manweller, Short, Kochmar, Wilson, Magendanz, Griffey, Riccelli, Cody and Robinson

AN ACT Relating to authorizing pharmacists to prescribe and dispense contraceptives; amending RCW 18.64.011; reenacting and amending RCW 69.41.030; adding a new section to chapter 18.64 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2682 by Representatives S. Hunt, Kilduff, Appleton, Orwall, Bergquist, Reykdal, Stanford, Pettigrew, Gregerson, Ormsby, Hickel, Frame and Pollet

AN ACT Relating to providing automatic voter registration at qualified voter registration agencies; amending RCW 29A.08.410, 29A.08.420, and 29A.08.720; adding a new section to chapter 29A.04 RCW; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.84 RCW; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on State Government.

HB 2683 by Representatives S. Hunt, Holy, Rossetti, Reykdal, Van De Wege, Fey, Riccelli and MacEwen

AN ACT Relating to state route number 26; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

HB 2684 by Representatives DeBolt, Magendanz, Condotta and Muri

AN ACT Relating to requiring that rules to regulate greenhouse gas emissions must provide for the establishment of credits for certain emission reduction activities; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Environment.

HB 2685 by Representatives Scott, Goodman, Taylor, Griffey, Haler, Wilson, Van Werven, Buys, Short, Shea, Kochmar, Caldier, Robinson, Rodne, McBride, Smith, Orwall, Zeiger, Ryu, Magendanz, Harmsworth, McCaslin, Pike, Young, Stambaugh, Condotta, G. Hunt, Muri and Wilcox

AN ACT Relating to criminalizing female genital mutilation; amending RCW 18.130.180 and 9.94A.515; adding a new section to chapter 9A.36 RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2686 by Representatives Sullivan, Walkinshaw, Bergquist, Kilduff, Rossetti, Pike, Zeiger, Stanford, Magendanz, Farrell, Santos, Ormsby and Pollet

AN ACT Relating to making the cost of textbooks and other college course materials more affordable; adding new sections to chapter 28B.50 RCW; adding a new section to chapter 28B.77 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2687 by Representatives Van De Wege, Sells, S. Hunt, Stanford and Goodman

AN ACT Relating to parity in coverage for hearing disabilities; adding a new section to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 2688 by Representatives Pettigrew and Santos

AN ACT Relating to authorizing cities to impose a temporary property tax increase to fund historic building rehabilitation; and amending RCW 84.55.050.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2689 by Representatives Pettigrew, Zeiger, Santos and Pollet

AN ACT Relating to the financing of historic building rehabilitation projects; adding new sections to chapter 43.330 RCW; adding a new section to 2015 3rd sp.s. c 3 (uncodified); and making an appropriation.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2690 by Representatives Sells, Ortiz-Self, Rossetti, McCaslin, Peterson, Kagi, S. Hunt, Robinson, Muri, Springer, Bergquist, Goodman, Haler and Pollet

AN ACT Relating to creating a pilot project to provide middle and junior high school students strategic and intentional academic support beyond the traditional school day to promote accountability and responsibility; adding new sections to chapter 43.330 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2691 by Representatives Pollet, Manweller, Sells, Zeiger, Tarleton, Haler and Kilduff

AN ACT Relating to Central Washington University's fifth year promise; adding a new section to chapter 28B.35 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2692 by Representatives Zeiger, Tarleton, Haler, Bergquist, Stambaugh, Hargrove, Gregerson, Muri, Kilduff and Pollet

AN ACT Relating to creating a higher education performance funding incentive system; amending RCW 28B.10.016; adding a new section to chapter 28B.15 RCW; creating a new section; and repealing RCW 28B.15.101.

Referred to Committee on Higher Education.

HB 2693 by Representative Blake

AN ACT Relating to the establishment of a marijuana lounge endorsement to a marijuana retailer's license; amending RCW 69.50.325 and 69.50.445; and prescribing penalties.

Referred to Committee on Commerce & Gaming.

HB 2694 by Representatives DeBolt, Johnson, Condotta, Sells, Wilson, S. Hunt and Pettigrew

AN ACT Relating to background checks in emergency placement situations requested by tribes; and amending RCW 26.44.240.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2695 by Representatives Blake, Rossetti and Scott

AN ACT Relating to ensuring that historic public recreational access is not diminished by the road maintenance and abandonment efforts of public forest landowners; amending RCW 79.10.130; and adding a new section to chapter 76.09 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2696 by Representatives Blake, Rossetti and Condotta

AN ACT Relating to the sale of marijuana plants and seeds for medical purposes; amending RCW 69.50.325, 69.50.342, 69.50.345, 69.50.348, 69.50.351, 69.50.354, 69.50.357, 69.50.357, 69.50.366, 69.50.369, 69.50.375, 69.50.382, 69.50.385, 69.51A.030, 69.51A.040, 69.51A.045, 69.51A.060, 69.51A.210, 69.51A.220, 69.51A.230, 69.51A.250, and 69.51A.290; reenacting and amending RCW 69.50.101 and 69.50.360; creating a new section; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Gaming.

HB 2697 by Representative S. Hunt

AN ACT Relating to campaign finance reporting requirements; amending RCW 42.17A.055, 42.17A.235, 42.17A.245, 42.17A.250, 42.17A.255, 42.17A.260, 42.17A.265, 42.17A.430, 42.17A.600, 42.17A.615, 42.17A.630, and 42.17A.700; and reenacting and amending RCW 42.17A.005.

Referred to Committee on State Government.

HCR 4415 by Representatives Sells, Haler, Reykdal, Manweller, Ormsby, Wylie, Ryu, Moscoso, Hayes, Zeiger, Condotta, Johnson, Kilduff and Santos

Approving the 2016 state comprehensive plan for workforce training and education.

Referred to Committee on Higher Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

## REPORTS OF STANDING COMMITTEES

January 14, 2016

HB 1034 Prime Sponsor, Representative Moeller: Concerning surname changes after the solemnization of a marriage. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman; Hansen; Kirby; Kuderer; Muri; Orwall and Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member; Haler and Klippert.

Passed to Committee on Rules for second reading.

January 14, 2016

SHB 1295 Prime Sponsor, Committee on Education: Concerning breakfast after the bell programs. Reported by Committee on Education

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Harris; Hunt, S.; Kilduff; Kuderer; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove; Hayes; Klippert and McCaslin.

Passed to Committee on Appropriations.

January 14, 2016

HB 1111 Prime Sponsor, Representative Kilduff: Concerning court transcripts. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

January 14, 2016

E2SHB 1541 Prime Sponsor, Committee on Appropriations: Implementing strategies to close the educational opportunity gap, based on the recommendations of the

educational opportunity gap oversight and accountability committee. Reported by Committee on Education

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Bergquist; Hunt, S.; Kilduff; Kuderer; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Magendanz, Ranking Minority Member; Caldier; Griffey; Hargrove; Hayes; Klippert and McCaslin.

MINORITY recommendation: Without recommendation. Signed by Representatives Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member and Harris.

Passed to Committee on Appropriations.

January 14, 2016  
SHB 1855 Prime Sponsor, Committee on Education: Waiving local graduation requirements for certain students. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Hunt, S.; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

Passed to Committee on Rules for second reading.

January 14, 2016  
SHB 1408 Prime Sponsor, Committee on Education: Concerning the development of a definition and model for "family engagement coordinator" and other terms used interchangeably with it. Reported by Committee on Education

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hunt, S.; Kilduff; Kuderer; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representative McCaslin.

MINORITY recommendation: Without recommendation. Signed by Representatives Hayes and Klippert.

Passed to Committee on Rules for second reading.

January 13, 2016  
HB 2305 Prime Sponsor, Representative Ryu: Concerning the handling of certain personal property in a self-service storage facility. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; Blake; Dye; Hurst; Kochmar; McCabe; Ryu and Santos.

Passed to Committee on Rules for second reading.

January 13, 2016  
HB 2316 Prime Sponsor, Representative Kirby: Addressing the securities act of Washington. Reported by Committee on Business & Financial Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; Blake; Dye; Hurst; Kochmar; McCabe; Ryu and Santos.

Passed to Committee on Rules for second reading.

January 14, 2016  
HB 1865 Prime Sponsor, Representative Magendanz: Concerning visual screening in schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Hunt, S.; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

Passed to Committee on Rules for second reading.

January 14, 2016  
HB 2299 Prime Sponsor, Representative Moeller: Requiring lobbying reports to be filed electronically. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van

Werven, Assistant Ranking Minority Member; Frame and Moscoso.

Passed to Committee on Rules for second reading.

January 14, 2016  
HB 2300 Prime Sponsor, Representative Moeller:  
 Protecting the personal information of a  
 person acting as a guardian ad litem.  
 Reported by Committee on State  
 Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame and Moscoso.

Passed to Committee on Rules for second reading.

January 13, 2016  
HB 2315 Prime Sponsor, Representative Kirby:  
 Addressing the expiration date of the  
 mortgage lending fraud prosecution  
 account. Reported by Committee on  
 Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; Blake; Dye; Hurst; Kochmar; McCabe; Ryu and Santos.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Labor & Workplace Standards was relieved of HOUSE BILL NO. 2505, and the bill was referred to the Committee on Business & Financial Services.

There being no objection, the Committee on Commerce & Gaming was relieved of HOUSE BILL NO. 2551, and the bill was referred to the Committee on Finance.

There being no objection, the Committee on Labor & Workplace Standards was relieved of HOUSE BILL NO. 2630, and the bill was referred to the Committee on Local Government.

There being no objection, the Committee on Labor & Workplace Standards was relieved of HOUSE BILL NO. 2600, and the bill was referred to the Committee on Higher Education.

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

There being no objection, the House adjourned until 9:55 a.m., January 19, 2016, the 9th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## NINTH DAY

House Chamber, Olympia, Tuesday, January 19, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

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

#### INTRODUCTION & FIRST READING

HB 2698 by Representatives Lytton, Magendanz and Sullivan

AN ACT Relating to delaying implementation of revisions to the school levy lid and local effort assistance; amending RCW 84.52.0531; amending 2013 c 242 s 10, 2012 1st sp.s. c 10 s 10, 2010 c 237 ss 9, 8, and 10, and 2013 2nd sp.s. c 4 s 1905 (uncodified); reenacting and amending RCW 84.52.0531; creating a new section; providing effective dates; and providing expiration dates.

Referred to Committee on Appropriations.

HB 2699 by Representatives Young, Van De Wege, Morris, Smith and Magendanz

AN ACT Relating to the sale of software used in the unauthorized interference of ticket sales over the internet; and amending RCW 19.345.020.

Referred to Committee on Technology & Economic Development.

HB 2700 by Representatives Goodman, Klippert, Orwall, Hayes, Kuderer and Pettigrew

AN ACT Relating to impaired driving; amending RCW 36.28A.320, 46.01.260, 46.64.025, 46.20.291, 46.20.289, 9.94A.533, 46.61.506, 46.61.508, 18.130.410, 10.01.230, 46.61.140, 10.05.140, 46.20.311, 46.20.385, 46.20.720, 46.61.5055, and 46.20.308; reenacting and amending RCW 43.79A.040 and 10.31.100; and providing an effective date.

Referred to Committee on Public Safety.

HB 2701 by Representatives Wylie, Vick, Springer, Hickel and Fey

AN ACT Relating to the regulation of alcoholic beverages; amending RCW 66.24.380, 66.12.110,

66.12.120, 66.12.240, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.20.210, 66.24.210, 66.28.030, 66.28.035, 66.28.040, and 66.44.350; reenacting and amending RCW 66.24.170 and 66.20.010; and repealing RCW 66.24.440.

Referred to Committee on Commerce & Gaming.

HB 2702 by Representative Klippert

AN ACT Relating to flying flags from Washington state ferry system vessels and terminals; and adding a new section to chapter 47.60 RCW.

Referred to Committee on Transportation.

HB 2703 by Representative Klippert

AN ACT Relating to promoting responsible and productive citizenship; amending RCW 28A.230.090 and 28A.655.005; and creating a new section.

Referred to Committee on Education.

HB 2704 by Representatives Klippert, Hayes, Wilson and Griffey

AN ACT Relating to peace officers; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Public Safety.

HB 2705 by Representatives Klippert, Hayes, Wilson and Griffey

AN ACT Relating to increasing the seriousness level of first degree rape and first degree rape of a child; amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2706 by Representatives Klippert, Goodman, Hayes, Wilson, Griffey and Orwall

AN ACT Relating to making a fourth driving under the influence offense a felony; amending RCW 46.61.502, 46.61.504, 46.61.5055, 9.94A.515, and 46.61.5054; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2707 by Representatives Bergquist, Stambaugh, Holy, Kagi, Pettigrew, Zeiger and Fitzgibbon

AN ACT Relating to voter preregistration of persons seventeen years of age including the designation of voter registration locations and voter preregistration locations; amending RCW 28A.230.150, 29A.08.110, 29A.08.125, 29A.08.210, 29A.08.310, 29A.08.615, 29A.08.710, 29A.08.720, 29A.08.760, 29A.84.140, 46.20.155, and 42.56.250; adding new sections to chapter 29A.08 RCW; creating a new section; prescribing penalties; and providing a contingent effective date.

Referred to Committee on State Government.

HB 2708 by Representatives Appleton, Griffey, McBride and Fitzgibbon

AN ACT Relating to fire protection district formation by the legislative authority of a city or town subject to voter approval; amending RCW 52.14.010 and 52.14.020; adding new sections to chapter 52.02 RCW; and adding a new section to chapter 52.14 RCW.

Referred to Committee on Local Government.

HB 2709 by Representatives Riccelli, Griffey and Fitzgibbon

AN ACT Relating to firefighter memorial special license plates; amending RCW 46.68.420; reenacting and amending RCW 46.18.200 and 46.17.220; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2710 by Representatives McCabe, Kilduff, Johnson, Kochmar, Caldier, Wylie, Walsh and Dent

AN ACT Relating to eligibility for lifetime veteran's disability passes; amending RCW 79A.05.065; and creating a new section.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2711 by Representatives McCabe, Walsh, Orwall, Cody, McBride, Caldier, Kilduff and Wylie

AN ACT Relating to increasing the availability of sexual assault nurse examiners; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care & Wellness.

HB 2712 by Representatives Wilson, Hayes, Griffey, Klippert, Shea, G. Hunt and Young

AN ACT Relating to the use of force in self-defense; amending RCW 9A.16.020 and 9A.16.050; and adding new sections to chapter 9A.16 RCW.

Referred to Committee on Judiciary.

HB 2713 by Representatives Wilson, Van Werven and Caldier

AN ACT Relating to designating the revenue from the sales and use tax on feminine hygiene products to the women helping women grant program; reenacting and amending RCW 43.84.092; adding a new section to chapter 82.32 RCW; adding new sections to chapter 43.31 RCW; and creating new sections.

Referred to Committee on Appropriations.

HB 2714 by Representatives Rossetti, Santos, Parker, Reykdal, Magendanz, Haler, Hickel and Riccelli

AN ACT Relating to preventing unfunded state mandates; and amending RCW 28A.300.0401.

Referred to Committee on Education.

HB 2715 by Representatives Blake and Orcutt

AN ACT Relating to providing sales and use tax exemptions, in the form of a remittance of tax paid, to encourage coal-fired electric generation plants to convert to natural gas-fired plants or biomass energy facilities; amending RCW 82.14.050 and 82.14.060; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Technology & Economic Development.

HB 2716 by Representatives Senn, Walsh, Kagi, Walkinshaw and McCabe

AN ACT Relating to working connections child care eligibility for vulnerable children; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

HB 2717 by Representatives Young and Orcutt

AN ACT Relating to directing the department of transportation to identify opportunities and, if appropriate, submit an invitation for bids or request for proposals to contract with concessionaires to operate on and collect tolls for the Tacoma Narrows bridge; amending RCW 47.56.030, 47.56.077, and 47.56.165; reenacting and amending RCW 47.56.010; adding a new section to chapter 47.56 RCW; creating new sections; and providing a contingent expiration date.

Referred to Committee on Transportation.

HB 2718 by Representatives Kilduff, McCabe and Muri

AN ACT Relating to consumer protections for military members on active duty; and adding a new section to chapter 38.40 RCW.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2719 by Representatives Griffey, Orcutt, MacEwen and Dent

AN ACT Relating to the economic development element of the growth management act; amending RCW 36.70A.070 and 36.70A.070; adding a new section to chapter 36.70A RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Local Government.

HB 2720 by Representatives Scott, Taylor, Schmick, Dent, Van Werven, Buys, Griffey, McCaslin, Holy and Manweller

AN ACT Relating to protecting private property rights by aligning the jurisdictional scope of the state water pollution control act with the jurisdictional scope of the federal clean water act; amending RCW 90.48.010, 90.48.020, 90.48.030, and 90.48.150; and creating a new section.

Referred to Committee on Environment.

HB 2721 by Representatives Scott, Taylor, Schmick, Dent, Van Werven, Buys, Griffey, McCaslin, Holy and Manweller

AN ACT Relating to ensuring that a new federal government definition of the term "waters of the United States" has no applicability to the regulation of water quality in the state of Washington; amending RCW 90.48.010, 90.48.020, 90.48.030, 90.48.035, 90.48.153, and 90.48.260; adding a new section to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Environment.

HB 2722 by Representatives Kochmar and Stanford

AN ACT Relating to modifying and updating small works roster construction and limited public works requirements; amending RCW 28A.335.190, 28B.10.350, 28B.50.330, 35.22.620, 35.23.352, 35.61.135, 35.82.076, 36.32.235, 36.32.250, 36.77.075, 39.04.010, 39.04.200, 39.04.380, 39.12.040, 52.14.110, 53.08.120, 54.04.070, 57.08.050, 70.44.140, and 87.03.436; adding new sections to chapter 39.04 RCW; creating a new section; and repealing RCW 39.04.155 and 39.04.156.

Referred to Committee on Capital Budget.

HB 2723 by Representative Hurst

AN ACT Relating to clarifying that internet security, cloud, and other related internet companies are not in violation when selling internet-related equipment and services to gaming companies not operating in Washington state; and amending RCW 9.46.240.

Referred to Committee on Commerce & Gaming.

HB 2724 by Representatives Harmsworth, Hargrove, Hurst, Orcutt and Blake

AN ACT Relating to the election and authority of regional transit authority board members; amending RCW 81.112.010 and 81.112.030; adding a new section to chapter 81.112 RCW; creating a new section; repealing RCW 81.112.040; and providing an effective date.

Referred to Committee on Transportation.

HB 2725 by Representatives Rossetti and Kirby

AN ACT Relating to the authority of pharmacists to dispense prescription drugs; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health Care & Wellness.

HB 2726 by Representatives Walkinshaw, Tharinger and Senn

AN ACT Relating to the regulation of continuing care retirement communities; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2727 by Representative Stokesbary

AN ACT Relating to teacher retention; adding a new section to chapter 28A.405 RCW; adding new sections to chapter 28A.660 RCW; and creating new sections.

Referred to Committee on Education.

HB 2728 by Representative Stokesbary

AN ACT Relating to creating a reading coaches grant program; adding a new section to chapter 28A.630 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2729 by Representative Stokesbary

AN ACT Relating to school grading and choice; amending RCW 28A.655.110 and 28A.657.110; adding a new section to chapter 28A.657 RCW; and creating a new section.

Referred to Committee on Education.

HB 2730 by Representatives Peterson and Walkinshaw

AN ACT Relating to the prescription drug monitoring program; and reenacting and amending RCW 69.50.308 and 70.225.040.

Referred to Committee on Health Care & Wellness.

HB 2731 by Representatives Appleton and Johnson

AN ACT Relating to candidates appearing on the ballot when two or fewer candidates file; and amending RCW 29A.52.112 and 42.17A.405.

Referred to Committee on State Government.

HB 2732 by Representatives Peterson and Stokesbary

AN ACT Relating to voter approval requirements for fire protection district annexations; and amending RCW 52.04.071.

Referred to Committee on State Government.

HB 2733 by Representatives Ryu, Stanford, Kirby and Santos

AN ACT Relating to establishing uniform insurance standards for taxicabs, for hire vehicles, and personal vehicles used to provide commercial transportation services; amending RCW 46.72.040 and 81.72.210; and adding a new section to chapter 46.08 RCW.

Referred to Committee on Business & Financial Services.

HB 2734 by Representative McCaslin

AN ACT Relating to changes to high school science assessment requirements; and amending RCW 28A.655.061, 28A.655.065, and 28A.655.068.

Referred to Committee on Education.

HB 2735 by Representatives Buys and Van Werven

AN ACT Relating to allowable uses of agricultural lands; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government.

HB 2736 by Representatives Frame, Moscoso and S. Hunt

AN ACT Relating to encouraging the governor to prioritize gender equality when making appointments and reappointments to state boards, commissions, and councils; adding a new section to chapter 43.06 RCW; and creating a new section.

Referred to Committee on State Government.

HB 2737 by Representatives Frame, Holy and S. Hunt

AN ACT Relating to criminal history record checks; adding a new section to chapter 43.22 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 82.01 RCW; and adding a new section to chapter 50.12 RCW.

Referred to Committee on State Government.

HB 2738 by Representative S. Hunt

AN ACT Relating to requiring permission to bring a concealed firearm into another person's residence or dwelling place; amending RCW 9.41.075; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2739 by Representative Condotta

AN ACT Relating to the redistribution of fees currently paid to the capital vessel replacement account by snowmobiles and nonhighway vehicles; amending RCW 46.17.040 and 47.60.322; and providing an effective date.

Referred to Committee on Transportation.

HB 2740 by Representative Condotta

AN ACT Relating to an exemption from discover pass requirements for off-road vehicles; and amending RCW 79A.80.010.

Referred to Committee on General Government & Information Technology.

HB 2741 by Representatives Kuderer and Hickel

AN ACT Relating to state and local government fiscal agents; amending RCW 43.80.100, 43.80.120, 43.80.125, 43.80.150, 39.46.020, and 39.46.030; adding a new section to chapter 43.80 RCW; and repealing RCW 43.80.110, 43.80.130, 43.80.140, and 43.80.160.

Referred to Committee on Business & Financial Services.

HJR 4212 by Representatives Klippert, Hayes, Wilson and Griffey

Proposing an amendment to the Constitution to make public safety a paramount duty of the state.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

#### REPORTS OF STANDING COMMITTEES

January 14, 2016  
HB 1034 Prime Sponsor, Representative Moeller:  
 Concerning surname changes after the solemnization of a marriage. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman; Hansen; Kirby; Kuderer; Muri; Orwall and Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member; Haler and Klippert.

Passed to Committee on Rules for second reading.

January 14, 2016  
HB 1111 Prime Sponsor, Representative Kilduff:  
 Concerning court transcripts. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

January 14, 2016  
SHB 1408 Prime Sponsor, Committee on Education:  
 Concerning the development of a definition and model for "family engagement coordinator" and other terms used interchangeably with it. Reported by Committee on Education

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hunt, S.; Kilduff; Kuderer; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representative McCaslin.

MINORITY recommendation: Without recommendation. Signed by Representatives Hayes and Klippert.

Passed to Committee on Rules for second reading.

January 14, 2016  
HB 1631 Prime Sponsor, Representative Lytton:  
 Allowing federally recognized tribes with lands held in trust in a county that is west of the Cascade mountain range that borders Puget Sound with a population of at least one hundred eighteen thousand, but less than two hundred fifty thousand, persons to enter into agreements regarding fuel taxes. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Appleton and Sawyer.

MINORITY recommendation: Do not pass. Signed by Representatives Wilson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member and Hickel.

Passed to Committee on Transportation.

January 14, 2016  
HB 1865 Prime Sponsor, Representative Magendanz:  
 Concerning visual screening in schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Hunt, S.; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

Passed to Committee on Appropriations.

January 14, 2016  
HB 1997 Prime Sponsor, Representative Tharinger:  
 Authorizing the creation and use of community facilities districts in limited areas of more intensive rural development. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Wilson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member; Appleton; Hickel and Sawyer.

Passed to Committee on Rules for second reading.

2SHB 1999 January 15, 2016  
 Prime Sponsor, Committee on Appropriations: Coordinating services and programs for foster youth in order to improve educational outcomes. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Dent; Hawkins; Kilduff; McCaslin; Sawyer and Walkinshaw.

Passed to Committee on Appropriations.

HB 2299 January 14, 2016  
 Prime Sponsor, Representative Moeller: Requiring lobbying reports to be filed electronically. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame and Moscoco.

Passed to Committee on Rules for second reading.

HB 2300 January 14, 2016  
 Prime Sponsor, Representative Moeller: Protecting the personal information of a person acting as a guardian ad litem. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame and Moscoco.

Passed to Committee on Rules for second reading.

HB 2315 January 13, 2016  
 Prime Sponsor, Representative Kirby: Addressing the expiration date of the mortgage lending fraud prosecution account. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; Blake; Dye; Hurst; Kochmar; McCabe; Ryu and Santos.

Passed to Committee on Rules for second reading.

HB 2326 January 15, 2016  
 Prime Sponsor, Representative Moeller: Transferring regulatory authority over independent review organizations to the insurance commissioner. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Harris, Assistant Ranking Minority Member; Caldier; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member and DeBolt.

Passed to Committee on Appropriations.

HB 2332 January 15, 2016  
 Prime Sponsor, Representative Kirby: Removing an expiration date concerning the filing and public disclosure of health care provider compensation. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

HB 2339 January 15, 2016  
 Prime Sponsor, Representative Moeller: Addressing health coverage for residential treatment. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Health Care & Wellness was relieved of HOUSE BILL NO. 2453, and the bill was referred to the Committee on Judiciary.

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1701, and the bill was referred to the Committee on Labor & Workplace Standards.

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

There being no objection, the House adjourned until 9:55 a.m., January 20, 2016, the 10th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## TENTH DAY

House Chamber, Olympia, Wednesday, January 20, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

RCW 13.40.020, 13.40.0357, and 13.40.165; and repealing RCW 13.40.167.

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

Referred to Committee on Early Learning & Human Services.

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

HB 2747 by Representatives Scott, Young, Manweller, McCaslin and Holy

**INTRODUCTION & FIRST READING**

AN ACT Relating to wetlands; and amending RCW 36.70A.030 and 90.58.030.

HB 2742 by Representatives Reykdal, Muri, Bergquist, Hayes, Magendanz and Kilduff

Referred to Committee on Environment.

AN ACT Relating to modifying provisions applicable to library materials and associated costs in requirements governing allocations per annual average full-time equivalent student for educational materials, supplies, and operating costs; amending RCW 28A.150.260; reenacting and amending RCW 28A.150.260; and providing effective dates.

HB 2748 by Representatives Griffey, Scott, Manweller, McCaslin, Young, Buys and Holy

AN ACT Relating to the payment of attorneys' fees to nongovernment parties under certain claims; and amending RCW 4.84.010.

Referred to Committee on Appropriations.

Referred to Committee on Judiciary.

HB 2743 by Representatives Reykdal and McBride

HB 2749 by Representative Kagi

AN ACT Relating to the issuance of a Washington state high school diploma; amending RCW 28B.50.536 and 28A.305.190; creating new sections; and providing an expiration date.

AN ACT Relating to the extension of dates concerning measuring performance and performance-based contracting of the child welfare system; and amending RCW 74.13.360.

Referred to Committee on Education.

Referred to Committee on Early Learning & Human Services.

HB 2744 by Representatives Santos, Ryu and Gregerson

HB 2750 by Representatives Taylor, McCaslin, Shea, G. Hunt, Scott, Condotta and Young

AN ACT Relating to cultural foods; amending RCW 43.20.145; and creating a new section.

AN ACT Relating to newborn screening practices; amending RCW 70.83.020; adding a new section to chapter 70.83 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

Referred to Committee on Health Care & Wellness.

HB 2745 by Representatives Fitzgibbon and Cody

AN ACT Relating to ferry advisory committees; and amending RCW 47.60.310.

HB 2751 by Representatives Dent, Blake, Buys, Schmick, Klippert, McCabe, Dye and Griffey

Referred to Committee on Transportation.

AN ACT Relating to investigations of pesticide exposure by the Washington state department of agriculture and other agencies; amending RCW 17.21.100, 70.104.030, and 70.104.055; adding a new section to chapter 15.58 RCW; adding a new section to chapter 17.21 RCW; and prescribing penalties.

HB 2746 by Representatives Walkinshaw, Walsh, Kagi and Senn

AN ACT Relating to mental health and chemical dependency treatment for juvenile offenders; amending

Referred to Committee on Health Care & Wellness.

HB 2752 by Representatives G. Hunt, Shea, Young, Taylor, Scott, Zeiger, Klippert and Holy

AN ACT Relating to protecting the rights of religious freedom and conscience of individuals in their beliefs and practices from government discrimination; and adding a new chapter to Title 49 RCW.

Referred to Committee on Judiciary.

HB 2753 by Representatives G. Hunt, Young, Taylor, Shea and Scott

AN ACT Relating to requiring secrecy flaps for ballot envelopes; and amending RCW 29A.40.091.

Referred to Committee on State Government.

HB 2754 by Representative Van Werven

AN ACT Relating to restricting the use of funds for grants to organizations that provide elective abortions; amending RCW 9.02.160 and 43.70.040; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2755 by Representatives Zeiger, Pollet, Haler and Springer

AN ACT Relating to administrative efficiencies in Washington state public higher education; and amending RCW 28B.10.027, 28B.10.029, 39.26.110, 39.26.140, 39.26.210, 42.48.010, 43.88.030, and 43.88.110.

Referred to Committee on Higher Education.

HB 2756 by Representative Haler

AN ACT Relating to providing an exemption from the false academic credential law for doctorate degrees awarded by a religious institution; and amending RCW 9A.60.070.

Referred to Committee on Higher Education.

HB 2757 by Representatives Fitzgibbon, Muri, Kilduff, Fey and Stokesbary

AN ACT Relating to directing state transportation projects to include evaluation under the state environmental policy act of impacts to public transportation; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Environment.

HB 2758 by Representatives Fey, Muri, Kilduff, Stambaugh, Farrell and Stokesbary

AN ACT Relating to requiring the use of an ordinance to advise the county governing body of a city's preliminary intent regarding inclusion or exclusion from a public transportation benefit area; and amending RCW 36.57A.030.

Referred to Committee on Transportation.

HB 2759 by Representatives Wylie, S. Hunt and Reykdal

AN ACT Relating to property tax exemptions for service-connected disabled veterans and senior citizens; amending RCW 84.36.381, 84.36.383, 84.36.385, and 84.38.020; reenacting and amending RCW 84.38.030; creating new sections; and providing effective dates.

Referred to Committee on Finance.

HB 2760 by Representatives Manweller, Springer and Zeiger

AN ACT Relating to eligibility for relocation assistance for tenants of closed or converted mobile home parks; and amending RCW 59.21.021.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2761 by Representatives Clibborn and Orcutt

AN ACT Relating to modifying the business and occupation tax credit for alternative fuel commercial vehicles; amending RCW 82.04.4496; and amending 2015 3rd sp.s. c 44 s 410 (uncodified).

Referred to Committee on Transportation.

HB 2762 by Representatives Fey, Clibborn and Manweller

AN ACT Relating to modifying certain vehicle filing and service fees and fee distributions; amending RCW 46.17.005, 46.17.040, and 46.68.400; and providing an effective date.

Referred to Committee on Transportation.

HB 2763 by Representatives Fey and McBride

AN ACT Relating to using the state environmental policy act to encourage development that is consistent with forward-looking growth plans; and amending RCW 43.21C.420 and 36.70A.490.

Referred to Committee on Environment.

HB 2764 by Representatives Jinkins, Chandler, Gregerson, Johnson and Appleton

AN ACT Relating to public defense fund distributions; amending RCW 10.101.050, 10.101.060, 10.101.070,

and 10.101.080; and adding a new section to chapter 10.101 RCW.

Referred to Committee on Appropriations.

HB 2765 by Representatives Kretz, Moscoso, Griffey, Hayes and Holy

AN ACT Relating to clarifying the limited authority of park rangers; and amending RCW 79A.05.160.

Referred to Committee on Public Safety.

HB 2766 by Representatives Harmsworth, Vick, Manweller, Springer and Zeiger

AN ACT Relating to the maintenance of certificates of title for manufactured homes; and adding a new section to chapter 46.12 RCW.

Referred to Committee on Judiciary.

HB 2767 by Representatives Walsh and Kagi

AN ACT Relating to defining and using the term center-based services for individuals with developmental disabilities; amending RCW 71A.12.080; and reenacting and amending RCW 71A.10.020.

Referred to Committee on Early Learning & Human Services.

HB 2768 by Representatives Schmick, Cody, Tharinger, Jinkins, Harris and Robinson

AN ACT Relating to taxes and service charges on certain qualified stand-alone dental plans offered in the individual or small group markets; and amending RCW 48.14.020, 48.14.0201, and 43.71.080.

Referred to Committee on Health Care & Wellness.

HB 2769 by Representatives Senn, Zeiger, Bergquist, Haler and Reykdal

AN ACT Relating to creating a pilot program for community and technical colleges to offer bachelor degrees; amending RCW 28B.50.140; reenacting and amending RCW 28B.15.069; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2770 by Representatives Hayes and Bergquist

AN ACT Relating to creating uniformity in driver training education provided by public and private entities; amending RCW 28A.220.010, 28A.220.020, 28A.220.030, 46.20.055, and 46.20.100; adding new sections to chapter 28A.220 RCW; creating new sections; repealing RCW 28A.220.050, 28A.220.060,

28A.220.080, 28A.220.085, and 46.82.400; and providing an effective date.

Referred to Committee on Transportation.

HB 2771 by Representatives Bergquist and Johnson

AN ACT Relating to public hospital district contracts for material and work; and amending RCW 70.44.140.

Referred to Committee on Capital Budget.

HB 2772 by Representatives Johnson and Bergquist

AN ACT Relating to job order contracts by public hospital districts; and reenacting and amending RCW 39.10.420.

Referred to Committee on Capital Budget.

HB 2773 by Representatives Klippert, Appleton, Haler, Hayes, Dent and Nealey

AN ACT Relating to repealing the warrant authority of coroners; amending RCW 36.24.100; and repealing RCW 36.24.110 and 36.24.120.

Referred to Committee on Judiciary.

HB 2774 by Representatives Riccelli and Zeiger

AN ACT Relating to the operation of unmanned aerial vehicles near certain airports; adding a new chapter to Title 14 RCW; and prescribing penalties.

Referred to Committee on Technology & Economic Development.

HB 2775 by Representatives Klippert, Appleton, Haler, Hayes and Dent

AN ACT Relating to coroners and medical examiners regarding death investigations; and amending RCW 68.50.050 and 68.50.020.

Referred to Committee on Public Safety.

HB 2776 by Representatives Klippert and Hayes

AN ACT Relating to clarifying the authority of officers to restrain children when necessary; and amending RCW 9A.16.020 and 9A.16.100.

Referred to Committee on Early Learning & Human Services.

HB 2777 by Representative Fitzgibbon

AN ACT Relating to providing an alternative to Initiative Measure No. 732; and creating a new section.

Referred to Committee on Environment.

HB 2778 by Representatives Fey, Orcutt, Clibborn, McBride, Moscoso, Hickel and Stambaugh

AN ACT Relating to retail sales and use tax exemption criteria for certain clean alternative fuel vehicles; amending RCW 82.08.809 and 82.12.809; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2779 by Representatives Kilduff, Magendanz, Pollet, Stanford and Lytton

AN ACT Relating to competitive bid procedures for school districts; and amending RCW 28A.335.190.

Referred to Committee on Capital Budget.

HB 2780 by Representatives Young, Bergquist and Stambaugh

AN ACT Relating to making higher education more affordable by providing incentives for the use of open source instructional materials; adding new sections to chapter 28B.10 RCW; adding a new section to chapter 82.04 RCW; and creating new sections.

Referred to Committee on Higher Education.

HB 2781 by Representatives Harris and Cody

AN ACT Relating to the board of massage; amending RCW 18.108.025, 18.108.070, and 18.108.073; and adding a new section to chapter 18.108 RCW.

Referred to Committee on Health Care & Wellness.

HB 2782 by Representatives Klippert and Dent

AN ACT Relating to establishing the gender privacy protection act; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2783 by Representatives Springer, Stokesbary, Reykdal, Vick, Robinson and Orcutt

AN ACT Relating to specifying the documentation that must be provided to determine when sales tax applies to the sale of a motor vehicle to an enrolled tribal member; adding a new section to chapter 82.08 RCW; and prescribing penalties.

Referred to Committee on Finance.

HB 2784 by Representatives Shea, Rodne, Manweller, Klippert, Haler, Schmick and McCaslin

AN ACT Relating to the state supreme court; amending RCW 2.04.070 and 2.04.071; and creating new sections.

Referred to Committee on Judiciary.

HB 2785 by Representatives Shea, Short, Schmick, Taylor, Scott and McCaslin

AN ACT Relating to ensuring that restrictions on the use of solid fuel burning devices do not prohibit the installation or replacement of solid fuel burning devices or the use of these devices during temporary outages of other sources of heat; and amending RCW 70.94.473 and 70.94.477.

Referred to Committee on Environment.

HB 2786 by Representatives Shea and Orcutt

AN ACT Relating to removing the requirement for majority legislative approval of fee increases from the contingency provisions of the sales tax rate decrease created by Initiative Measure No. 1366; and amending 2016 c 1 s 3 (uncodified).

Referred to Committee on Appropriations.

HB 2787 by Representatives Shea and McCaslin

AN ACT Relating to reducing conflicts and ambiguity of law by eliminating certain laws; and adding a new section to chapter 1.08 RCW.

Referred to Committee on Judiciary.

HB 2788 by Representatives Shea and McCaslin

AN ACT Relating to identifying water rights for municipal water supply purposes; and amending RCW 90.03.560.

Referred to Committee on Agriculture & Natural Resources.

HB 2789 by Representatives Hurst and Kochmar

AN ACT Relating to testamentary privileges for alcohol and drug addiction recovery sponsors; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

HB 2790 by Representatives Walsh, Kilduff, Nealey, Kagi, Senn, Zeiger and Sawyer

AN ACT Relating to employment and community access services for individuals with developmental disabilities; and amending RCW 71A.12.290.

Referred to Committee on Early Learning & Human Services.

HB 2791 by Representatives Pettigrew, Goodman, Moscoso and Senn

AN ACT Relating to the Washington statewide reentry council; reenacting and amending RCW 41.06.070; adding a new chapter to Title 43 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Public Safety.

HB 2792 by Representatives Magendanz and Stokesbary

AN ACT Relating to shortening the period of time in which the department of revenue must process unclaimed property applications; and amending RCW 63.29.240 and 63.29.260.

Referred to Committee on Finance.

HB 2793 by Representatives Orwall, Blake, Kretz, Sullivan, Cody and Jinkins

AN ACT Relating to providing for suicide awareness and prevention education for safer homes; amending RCW 9.41.310 and 43.70.442; adding a new section to chapter 43.70 RCW; adding a new section to chapter 82.04 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

HB 2794 by Representative Orwall

AN ACT Relating to initial detention determinations by designated mental health professionals; and amending RCW 71.05.153.

Referred to Committee on Judiciary.

HB 2795 by Representative Kirby

AN ACT Relating to tax relief for the construction of adapted housing for disabled veterans; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating new sections.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2796 by Representatives Van Werven, Lytton, Stambaugh, Bergquist, Hargrove, Haler and Zeiger

AN ACT Relating to providing students with the costs of required course materials during registration; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2797 by Representative Santos

AN ACT Relating to communication, visitation, and interaction involving incapacitated persons; amending RCW 11.92.043; and adding a new section to chapter 11.88 RCW.

Referred to Committee on Judiciary.

HB 2798 by Representatives Robinson, Walkinshaw, Jinkins and Riccelli

AN ACT Relating to mitigating the adverse impacts of sugar-sweetened beverages; adding a new chapter to Title 70 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2799 by Representatives McBride, Robinson, Zeiger, Ormsby, Gregerson and Orwall

AN ACT Relating to the sale of manufactured/mobile home communities; amending RCW 59.20.030 and 82.45.010; adding new sections to chapter 59.20 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2800 by Representative Haler

AN ACT Relating to correcting a double amendment concerning county legislative authorities; and reenacting and amending RCW 36.32.080.

Referred to Committee on Local Government.

HB 2801 by Representatives Hansen and Haler

AN ACT Relating to expanding higher education opportunities for certain students; and amending RCW 28B.118.010 and 28B.145.030.

Referred to Committee on Higher Education.

HJR 4213 by Representatives Shea and Orcutt

Requiring the referral of a constitutional amendment that requires a two-thirds vote of the legislature for tax increases, legislative approval for fee increases, and removes the advisory vote requirement for tax increases.

Referred to Committee on Finance.

HJR 4214 by Representatives Shea and Orcutt

Requiring the referral of a constitutional amendment requiring a two-thirds vote of the legislature for tax increases.

Referred to Committee on Finance.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Transportation was relieved of HOUSE BILL NO. 2393, and the bill was referred to the Committee on Business & Financial Services.

There being no objection, the Committee on Transportation was relieved of HOUSE BILL NO. 2672, and the bill was referred to the Committee on Technology & Economic Development.

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

#### **COMMITTEE APPOINTMENTS**

The Speaker (Representative Orwall presiding) announced the following committee appointments:

Representative Dent is appointed Assistant Ranking Member of the Committee on Early Learning & Human Services.

Representative Scott is removed as Assistant Ranking Member of the Committee on Early Learning & Human Services.

There being no objection, the House adjourned until 9:55 a.m., January 21, 2016, the 11th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## ELEVENTH DAY

House Chamber, Olympia, Thursday, January 21, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

**MESSAGE FROM THE SENATE**

January 20, 2016

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5180,  
SENATE BILL NO. 5879,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6194,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

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

**INTRODUCTION & FIRST READING**HB 2802 by Representatives Wylie, Vick, Blake and Harris

AN ACT Relating to the provision of personal services and promotional items by cannabis producers and processors; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Commerce &amp; Gaming.

HB 2803 by Representatives Ormsby and Sells

AN ACT Relating to improving compliance with prevailing wage procedures; and amending RCW 39.12.050.

Referred to Committee on Labor &amp; Workplace Standards.

HB 2804 by Representatives Haler, Clibborn, Moscoso, Stambaugh, Sawyer, Kochmar, Hickel, Zeiger, Ortiz-Self, Sells, Fitzgibbon, Farrell, Reykdal, Springer, Orwall, Muri, Santos, Pettigrew, Ormsby, Goodman, Stokesbary and Kilduff

AN ACT Relating to including highway workers employed on a transportation project by a contractor in the tuition and fee exemption for children and surviving

spouses of highway workers; and amending RCW 28B.15.380.

Referred to Committee on Higher Education.

HB 2805 by Representatives Reykdal, Griffey, Moeller, Van De Wege, Gregerson, Ormsby and Sawyer

AN ACT Relating to mandatory reporting of hazardous exposures for firefighters; adding a new section to chapter 51.32 RCW; adding a new section to chapter 42.56 RCW; and creating a new section.

Referred to Committee on Labor &amp; Workplace Standards.

HB 2806 by Representatives Kuderer, Gregerson, Stambaugh, Griffey, Hayes, Ormsby, Van De Wege, Sawyer, Moeller, Zeiger and Riccelli

AN ACT Relating to the presumption of occupational diseases for purposes of industrial insurance; amending RCW 51.32.185; and creating a new section.

Referred to Committee on Labor &amp; Workplace Standards.

HB 2807 by Representatives Dye, Moscoso, Schmick and Fey

AN ACT Relating to heavy haul industrial corridors; amending RCW 46.44.0915; and providing an effective date.

Referred to Committee on Transportation.

HB 2808 by Representative Jinkins

AN ACT Relating to amending the process for a person's immediate family member, guardian, or conservator to petition the court for the person's initial detention under the involuntary treatment act; and amending RCW 71.05.201.

Referred to Committee on Judiciary.

HB 2809 by Representatives Sullivan, Manweller, Pettigrew, Wilcox, Farrell, Zeiger, Senn, Springer, Fitzgibbon and Morris

AN ACT Relating to reinstating tax preferences for certain high-technology research and development; amending RCW 82.63.010, 82.63.020, and 82.63.045;

reenacting RCW 82.63.060 and 82.63.065; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.63 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

HB 2810 by Representatives Taylor and Gregerson

AN ACT Relating to review and adoption of electrical rules; and amending RCW 19.28.031.

Referred to Committee on Labor & Workplace Standards.

HB 2811 by Representatives Walkinshaw, Harris, Jinkins and Walsh

AN ACT Relating to tenant screening, evictions, and refunds under the residential landlord-tenant act; amending RCW 59.18.257 and 59.18.280; reenacting and amending RCW 59.18.030; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Judiciary.

HB 2812 by Representative Goodman

AN ACT Relating to aggravated sentencing for certain theft or burglary offenses; and amending RCW 9.94A.535.

Referred to Committee on Public Safety.

HB 2813 by Representative Shea

AN ACT Relating to rental agreement terms and content under the manufactured/mobile home landlord-tenant act; and amending RCW 59.20.090.

Referred to Committee on Judiciary.

HB 2814 by Representatives Klippert, Blake and Dye

AN ACT Relating to areas for shooting under the growth management act; and amending RCW 36.70A.177.

Referred to Committee on Local Government.

HB 2815 by Representatives Hayes and Smith

AN ACT Relating to modifying the eligibility requirements for certain counties with ferry terminals to form a regional transportation planning organization; amending RCW 47.80.020; and providing an effective date.

Referred to Committee on Transportation.

HB 2816 by Representative Muri

AN ACT Relating to increasing the rate of sales and use tax that may be imposed by a transportation benefit district; amending RCW 82.14.0455; and providing an effective date.

Referred to Committee on Transportation.

HB 2817 by Representatives Moscoso, Pettigrew, Appleton and Orwall

AN ACT Relating to creating an office of the corrections ombuds; adding a new chapter to Title 43 RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2818 by Representatives Kilduff, Muri, Kagi, Reykdal, Fey and Fitzgibbon

AN ACT Relating to covering loads on public highways; amending RCW 46.61.655, 46.63.020, and 7.68.020; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2819 by Representatives Riccelli and Schmick

AN ACT Relating to dental licensure through completion of a residency program; and reenacting and amending RCW 18.32.040.

Referred to Committee on Health Care & Wellness.

HB 2820 by Representatives Pollet, Zeiger, Sells, Tarleton, Ortiz-Self, Ormsby, S. Hunt, Frame, Bergquist, Reykdal and Robinson

AN ACT Relating to establishing the Washington promise program, which provides for universal and affordable access to community and technical colleges; amending RCW 43.88C.010; adding a new chapter to Title 28B RCW; and providing an effective date.

Referred to Committee on Higher Education.

HB 2821 by Representatives Harmsworth, Bergquist, Rossetti, Moscoso, Clibborn and Pike

AN ACT Relating to vehicle reports of sale; amending RCW 46.12.650; and providing an effective date.

Referred to Committee on Transportation.

HB 2822 by Representatives Santos, Pettigrew, Ryu, Walkinshaw, Ortiz-Self, Gregerson and Moscoso

AN ACT Relating to restoring the fair treatment of underserved groups in public employment, education, and contracting; amending RCW 28B.20.744,

39.10.430, 39.10.450, and 49.04.100; and repealing RCW 49.60.400 and 49.60.401.

Referred to Committee on Capital Budget.

HB 2823 by Representatives Parker, Riccelli and Manweller

AN ACT Relating to creating a program to provide students and the community with the means to report anonymously concerning unsafe or violent activities, or the threat of these activities; reenacting and amending RCW 42.56.240; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.320 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Education.

HB 2824 by Representative Sawyer

AN ACT Relating to promoting educational success in public schools; amending RCW 28A.715.040, 28B.76.526, and 28A.150.205; reenacting and amending RCW 28A.710.010, 28A.710.020, 28A.710.030, 28A.710.040, 28A.710.050, 28A.710.060, 28A.710.070, 28A.710.080, 28A.710.090, 28A.710.100, 28A.710.110, 28A.710.120, 28A.710.130, 28A.710.140, 28A.710.150, 28A.710.160, 28A.710.170, 28A.710.180, 28A.710.190, 28A.710.200, 28A.710.210, 28A.710.220, 28A.710.230, 28A.710.250, 28A.150.010, and 28A.315.005; reenacting RCW 28A.710.240, 28A.710.260, 41.32.033, 41.35.035, 41.40.025, 41.05.011, 41.56.0251, and 41.59.031; adding new sections to chapter 28A.710 RCW; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 28A.235 RCW; creating new sections; repealing RCW 28A.710.005; making appropriations; and declaring an emergency.

Referred to Committee on Education.

HB 2825 by Representatives Frame, Zeiger, Walkinshaw, Sambaugh, Fitzgibbon, Haler, Tarleton and Pollet

AN ACT Relating to student services for students with disabilities; amending RCW 28B.10.912 and 28B.10.914; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 2826 by Representatives DeBolt, Morris and Smith

AN ACT Relating to the repeal of certain duties of the state energy office with regard to preparing the state energy strategy document; amending RCW 43.21F.025 and 43.21F.045; repealing RCW 43.21F.010, 43.21F.088, and 43.21F.090; and repealing 1994 c 207 s 1 (uncodified).

Referred to Committee on Technology & Economic Development.

HB 2827 by Representative DeBolt

AN ACT Relating to repealing fuel mix disclosure requirements; amending RCW 19.29A.050; reenacting and amending RCW 19.29A.010; creating a new section; and repealing RCW 19.29A.060, 19.29A.070, and 19.29A.080.

Referred to Committee on Technology & Economic Development.

HB 2828 by Representative Stanford

AN ACT Relating to forest practices board rules to decrease risks to public safety from potentially unstable slopes; amending RCW 76.09.370; reenacting and amending RCW 76.09.020; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

## REPORTS OF STANDING COMMITTEES

January 19, 2016

HB 1130 Prime Sponsor, Representative Fey: Concerning water power license fees. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Short, Assistant Ranking Minority Member; Dye; Farrell; Fey; Goodman and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Pike and Taylor.

Passed to Committee on General Government & Information Technology.

January 19, 2016

HB 1231 Prime Sponsor, Representative Ormsby: Establishing the prevailing rate of wage based on collective bargaining agreements or other methods if collective bargaining agreements are not available. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Manweller, Ranking Minority Member; Hunt, G., Assistant Ranking Minority Member and McCabe.

Passed to Committee on Rules for second reading.

January 18, 2016

HB 1438 Prime Sponsor, Representative Sawyer: Permitting cities, towns, and counties to prohibit the production, processing, and sale of marijuana under Initiative Measure No. 502 only by public vote. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Kirby; Van De Wege and Vick.

MINORITY recommendation: Do not pass. Signed by Representatives Blake and Scott.

MINORITY recommendation: Without recommendation. Signed by Representative Holy, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 19, 2016

ESHB 1646 Prime Sponsor, Committee on Labor & Workplace Standards: Enacting the equal pay opportunity act by amending and enhancing enforcement of the equal pay act and protecting worker communications about wages and employment opportunities. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Manweller, Ranking Minority Member; Hunt, G., Assistant Ranking Minority Member and McCabe.

Passed to Committee on Rules for second reading.

January 19, 2016

HB 1833 Prime Sponsor, Representative Klippert: Concerning timing free access days at state parks with local community events. Reported by Committee on Environment

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Farrell; Fey; Goodman and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Pike and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Short, Assistant Ranking Minority Member and Dye.

Passed to Committee on Rules for second reading.

January 19, 2016

HB 2061 Prime Sponsor, Representative Short: Authorizing county legislative authorities to approve certain group B water systems based upon their delivery of water meeting safe drinking water standards. Reported by Committee on Environment

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye; Farrell; Fey; Goodman; McBride and Pike.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Passed to Committee on Rules for second reading.

January 20, 2016

HB 2097 Prime Sponsor, Representative Kirby: Revising the authority to charge fees in courts of limited jurisdiction. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Haler; Hansen; Kirby; Klippert; Kuderer and Muri.

MINORITY recommendation: Do not pass. Signed by Representative Stokesbary.

MINORITY recommendation: Without recommendation. Signed by Representatives Goodman and Orwall.

Passed to Committee on Rules for second reading.

January 19, 2016

HB 2307 Prime Sponsor, Representative Farrell: Providing reasonable accommodations in the workplace for pregnant women.

Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Manweller, Ranking Minority Member; Hunt, G., Assistant Ranking Minority Member and McCabe.

Passed to Committee on Rules for second reading.

January 18, 2016

HB 2320 Prime Sponsor, Representative Stokesbary: Providing that the horse racing commission operating account is a nonappropriated account. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on Appropriations.

January 19, 2016

HB 2323 Prime Sponsor, Representative Kilduff: Creating the Washington achieving a better life experience program. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Scott, Assistant Ranking Minority Member.

Passed to Committee on Appropriations.

January 15, 2016

HB 2335 Prime Sponsor, Representative Cody: Addressing health care provider credentialing. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Harris, Assistant Ranking Minority Member; Jinkins; Moeller; Robinson; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier; DeBolt and Short.

MINORITY recommendation: Without recommendation. Signed by Representative Johnson.

Passed to Committee on General Government & Information Technology.

January 20, 2016

HB 2623 Prime Sponsor, Representative Van Werven: Concerning recounts of statewide advisory measures. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

January 20, 2016

HB 2624 Prime Sponsor, Representative Hunt, S.: Concerning election errors involving measures. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., January 22, 2016, the 12th Day of the Regular Session.

FRANK CHOPP, Speaker  
BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## TWELFTH DAY

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

**MESSAGE FROM THE SECRETARY OF STATE****CERTIFICATION OF INITIATIVE TO THE LEGISLATURE NO. 732**

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29A.72.230, and WAC 434-379-010, the Office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature No. 732 to be examined in the following manner:

1. It was determined that 363,126 signatures were submitted by the sponsors of the initiative. A random sample of 11,061 signatures was taken from those submitted;
2. Each sampled signature was examined to determine if the signer was a registered voter of the state, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 9,187 valid signatures, 1,837 signatures that were invalid and 37 pairs of duplicated signatures in the sample;
3. We calculated an allowance for the chance error of sampling (64) by multiplying the square root of the number of invalid signatures by 1.5;
4. We estimated the upper limit of the number of signatures on the initiative petition which were invalid (62,418) by dividing the sum of the number of invalid signatures in the sample and allowance for the chance of error of sampling by the sampling ratio;
5. We determined the maximum allowable number of duplicate pairs of signatures on the petition (54,336) by subtracting the sum of the number of signatures required by Article 11, Section 1 of the Washington State Constitution (246,372) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;
6. We determined the expected number of duplicate pairs of signatures in the sample (SO) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;
7. We determined the acceptable number of duplicate pairs of signatures in the sample (39) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and

House Chamber, Olympia, Friday, January 22, 2016

8. The number of duplicate pairs of signatures in the sample is less than the acceptable number of duplicate pairs of signatures in the sample.

Therefore, I hereby declare Initiative to the Legislature No. 732 to contain sufficient signatures.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this 21<sup>st</sup> day of January, 2016

Kim Wyman  
Secretary of State

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

**INTRODUCTION & FIRST READING**HI 732

Creating a carbon pollution tax on fossil fuels to fund a reduction in the state sales tax, a reduction in the business and occupation tax on manufacturing, and the implementation/enhancement of the working families' sales tax exemption.

Referred to Committee on Environment.

HB 2829 by Representatives Chandler and Manweller

AN ACT Relating to collective bargaining; amending RCW 42.30.140, 41.80.005, 41.80.010, 41.56.028, 41.56.029, 41.56.510, 74.39A.240, and 74.39A.300; adding a new section to chapter 42.30 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.76 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 49.39 RCW; adding a new section to chapter 74.39A RCW; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 2829 by Representatives Chandler and Manweller

AN ACT Relating to collective bargaining; amending RCW 42.30.140, 41.80.005, 41.80.010, 41.56.028, 41.56.029, 41.56.510, 74.39A.240, and 74.39A.300; adding a new section to chapter 42.30 RCW; adding a

new section to chapter 41.56 RCW; adding a new section to chapter 28B.52 RCW; adding a new section to chapter 41.59 RCW; adding a new section to chapter 41.76 RCW; adding a new section to chapter 41.80 RCW; adding a new section to chapter 47.64 RCW; adding a new section to chapter 49.39 RCW; adding a new section to chapter 74.39A RCW; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 2830 by Representative Chandler

AN ACT Relating to fiscal notes; amending RCW 43.88A.010 and 43.88A.020; adding a new section to chapter 43.88A RCW; creating a new section; and providing expiration dates.

Referred to Committee on Appropriations.

HB 2830 by Representative Chandler

AN ACT Relating to fiscal notes; amending RCW 43.88A.010 and 43.88A.020; adding a new section to chapter 43.88A RCW; creating a new section; and providing expiration dates.

Referred to Committee on Appropriations.

HB 2831 by Representative Hurst

AN ACT Relating to assisting small businesses licensed to sell liquor in Washington state; amending RCW 66.24.630, 66.28.340, 66.28.330, 66.28.170, and 66.28.370; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Gaming.

HB 2831 by Representative Hurst

AN ACT Relating to assisting small businesses licensed to sell liquor in Washington state; amending RCW 66.24.630, 66.28.340, 66.28.330, 66.28.170, and 66.28.370; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Gaming.

HB 2832 by Representatives Tharinger and Riccelli

AN ACT Relating to physician limited licenses; and amending RCW 18.71.095.

Referred to Committee on Health Care & Wellness.

HB 2832 by Representatives Tharinger and Riccelli

AN ACT Relating to physician limited licenses; and amending RCW 18.71.095.

Referred to Committee on Health Care & Wellness.

HB 2833 by Representatives Young, Santos and Magendanz

AN ACT Relating to an educational grant program to promote confidence, public speaking, and leadership skills in students; adding a new section to chapter 28A.300 RCW; and providing an expiration date.

Referred to Committee on Education.

HB 2833 by Representatives Young, Santos and Magendanz

AN ACT Relating to an educational grant program to promote confidence, public speaking, and leadership skills in students; adding a new section to chapter 28A.300 RCW; and providing an expiration date.

Referred to Committee on Education.

HB 2834 by Representatives Senn, Walsh and Kagi

AN ACT Relating to implementing the homeless youth prevention and protection act of 2015; amending RCW 43.185C.180; and reenacting and amending RCW 13.50.010.

Referred to Committee on Early Learning & Human Services.

HB 2834 by Representatives Senn, Walsh and Kagi

AN ACT Relating to implementing the homeless youth prevention and protection act of 2015; amending RCW 43.185C.180; and reenacting and amending RCW 13.50.010.

Referred to Committee on Early Learning & Human Services.

HB 2835 by Representatives Tharinger, Cody, Johnson and Harris

AN ACT Relating to creating a purple card alert system; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care & Wellness.

HB 2835 by Representatives Tharinger, Cody, Johnson and Harris

AN ACT Relating to creating a purple card alert system; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care & Wellness.

HB 2836 by Representatives Farrell, Frame and Senn

AN ACT Relating to liability insurance requirements for firearm owners and purchasers; adding a new

section to chapter 9.41 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 2836 by Representatives Farrell, Frame and Senn

AN ACT Relating to liability insurance requirements for firearm owners and purchasers; adding a new section to chapter 9.41 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 2837 by Representatives Farrell, Pollet, Frame and Walkinshaw

AN ACT Relating to establishing a legislative task force on common school class size in school districts with more than forty-five thousand students; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2837 by Representatives Farrell, Pollet, Frame and Walkinshaw

AN ACT Relating to establishing a legislative task force on common school class size in school districts with more than forty-five thousand students; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2838 by Representatives Klippert and Hayes

AN ACT Relating to clarifying the department of corrections' authority to impose conditions prohibiting contact with other persons, even if the offender is not a sex offender; and reenacting and amending RCW 9.94A.704.

Referred to Committee on Public Safety.

HB 2838 by Representatives Klippert and Hayes

AN ACT Relating to clarifying the department of corrections' authority to impose conditions prohibiting contact with other persons, even if the offender is not a sex offender; and reenacting and amending RCW 9.94A.704.

Referred to Committee on Public Safety.

HB 2839 by Representatives Springer and Nealey

AN ACT Relating to providing a sales and use tax exemption for certain new building construction to be used by maintenance repair operators for airplane repair and maintenance; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW;

creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

HB 2839 by Representatives Springer and Nealey

AN ACT Relating to providing a sales and use tax exemption for certain new building construction to be used by maintenance repair operators for airplane repair and maintenance; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

HB 2840 by Representatives Pettigrew, Chandler, Blake and Buys

AN ACT Relating to establishing a water discharge permit for concentrated animal feeding operations that is issued under the sole authority of state law; amending RCW 90.48.260, 90.64.030, and 90.64.120; adding new sections to chapter 90.48 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2840 by Representatives Pettigrew, Chandler, Blake and Buys

AN ACT Relating to establishing a water discharge permit for concentrated animal feeding operations that is issued under the sole authority of state law; amending RCW 90.48.260, 90.64.030, and 90.64.120; adding new sections to chapter 90.48 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2841 by Representatives Senn and Buys

AN ACT Relating to the state building code council; amending RCW 19.27.085, 19.27.070, 19.27.074, and 19.27A.020; adding a new section to chapter 19.27 RCW; and providing an expiration date.

Referred to Committee on Local Government.

HB 2841 by Representatives Senn and Buys

AN ACT Relating to the state building code council; amending RCW 19.27.085, 19.27.070, 19.27.074, and 19.27A.020; adding a new section to chapter 19.27 RCW; and providing an expiration date.

Referred to Committee on Local Government.

HB 2842 by Representatives Schmick, Wylie, Nealey, Reykdal, Dye and Walsh

AN ACT Relating to financing of improvements for state-owned lands to be transferred for private development; and adding a new chapter to Title 39 RCW.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2842 by Representatives Schmick, Wylie, Nealey, Reykdal, Dye and Walsh

AN ACT Relating to financing of improvements for state-owned lands to be transferred for private development; and adding a new chapter to Title 39 RCW.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2843 by Representative McBride

AN ACT Relating to supporting affordable housing; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 82 RCW.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2843 by Representative McBride

AN ACT Relating to supporting affordable housing; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 82 RCW.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2844 by Representatives Ormsby, Sells, Frame, Gregerson, Moscoso, Bergquist, Jinkins, Cody, Peterson, Robinson, Farrell, Riccelli, Sawyer and Pollet

AN ACT Relating to adding training on public works and prevailing wage requirements to responsible bidder criteria; and amending RCW 39.04.350.

Referred to Committee on Labor & Workplace Standards.

HB 2844 by Representatives Ormsby, Sells, Frame, Gregerson, Moscoso, Bergquist, Jinkins, Cody, Peterson, Robinson, Farrell, Riccelli, Sawyer and Pollet

AN ACT Relating to adding training on public works and prevailing wage requirements to responsible bidder criteria; and amending RCW 39.04.350.

Referred to Committee on Labor & Workplace Standards.

HB 2845 by Representatives Ormsby, Sells, Frame, Gregerson, Moscoso, Bergquist, Jinkins, Cody, Peterson, Robinson, Farrell, Riccelli, Sawyer and Pollet

AN ACT Relating to the time period for workers to recover wages under prevailing wage laws; and amending RCW 39.12.015.

Referred to Committee on Labor & Workplace Standards.

HB 2845 by Representatives Ormsby, Sells, Frame, Gregerson, Moscoso, Bergquist, Jinkins, Cody, Peterson, Robinson, Farrell, Riccelli, Sawyer and Pollet

AN ACT Relating to the time period for workers to recover wages under prevailing wage laws; and amending RCW 39.12.015.

Referred to Committee on Labor & Workplace Standards.

HB 2846 by Representatives Ormsby, Sells, Frame, Gregerson, Moscoso, Bergquist, Jinkins, Cody, Peterson, Robinson, Farrell, Riccelli, Sawyer and Pollet

AN ACT Relating to compliance with apprenticeship utilization requirements; amending RCW 39.04.350 and 39.12.055; and adding a new section to chapter 49.04 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2846 by Representatives Ormsby, Sells, Frame, Gregerson, Moscoso, Bergquist, Jinkins, Cody, Peterson, Robinson, Farrell, Riccelli, Sawyer and Pollet

AN ACT Relating to compliance with apprenticeship utilization requirements; amending RCW 39.04.350 and 39.12.055; and adding a new section to chapter 49.04 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2847 by Representative Rossetti

AN ACT Relating to creating an exemption to the definition of substantial development in chapter 90.58 RCW relating to the retrofitting of existing structures to accommodate physical access by individuals with disabilities; and amending RCW 90.58.030.

Referred to Committee on Environment.

HB 2847 by Representative Rossetti

AN ACT Relating to creating an exemption to the definition of substantial development in chapter 90.58 RCW relating to the retrofitting of existing structures to accommodate physical access by individuals with disabilities; and amending RCW 90.58.030.

Referred to Committee on Environment.

HB 2848 by Representative Frame

AN ACT Relating to the influence of corporations and money in our political system; and creating new sections.

Referred to Committee on State Government.

HB 2848 by Representative Frame

AN ACT Relating to the influence of corporations and money in our political system; and creating new sections.

Referred to Committee on State Government.

HB 2849 by Representatives Goodman, Springer, Stambaugh and Sullivan

AN ACT Relating to adding certain commissioned court marshals of city police departments to the definition of uniformed personnel for the purpose of public employees' collective bargaining; and amending RCW 41.56.030.

Referred to Committee on Labor & Workplace Standards.

HB 2849 by Representatives Goodman, Springer, Stambaugh and Sullivan

AN ACT Relating to adding certain commissioned court marshals of city police departments to the definition of uniformed personnel for the purpose of public employees' collective bargaining; and amending RCW 41.56.030.

Referred to Committee on Labor & Workplace Standards.

HB 2850 by Representatives Walkinshaw, Robinson and Riccelli

AN ACT Relating to providing continuity of care for recipients of medical assistance during periods of incarceration; adding new sections to chapter 74.09 RCW; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2850 by Representatives Walkinshaw, Robinson and Riccelli

AN ACT Relating to providing continuity of care for recipients of medical assistance during periods of incarceration; adding new sections to chapter 74.09 RCW; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2851 by Representatives Frame, Magendanz, Bergquist, Hargrove, Pollet, Harris, Moscoso, Muri, S. Hunt, Pettigrew, Springer, Kagi, Kuderer, Clibborn, Sawyer, Cody, Stanford, Ormsby, Senn, Farrell, Hudgins and Moeller

AN ACT Relating to increasing compensation for school directors; and amending RCW 28A.343.400.

Referred to Committee on Education.

HB 2851 by Representatives Frame, Magendanz, Bergquist, Hargrove, Pollet, Harris, Moscoso, Muri, S. Hunt, Pettigrew, Springer, Kagi, Kuderer, Clibborn, Sawyer, Cody, Stanford, Ormsby, Senn, Farrell, Hudgins and Moeller

AN ACT Relating to increasing compensation for school directors; and amending RCW 28A.343.400.

Referred to Committee on Education.

HB 2852 by Representatives Hudgins and S. Hunt

AN ACT Relating to establishing standards for election data and reporting; amending RCW 29A.60.160; and adding a new section to chapter 29A.60 RCW.

Referred to Committee on State Government.

HB 2852 by Representatives Hudgins and S. Hunt

AN ACT Relating to establishing standards for election data and reporting; amending RCW 29A.60.160; and adding a new section to chapter 29A.60 RCW.

Referred to Committee on State Government.

HB 2853 by Representatives Hudgins and S. Hunt

AN ACT Relating to certification requirements for elections administrators; and amending RCW 29A.04.530 and 36.22.230.

Referred to Committee on State Government.

HB 2853 by Representatives Hudgins and S. Hunt

AN ACT Relating to certification requirements for elections administrators; and amending RCW 29A.04.530 and 36.22.230.

Referred to Committee on State Government.

HB 2854 by Representatives Hudgins and S. Hunt

AN ACT Relating to a statewide survey of the ballot rejection practices of county auditors and canvassing boards; and adding a new section to chapter 29A.60 RCW.

Referred to Committee on State Government.

HB 2854 by Representatives Hudgins and S. Hunt

AN ACT Relating to a statewide survey of the ballot rejection practices of county auditors and canvassing boards; and adding a new section to chapter 29A.60 RCW.

Referred to Committee on State Government.

HB 2855 by Representative Sells

AN ACT Relating to prior military service credit for members of the teachers' retirement system, plans 2 and 3; and amending RCW 41.32.810 and 41.32.865.

Referred to Committee on Appropriations.

HB 2855 by Representative Sells

AN ACT Relating to prior military service credit for members of the teachers' retirement system, plans 2 and 3; and amending RCW 41.32.810 and 41.32.865.

Referred to Committee on Appropriations.

HB 2856 by Representatives DeBolt and Tharinger

AN ACT Relating to establishing the office of Chehalis river basin flood risk reduction; reenacting and amending RCW 43.84.092; and adding new sections to chapter 43.21A RCW.

Referred to Committee on Capital Budget.

HB 2856 by Representatives DeBolt and Tharinger

AN ACT Relating to establishing the office of Chehalis river basin flood risk reduction; reenacting and amending RCW 43.84.092; and adding new sections to chapter 43.21A RCW.

Referred to Committee on Capital Budget.

HB 2857 by Representatives Blake, Harris, Rossetti, Walsh and Wilcox

AN ACT Relating to tax incentives that will promote the manufacturing and use of sustainable wood materials; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a

new section to chapter 82.12 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2857 by Representatives Blake, Harris, Rossetti, Walsh and Wilcox

AN ACT Relating to tax incentives that will promote the manufacturing and use of sustainable wood materials; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2858 by Representatives S. Hunt and Hudgins

AN ACT Relating to creating an office of the developmental disabilities ombuds; adding a new chapter to Title 71A RCW; creating new sections; and providing an effective date.

Referred to Committee on Early Learning & Human Services.

HB 2858 by Representatives S. Hunt and Hudgins

AN ACT Relating to creating an office of the developmental disabilities ombuds; adding a new chapter to Title 71A RCW; creating new sections; and providing an effective date.

Referred to Committee on Early Learning & Human Services.

HB 2859 by Representatives S. Hunt and Hudgins

AN ACT Relating to credit report security freezes; amending RCW 19.182.170 and 19.182.180; adding a new section to chapter 19.182 RCW; and adding a new section to chapter 70.58 RCW.

Referred to Committee on Business & Financial Services.

HB 2859 by Representatives S. Hunt and Hudgins

AN ACT Relating to credit report security freezes; amending RCW 19.182.170 and 19.182.180; adding a new section to chapter 19.182 RCW; and adding a new section to chapter 70.58 RCW.

Referred to Committee on Business & Financial Services.

SB 5180 by Senators Benton, Mullet, Angel, Hobbs, Hargrove, Keiser and Darneille

AN ACT Relating to modernizing life insurance reserve requirements; amending RCW 48.74.010, 48.74.020, 48.74.025, 48.74.030, 48.74.050, 48.74.060, 48.74.070, 48.74.090, 48.76.010, 48.76.050, and 42.56.400; reenacting and amending RCW 42.56.400; adding new sections to chapter 48.74 RCW; providing effective dates; and providing an expiration date.

Referred to Committee on Business & Financial Services.

SB 5180 by Senators Benton, Mullet, Angel, Hobbs, Hargrove, Keiser and Darneille

AN ACT Relating to modernizing life insurance reserve requirements; amending RCW 48.74.010, 48.74.020, 48.74.025, 48.74.030, 48.74.050, 48.74.060, 48.74.070, 48.74.090, 48.76.010, 48.76.050, and 42.56.400; reenacting and amending RCW 42.56.400; adding new sections to chapter 48.74 RCW; providing effective dates; and providing an expiration date.

Referred to Committee on Business & Financial Services.

SB 5879 by Senators Billig, McAuliffe and Kohl-Welles

AN ACT Relating to early intervention services for infants and toddlers with disabilities and their families; amending RCW 70.195.010, 70.195.020, and 28A.155.065; adding new sections to chapter 43.215 RCW; and recodifying RCW 70.195.005, 70.195.010, 70.195.020, and 70.195.030.

Referred to Committee on Early Learning & Human Services.

SB 5879 by Senators Billig, McAuliffe and Kohl-Welles

AN ACT Relating to early intervention services for infants and toddlers with disabilities and their families; amending RCW 70.195.010, 70.195.020, and 28A.155.065; adding new sections to chapter 43.215 RCW; and recodifying RCW 70.195.005, 70.195.010, 70.195.020, and 70.195.030.

Referred to Committee on Early Learning & Human Services.

E2SSB 6194 by Senate Committee on Ways & Means (originally sponsored by Senators Litzow, Mullet, Fain, Hobbs, Becker, Rivers, O'Ban, Dammeier, Angel, Hill, Bailey, Sheldon, Miloscia, Braun, Baumgartner and King)

AN ACT Relating to public schools that are not common schools; amending RCW 28A.150.310, 28A.185.040, 28A.193.080, 28A.205.070, 28A.215.060, 28A.715.040, and 28B.76.526; reenacting and amending RCW 28A.710.010, 28A.710.020, 28A.710.030, 28A.710.040, 28A.710.050, 28A.710.060, 28A.710.070,

28A.710.080, 28A.710.090, 28A.710.100, 28A.710.110, 28A.710.120, 28A.710.130, 28A.710.140, 28A.710.150, 28A.710.160, 28A.710.170, 28A.710.180, 28A.710.190, 28A.710.200, 28A.710.210, 28A.710.220, 28A.710.230, 28A.710.250, 28A.150.010, and 28A.315.005; reenacting RCW 28A.710.240, 28A.710.260, 41.32.033, 41.35.035, 41.40.025, 41.05.011, 41.56.0251, and 41.59.031; adding new sections to chapter 28A.710 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; repealing RCW 28A.710.005; making appropriations; and declaring an emergency.

Referred to Committee on Education.

E2SSB 6194 by Senate Committee on Ways & Means (originally sponsored by Senators Litzow, Mullet, Fain, Hobbs, Becker, Rivers, O'Ban, Dammeier, Angel, Hill, Bailey, Sheldon, Miloscia, Braun, Baumgartner and King)

AN ACT Relating to public schools that are not common schools; amending RCW 28A.150.310, 28A.185.040, 28A.193.080, 28A.205.070, 28A.215.060, 28A.715.040, and 28B.76.526; reenacting and amending RCW 28A.710.010, 28A.710.020, 28A.710.030, 28A.710.040, 28A.710.050, 28A.710.060, 28A.710.070, 28A.710.080, 28A.710.090, 28A.710.100, 28A.710.110, 28A.710.120, 28A.710.130, 28A.710.140, 28A.710.150, 28A.710.160, 28A.710.170, 28A.710.180, 28A.710.190, 28A.710.200, 28A.710.210, 28A.710.220, 28A.710.230, 28A.710.250, 28A.150.010, and 28A.315.005; reenacting RCW 28A.710.240, 28A.710.260, 41.32.033, 41.35.035, 41.40.025, 41.05.011, 41.56.0251, and 41.59.031; adding new sections to chapter 28A.710 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; repealing RCW 28A.710.005; making appropriations; and declaring an emergency.

Referred to Committee on Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the third reading calendar:

HOUSE BILL NO. 1003  
HOUSE BILL NO. 1770

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE HOUSE BILL NO. 1408  
SUBSTITUTE HOUSE BILL NO. 1855

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

There being no objection, the House adjourned until 10:00 a.m., January 25, 2016, the 15th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## FIFTEENTH DAY

House Chamber, Olympia, Monday, January 25, 2016

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cody Nichols and Sarah Pozil. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Bishop Charlotte Petty, Risen Faith Fellowship, Olympia, Washington.

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

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

## REPORTS OF STANDING COMMITTEES

2SHB 1118 Prime Sponsor, Committee on General Government & Information Technology: Creating cost savings by providing administrative flexibility to the department of fish and wildlife in its implementation of Title 77 RCW while not directing any changes to resource management outcomes. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Lytton; Orcutt; Pettigrew; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

HB 1441 Prime Sponsor, Representative Sawyer: Concerning dental health services in tribal settings. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Appleton and Sawyer.

MINORITY recommendation: Without recommendation. Signed by Representatives Wilson,

Ranking Minority Member; Zeiger, Assistant Ranking Minority Member and Hickel.

Passed to Committee on Appropriations.

E2SHB 1541 Prime Sponsor, Committee on Appropriations: Implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee. Reported by Committee on Appropriations

MAJORITY recommendation: The fourth substitute bill be substituted therefor and the fourth substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Pettigrew; Robinson; Sawyer; Senn; Springer; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Wilcox, Assistant Ranking Minority Member; Buys; Haler; MacEwen; Magendanz; Schmick; Stokesbary and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler, Ranking Minority Member; Condotta; Dent; Harris; Hunt, G. and Van Werven.

SHB 1737 Prime Sponsor, Committee on Appropriations: Addressing the availability of retired teachers as substitutes. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hunt, G.; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Taylor; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Hudgins.

January 20, 2016  
ESHB 1745 Prime Sponsor, Committee on State Government: Enacting the Washington voting rights act. Reported by Committee on State Government

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Frame and Moscoso.

MINORITY recommendation: Do not pass. Signed by Representatives Van Werven, Assistant Ranking Minority Member and Hawkins.

MINORITY recommendation: Without recommendation. Signed by Representative Holy, Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 21, 2016  
SHB 1790 Prime Sponsor, Committee on Education: Clarifying the authority of a nurse working in a school setting. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Kilduff; Kuderer; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert and McCaslin.

Passed to Committee on Rules for second reading.

January 21, 2016  
HB 1804 Prime Sponsor, Representative Springer: Concerning the confidentiality of educator professional growth plans. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Kilduff; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

Passed to Committee on Rules for second reading.

January 20, 2016

ESHB 1808 Prime Sponsor, Committee on Transportation: Concerning passenger-carrying vehicles for railroad employees. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Morris; Pike; Riccelli; Rodne; Rossetti; Sells; Stambaugh and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Shea and Young.

Passed to Committee on Rules for second reading.

January 21, 2016  
HB 1983 Prime Sponsor, Representative Pollet: Creating the TEACH pilot project of financial assistance for teachers taking basic skills and content tests for teacher certification programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Kilduff; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

Passed to Committee on Appropriations.

January 21, 2016  
HB 2023 Prime Sponsor, Representative Parker: Changing the deadline for notices of nonrenewal of contracts for certificated school employees. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

Passed to Committee on Rules for second reading.

January 20, 2016  
HB 2303 Prime Sponsor, Representative Van De Wege: Adopting the international wildland urban interface code by reference for purposes of the state building code. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; McCaslin and Pike.

Passed to Committee on Rules for second reading.

January 20, 2016  
HB 2317 Prime Sponsor, Representative Van De Wege: Expanding the use of neighborhood and medium-speed electric vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Morris; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

January 20, 2016  
HB 2321 Prime Sponsor, Representative Stokesbary: Removing disincentives to the voluntary formation of regional fire protection service authorities by equalizing certain provisions with existing laws governing fire protection districts and by clarifying the formation process. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Griffey, Assistant Ranking Minority Member; Fitzgibbon; McBride and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member and McCaslin.

MINORITY recommendation: Without recommendation. Signed by Representative Pike.

Passed to Committee on Finance.

January 20, 2016  
HB 2322 Prime Sponsor, Representative Zeiger: Concerning the vehicle license cost recovery fee charged for certain rental car transactions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Morris; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

January 20, 2016  
HB 2331 Prime Sponsor, Representative Chandler: Concerning the expiration date of the invasive species council and account. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Lytton; Orcutt; Pettigrew; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

January 19, 2016  
HB 2342 Prime Sponsor, Representative Hurst: Concerning performance of personal services by members of the liquor industry to retailers. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake and Kirby.

MINORITY recommendation: Do not pass. Signed by Representatives Scott; Van De Wege and Vick.

MINORITY recommendation: Without recommendation. Signed by Representative Wylie, Vice Chair.

Passed to Committee on Rules for second reading.

January 20, 2016  
HB 2355 Prime Sponsor, Representative Kirby: Concerning registered service contract and protection product guarantee providers. Reported by Committee on Business & Financial Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Blake; Dye; Hunt, G.; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

January 20, 2016

HB 2356 Prime Sponsor, Representative Kirby: Concerning employer agreements to reimburse certain employee costs for the use of personal vehicles for business purposes. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Blake; Dye; Hunt, G.; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

January 20, 2016

HB 2358 Prime Sponsor, Representative Kochmar: Concerning water-sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Fitzgibbon; McBride; McCaslin; Peterson and Pike.

Passed to Committee on Rules for second reading.

January 20, 2016

HB 2362 Prime Sponsor, Representative Hansen: Concerning video and/or sound recordings made by law enforcement or corrections officers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representative Shea, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 21, 2016

HB 2366 Prime Sponsor, Representative Lytton: Concerning basic education obligations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Cody; Fitzgibbon; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Magendanz; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Haler; Schmick; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta; Dent; Hunt, G. and MacEwen.

January 20, 2016

HB 2435 Prime Sponsor, Representative Hudgins: Enhancing election reconciliation reports. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on General Government & Information Technology.

January 20, 2016

HB 2437 Prime Sponsor, Representative Hudgins: Concerning election year restrictions on state legislators. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

January 20, 2016

HB 2516 Prime Sponsor, Representative Kirby: Providing that commercial transportation services providers are not commuter ride-sharing arrangements. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant

Ranking Minority Member; Blake; Dye; Hunt, G.; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

January 20, 2016

HB 2532 Prime Sponsor, Representative Kilduff: Studying public access to library services in local jurisdictions across Washington. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride; McCaslin and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and Pike.

Passed to Committee on Rules for second reading.

January 21, 2016

HB 2697 Prime Sponsor, Representative Hunt, S.: Concerning campaign finance reporting requirements. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Frame; Hawkins and Moscoso.

MINORITY recommendation: Without recommendation. Signed by Representative Van Werven, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1541, SUBSTITUTE HOUSE BILL NO. 1737 and HOUSE BILL NO. 2366 which were placed on the second reading calendar.

#### FIRST SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

January 21, 2016

2EHB 2214 Prime Sponsor, Representative Reykdal: Increasing academic rigor and streamlining assessment requirements for high school students. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby,

Vice Chair; Buys; Cody; Condotta; Dent; Fitzgibbon; Hansen; Harris; Hudgins; Hunt, G.; Hunt, S.; Jinkins; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Sullivan; Taylor; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Haler; Kagi and Stokesbary.

MINORITY recommendation: Without recommendation. Signed by Representative Lytton.

There being no objection, HOUSE BILL NO. 2214 was placed on the second reading calendar.

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

#### SECOND READING

**HOUSE BILL NO. 2366, by Representatives Lytton, Magendanz, Sullivan, Caldier, Kochmar, Rossetti, Muri, Haler and Santos**

**Concerning basic education obligations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2366 was substituted for House Bill No. 2366 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2366 was read the second time.

With the consent of the house, amendments (594) and (593) were withdrawn.

Representative Magendanz moved the adoption of amendment (596):

On page 2, line 37, after "(3)" strike all material through "construction" on page 3, line 4 and insert the following: "The task force must review available information to determine whether additional state legislation is needed to help school districts to support state-funded all-day kindergarten and class size reduction in kindergarten through third grade"

Representatives Magendanz and Lytton spoke in favor of the adoption of the amendment.

Amendment (596) was adopted.

The bill was ordered engrossed.

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

Representatives Lytton, Magendanz and Sullivan spoke in favor of the passage of the bill.

Representatives Manweller, Manweller (again) and Young spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2366.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2366, and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hawkins, Hickel, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, Magendanz, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, G. Hunt, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Klippert, Kretz, Kristiansen, MacEwen, Manweller, McCaslin, Orcutt, Parker, Pike, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilcox, Wilson and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2366, having received the necessary constitutional majority, was declared passed.

### ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1541, by House Committee on Appropriations (originally sponsored by Representatives Santos, Ortiz-Self, Tharinger, Moscoso, Orwall and Gregerson)

#### Implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee.

The bill was read the second time.

There being no objection, Fourth Substitute House Bill No. 1541 was substituted for Engrossed Second Substitute House Bill No. 1541 and the fourth substitute bill was placed on the second reading calendar.

FOURTH SUBSTITUTE HOUSE BILL NO. 1541 was read the second time.

Representative Magendanz moved the adoption of amendment (595):

On page 1, line 17, after "success" insert "in a diverse array of educational environments"

On page 2, line 35, after "students," insert "including charter public schools,"

On page 3, line 1, after "(4)" insert "The legislature finds that Washington students benefit from diverse and individually tailored educational opportunities and environments. When the most disadvantaged youth have been left behind by traditional schools, charter public schools provide these students with the opportunity to receive a personalized and high quality education.

(5)"

Correct any internal references accordingly.

On page 3, line 4, after "students." insert "The legislature further intends to establish charter public schools as a free, public educational opportunity for Washington students."

On page 36, after line 2, insert the following:

### "PART IX

#### CHARTER PUBLIC SCHOOLS

**Sec. 901.** RCW 28A.710.010 and 2013 c 2 s 201 are each reenacted and amended to read as follows:

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

(1) "Applicant" means a nonprofit corporation that has submitted an application to an authorizer. The nonprofit corporation must be either a public benefit nonprofit corporation as defined in RCW 24.03.490, or a nonprofit corporation as defined in RCW 24.03.005 that has applied for tax exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not be a sectarian or religious organization and must meet all of the requirements for a public benefit nonprofit corporation before receiving any funding under RCW 28A.710.220.

(2) "At-risk student" means a student who has an academic or economic disadvantage that requires assistance or special services to succeed in educational programs. The term includes, but is not limited to, students who do not meet minimum standards of academic proficiency, students who are at risk of dropping out of high school, students in chronically low-performing schools, students with higher than average disciplinary sanctions, students with lower participation rates in advanced or gifted programs, students who are limited in English proficiency, students who are members of economically disadvantaged families, and students who are identified as having special educational needs.

(3) "Authorizer" means the commission established in RCW 28A.710.070 or an entity approved under RCW 28A.710.090 to review, approve, or reject charter school applications; enter into, renew, or revoke charter contracts with applicants; and oversee the charter schools the entity has authorized.

(4) "Charter contract" means a fixed term, renewable contract between a charter school and an authorizer that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

(5) "Charter school" or "~~((public))~~ charter public school" means a public school that is established in accordance with this chapter, governed by a charter school board, and operated according to the terms of a charter

contract executed under this chapter (~~and includes~~). The term "charter school" or "charter public school" may include a new charter school and a conversion charter school.

(6) "Charter school board" means the board of directors appointed or selected under the terms of a charter application to manage and operate the charter school.

(7) "Commission" means the Washington state charter school commission established in RCW 28A.710.070.

(8) "Conversion charter school" means a charter school created by converting an existing (~~noncharter~~) public school in its entirety to a charter school under this chapter.

(9) "New charter school" means (~~any~~) a charter school established under this chapter that is not a conversion charter school.

(10) "Parent" means a parent, guardian, or other person or entity having legal custody of a child.

(11) "Student" means (~~any~~) a child eligible under RCW 28A.225.160 to attend a public school in the state.

**Sec. 902.** RCW 28A.710.020 and 2013 c 2 s 202 are each reenacted and amended to read as follows:

A charter school established under this chapter:

(1) Is a public(~~common~~) school that is:

(a) Open to all children free of charge and by choice;  
and

(b) Operated separately from the common school system as an alternative to traditional common schools;

(2) (~~Is a public, common school offering~~) May offer any program or course of study that (~~a noncharter~~) any other public school may offer, including one or more of grades kindergarten through twelve;

(3) Is governed by a charter school board according to the terms of a renewable, five-year charter contract executed under RCW 28A.710.160;

(4) (~~Is a public school to which parents choose to send their children;~~

~~(5))~~ Functions as a local education agency under applicable federal laws and regulations and is responsible for meeting the requirements of local education agencies and public schools under those federal laws and regulations, including but not limited to compliance with the individuals with disabilities education improvement act (20 U.S.C. Sec. 1401 et seq.), the federal educational rights and privacy act (20 U.S.C. Sec. 1232g), and the elementary and secondary education act (20 U.S.C. Sec. 6301 et seq.).

**Sec. 903.** RCW 28A.710.030 and 2013 c 2 s 203 are each reenacted and amended to read as follows:

(1) To (~~carry out~~) fulfill its duty to manage and operate the charter school, and (~~carry out~~) to execute the terms of its charter contract, a charter school board may:

(a) Hire, manage, and discharge (~~any~~) charter school employees in accordance with the terms of this chapter and (~~that~~) the school's charter contract;

(b) Receive and disburse funds for the purposes of the charter school;

(c) Enter into contracts with any school district, educational service district, or other public or private entity for the provision of real property, equipment, goods, supplies, and services, including educational instructional services (~~and including~~), pupil transportation services, and for the management and operation of the charter school (~~to the same extent as other noncharter public schools, as long as~~), provided the charter school board maintains oversight

authority over the charter school. Contracts for management operation of the charter school may only be with nonprofit organizations;

(d) Rent, lease, purchase, or own real property. All charter contracts and contracts with other entities must include provisions regarding the disposition of the property if the charter school fails to open as planned or closes, or if the charter contract is revoked or not renewed;

(e) Issue secured and unsecured debt, including pledging, assigning, or encumbering its assets to be used as collateral for loans or extensions of credit to manage cash flow, improve operations, or finance the acquisition of real property or equipment(~~(-PROVIDED, That)~~). However, the (~~public~~) charter public school may not pledge, assign, or encumber any public funds received or to be received pursuant to RCW 28A.710.220. (~~The~~) Debt issued under this subsection (1)(e) is not a general, special, or moral obligation of the state, the charter school authorizer, the school district in which the charter school is located, or any other political subdivision or agency of the state. Neither the full faith and credit nor the taxing power of the state, or any political subdivision or agency of the state, may be pledged for the payment of the debt;

(f) Solicit, accept, and administer for the benefit of the charter school and its students, gifts, grants, and donations from individuals, or public or private entities, excluding (~~from~~) sectarian or religious organizations. A charter school(~~s~~) board may not accept any gifts or donations (~~the conditions of which~~) that violate this chapter or other state laws; and

(g) Issue diplomas to students who meet state high school graduation requirements established under RCW 28A.230.090. A charter school board may establish additional graduation requirements.

(2) A charter school board may not levy taxes or issue tax-backed bonds.

~~(3)~~ A charter school board may not acquire property by eminent domain.

**Sec. 904.** RCW 28A.710.040 and 2013 c 2 s 204 are each reenacted and amended to read as follows:

(1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) (~~All~~) A charter school(~~s~~) must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to chapter 28A.642 RCW (discrimination prohibition) and chapter 28A.640 RCW (sexual equality);

(b) Provide a program of basic education, (~~as provided~~) that meets the goals in RCW 28A.150.210, including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Employ certificated instructional staff as required in RCW 28A.410.025(~~(-PROVIDED, That)~~). Charter schools, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

(d) Comply with the employee record check requirements in RCW 28A.400.303;

(e) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

(f) Comply with the annual performance report under RCW 28A.655.110;

(g) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

(h) Comply with the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW; and

(i) Be subject to and comply with legislation enacted after December 6, 2012, ~~((governing))~~ that governs the operation and management of charter schools.

(3) ~~((Public))~~ Charter public schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract, and are subject to the specific state statutes and rules identified in subsection (2) of this section. For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, charter schools are not subject to, and are exempt from, all other state statutes and rules applicable to school districts and school district boards of directors ~~((, for the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs in order to improve student outcomes and academic achievement)).~~ Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies ~~((except policies made applicable in the school's charter contract)).~~

(4) ~~((No))~~ A charter school may not engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in this chapter ~~((2, Laws of 2013)).~~

**Sec. 905.** RCW 28A.710.050 and 2013 c 2 s 205 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (4) of this section, a charter school may not limit admission on any basis other than age group, grade level, or enrollment capacity ~~((and must enroll all students who apply within these bases)).~~ A charter school is open to any student regardless of his or her location of residence.

(2) A charter school may not charge tuition, but may charge fees for participation in optional extracurricular events and activities in the same manner and to the same extent as do other public schools.

(3) A conversion charter school must provide sufficient capacity to enroll all students who wish to remain enrolled in the school after its conversion to a charter school, and may not displace students enrolled before the chartering process.

(4) If capacity is insufficient to enroll all students who apply to a charter school, the charter school must ~~((select students through a lottery to ensure fairness. However, a charter school must give an enrollment preference to siblings of already enrolled students))~~ grant an enrollment preference

to at-risk students and siblings of enrolled students, with any remaining enrollments allocated through a lottery.

(5) The enrollment capacity of a charter school must be determined annually by the charter school board in consultation with the charter authorizer and with consideration of the charter school's ability to facilitate the academic success of its students, achieve the objectives specified in the charter contract, and assure that its student enrollment does not exceed the capacity of its facility. An authorizer may not restrict the number of students a charter school may enroll.

(6) Nothing in this section prevents formation of a charter school whose mission is to offer a specialized learning environment and services for particular groups of students, such as at-risk students, students with disabilities, or students who pose such severe disciplinary problems that they warrant a specific educational program. Nothing in this section prevents formation of a charter school organized around a special emphasis, theme, or concept as stated in the school's application and charter contract.

**Sec. 906.** RCW 28A.710.060 and 2013 c 2 s 206 are each reenacted and amended to read as follows:

(1) School districts must provide information to parents and the general public about charter schools located within the district as an enrollment option for students.

(2) If a student who was previously enrolled in a charter school enrolls in another public school in the state, the student's new school must accept credits earned by the student in the charter school in the same manner and according to the same criteria that credits are accepted from other public schools.

(3) A charter school ~~((is eligible for))~~ may participate in state or district-sponsored interscholastic programs, awards, scholarships, or competitions to the same extent as other public schools.

**Sec. 907.** RCW 28A.710.070 and 2013 c 2 s 208 are each reenacted and amended to read as follows:

(1) The Washington state charter school commission is established as an independent state agency whose mission is to authorize high quality ~~((public))~~ public schools throughout the state, ~~((particularly))~~ especially schools that are designed to expand opportunities for at-risk students, and to ensure the highest standards of accountability and oversight for these schools.

(2) The commission shall, through its management, supervision, and enforcement of the charter contracts and pursuant to applicable law, administer the ~~((portion of the public common school system consisting of the))~~ charter schools it authorizes ~~((as provided in this chapter,))~~ in the same manner as a school district board of directors ~~((, through its management, supervision, and enforcement of the charter contracts, and pursuant to applicable law, administers the charter schools it authorizes))~~ administers other schools.

~~((2))~~ (3)(a) The commission shall consist of:

(i) Nine appointed members, no more than five of whom shall be members of the same political party;

(ii) The superintendent of public instruction or the superintendent's designee; and

(iii) The chair of the state board of education.

(b) Appointments to the commission shall be as follows: Three members shall be appointed by the governor;

three members shall be appointed by the president of the senate; and three members shall be appointed by the speaker of the house of representatives. The appointing authorities shall assure diversity among commission members, including representation from various geographic areas of the state, and shall assure that at least one member is ~~((a))~~ the parent of a Washington public school student.

~~((3))~~ (4) Members appointed to the commission shall collectively possess strong experience and expertise in public and nonprofit governance; management and finance; public school leadership, assessment, curriculum, and instruction; and public education law. All appointed members shall have demonstrated an understanding of and commitment to charter schooling as a strategy for strengthening public education.

~~((4))~~ (5) Appointed members shall ~~((be appointed to))~~ serve four-year, staggered terms ~~((with))~~. The initial appointments from each of the appointing authorities ~~((consisting))~~ must consist of one member appointed to a one-year term, one member appointed to a two-year term, and one member appointed to a three-year term, all of whom thereafter may be reappointed for a four-year term. No appointed member may serve more than two consecutive terms. Initial appointments must be made ~~((no later than ninety days after December 6, 2012))~~ by July 1, 2016.

~~((5))~~ (6) Whenever a vacancy on the commission exists among its appointed membership, the original appointing authority must appoint a member for the remaining portion of the term within no more than thirty days.

~~((6))~~ (7) Commission members shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

~~((7))~~ Operational and staff support for the commission shall be provided by the office of the governor until the commission has sufficient resources to hire or contract for separate staff support, who (8) The commission shall reside within the office of the governor for administrative purposes only.

~~((8))~~ (9) RCW 28A.710.090 and 28A.710.120 do not apply to the commission.

**Sec. 908.** RCW 28A.710.080 and 2013 c 2 s 207 are each reenacted and amended to read as follows:

The following entities ~~((are eligible to))~~ may be authorizers of charter schools:

(1) The ~~((Washington charter school))~~ commission ~~((established under RCW 28A.710.070,))~~ may exercise the authority granted under this section for charter schools located anywhere in the state; and

(2) A school district ~~((s))~~ of directors ~~((that have been approved by the state board of education under RCW 28A.710.090 before authorizing a charter school,))~~ may exercise the authority granted under this section only after receiving approval from the state board of education under RCW 28A.710.090, and only for charter schools located within the school district's ~~((own))~~ boundaries.

**Sec. 909.** RCW 28A.710.090 and 2013 c 2 s 209 are each reenacted and amended to read as follows:

(1) The state board of education shall establish an annual application and approval process and timelines for ~~((entities))~~ school districts seeking approval to ~~((be))~~ become charter school authorizers. The initial process and

timelines must be established ~~((no later than ninety days after December 6, 2012))~~ by July 1, 2016.

(2) At a minimum, each applicant district must submit to the state board of education:

(a) The applicant's strategic vision for chartering;

(b) A plan to support the vision presented, including explanation and evidence of the applicant's budget and personnel capacity and commitment to execute the responsibilities of quality charter authorizing;

(c) A draft or preliminary outline of the request for proposals that the applicant would, if approved as an authorizer, issue to solicit charter school applicants;

(d) A draft of the performance framework that the applicant would, if approved as an authorizer, use to guide the establishment of a charter contract and use for ongoing oversight and evaluation of charter schools;

(e) A draft of the applicant's proposed renewal, revocation, and nonrenewal processes, consistent with RCW 28A.710.190 and 28A.710.200;

(f) A statement of assurance that the applicant seeks to serve as an authorizer in fulfillment of the expectations, spirit, and intent of this chapter, and that, if approved as an authorizer, the applicant will fully participate in any authorizer training provided or required by the state; and

(g) A statement of assurance that the applicant will provide public accountability and transparency in all matters concerning charter authorizing practices, decisions, and expenditures.

(3) The state board of education shall consider the merits of each application and make its decision within the timelines established by the state board of education.

(4) Within thirty days of making a decision to approve an application under this section, the state board of education must execute a renewable authorizing contract with the ~~((entity))~~ applicant. The initial term of an authorizing contract ~~((shall))~~ must be six years. The authorizing contract must specify each approved entity's agreement to serve as an authorizer in accordance with the expectations of this chapter, and may specify additional performance terms based on the applicant's proposal and plan for chartering.

(5) No approved entity may commence charter authorizing without an authorizing contract in effect.

**Sec. 910.** RCW 28A.710.100 and 2013 c 2 s 210 are each reenacted and amended to read as follows:

(1) Authorizers are responsible for:

(a) Soliciting and evaluating charter applications;

(b) Approving ~~((quality))~~ charter applications that meet identified educational needs and promote a diversity of educational choices;

(c) Denying ~~((weak or inadequate))~~ charter applications that fail to meet statutory requirements, requirements of the authorizer, or both;

(d) Negotiating and executing ~~((sound))~~ charter contracts with each authorized charter school;

(e) Monitoring, in accordance with charter contract terms, the performance and legal compliance of charter schools including, without limitation, education and academic performance goals and student achievement; and

(f) Determining whether each charter contract merits renewal, nonrenewal, or revocation.

(2) An authorizer may delegate its responsibilities under this section to employees or contractors.

(3) All authorizers must develop and follow chartering policies and practices that are consistent with the principles and standards for quality charter authorizing developed by the national association of charter school authorizers in at least the following areas:

- (a) Organizational capacity and infrastructure;
- (b) Soliciting and evaluating charter applications;
- (c) Performance contracting;
- (d) Ongoing charter school oversight and evaluation;

and

- (e) Charter renewal decision making.

(4) Each authorizer must submit an annual report to the state board of education, according to a timeline, content, and format specified by the board ~~((, which))~~ that includes:

(a) The authorizer's strategic vision for chartering and progress toward achieving that vision;

(b) The academic and financial performance of all operating charter schools ~~((overseen by the authorizer))~~ under its jurisdiction, including the progress of the charter schools based on the authorizer's performance framework;

(c) The status of the authorizer's charter school portfolio, identifying all charter schools in each of the following categories: (i) Approved but not yet open~~((:));~~ (ii) operating~~((:));~~ (iii) renewed~~((:));~~ (iv) transferred~~((:));~~ (v) revoked~~((:));~~ (vi) not renewed~~((:));~~ (vii) voluntarily closed~~((:));~~ or (viii) never opened;

(d) The authorizer's operating costs and expenses detailed in annual audited financial statements that conform with generally accepted accounting principles; and

(e) The services purchased from the authorizer by the charter schools under its jurisdiction under RCW 28A.710.110, including an itemized accounting of the actual costs of these services.

(5) Neither an authorizer, individuals who comprise the membership of an authorizer in their official capacity, nor the employees of an authorizer are liable for acts or omissions of a charter school they authorize.

(6) No employee, trustee, agent, or representative of an authorizer may simultaneously serve as an employee, trustee, agent, representative, vendor, or contractor of a charter school under the jurisdiction of that authorizer.

**Sec. 911.** RCW 28A.710.110 and 2013 c 2 s 211 are each reenacted and amended to read as follows:

(1) The state board of education shall establish a statewide formula for an authorizer oversight fee, which ~~((shall))~~ must be calculated as a percentage of the state operating funding ~~((allocated))~~ distributed to charter schools under RCW 28A.710.220 to each charter school under the jurisdiction of an authorizer, but may not exceed four percent of each charter school's annual funding. ~~((The office of the superintendent of public instruction shall deduct the oversight fee from each charter school's allocation under RCW 28A.710.220 and transmit the fee to the appropriate authorizer.))~~

(2) The state board of education may establish a sliding scale for the authorizer oversight fee, with the funding percentage decreasing after the authorizer has achieved a certain threshold, such as after a certain number of years of authorizing or after a certain number of charter schools have been authorized.

(3) The office of the superintendent of public instruction shall deduct the oversight fee from each charter

school's distribution under RCW 28A.710.220 and transmit the fee to the appropriate authorizer.

(4) An authorizer must use its oversight fee exclusively for the purpose of fulfilling its duties under RCW 28A.710.100.

~~((4))~~ (5) An authorizer may provide contracted, fee-based services to charter schools under its jurisdiction that are in addition to the oversight duties under RCW 28A.710.100. An authorizer may not charge more than market rates for the contracted services provided. An authorizer may not require a charter school ~~((may not be required))~~ to purchase contracted services ~~((from))~~ provided by an authorizer. Fees collected by the authorizer under this subsection must be separately accounted for and reported annually to the state board of education.

**Sec. 912.** RCW 28A.710.120 and 2013 c 2 s 212 are each reenacted and amended to read as follows:

(1) The state board of education is responsible for overseeing the performance and effectiveness of all authorizers approved under RCW 28A.710.090.

(2) Persistently unsatisfactory performance of an authorizer's portfolio of charter schools, a pattern of well-founded complaints about the authorizer or its charter schools, or other objective circumstances may trigger a special review by the state board of education.

(3) In reviewing or evaluating the performance of authorizers, the state board of education must apply nationally recognized principles and standards for quality charter authorizing. Evidence of material or persistent failure by an authorizer to carry out its duties in accordance with ~~((the))~~ these principles and standards constitutes grounds for revocation of the authorizing contract by the state board of education, as provided under this section.

(4) If at any time the state board of education finds that an authorizer is not in compliance with a charter contract, its authorizing contract, or the authorizer duties under RCW 28A.710.100, the board must notify the authorizer in writing of the identified problems, and the authorizer ~~((shall))~~ must have reasonable opportunity to respond and remedy the problems.

(5) If ~~((an authorizer persists))~~, after due notice from the state board of education, an authorizer persists in violating a material provision of a charter contract or its authorizing contract, or fails to remedy other identified authorizing problems, the state board of education shall notify the authorizer, within a reasonable amount of time under the circumstances, that it intends to revoke the authorizer's chartering authority unless the authorizer demonstrates a timely and satisfactory remedy for the violation or deficiencies.

(6) In the event of revocation of any authorizer's chartering authority, the state board of education shall manage the timely and orderly transfer of each charter contract held by that authorizer to another authorizer in the state, with the mutual agreement of each affected charter school and proposed new authorizer. The new authorizer shall assume the existing charter contract for the remainder of the charter term.

(7) The state board of education must establish timelines and a process for taking actions under this section in response to performance deficiencies by an authorizer.

**Sec. 913.** RCW 28A.710.130 and 2013 c 2 s 213 are each reenacted and amended to read as follows:

(1)(a) Each authorizer must annually issue and broadly publicize a request for proposals for charter school applicants by the date established by the state board of education under RCW 28A.710.140.

(b) Each authorizer's request for proposals must:

(i) Present the authorizer's strategic vision for chartering, including a clear statement of any preferences the authorizer wishes to grant to applications that employ proven methods for educating at-risk students or students with special needs;

(ii) Include or otherwise direct applicants to the performance framework that the authorizer has developed for charter school oversight and evaluation in accordance with RCW 28A.710.170;

(iii) Provide the criteria that will guide the authorizer's decision to approve or deny a charter application; and

(iv) State clear, appropriately detailed questions as well as guidelines concerning the format and content essential for applicants to demonstrate the capacities necessary to establish and operate a successful charter school.

(2) A charter school application must provide or describe thoroughly all of the following elements of the proposed school plan:

(a) An executive summary;

(b) The mission and vision of the proposed charter school, including identification of the ~~((targeted))~~ student population and ~~((the))~~ community the school hopes to serve;

(c) The location or geographic area proposed for the school and the school district within which the school will be located;

(d) The grades to be served each year for the full term of the charter contract;

(e) Minimum, planned, and maximum enrollment per grade per year for the full term of the charter contract;

(f) Evidence of need and parent and community support for the proposed charter school;

(g) Background information on the proposed founding ~~((governing))~~ charter school board members and, if identified, the proposed school leadership and management team;

(h) The school's proposed calendar and sample daily schedule;

(i) A description of the academic program aligned with state standards;

(j) A description of the school's proposed instructional design, including the type of learning environment~~((:))~~, class size and structure~~((:))~~, curriculum overview~~((:))~~, and teaching methods;

(k) Evidence that the educational program is based on proven methods;

(l) The school's plan for using internal and external assessments to measure and report student progress on the performance framework developed by the authorizer in accordance with RCW 28A.710.170;

(m) The school's plans for identifying, successfully serving, and complying with applicable laws and regulations regarding students with disabilities, students who are limited English proficient, students who are struggling academically, and highly capable students;

(n) A description of cocurricular or extracurricular programs and how ~~((they))~~ those programs will be funded and delivered;

(o) Plans and timelines for student recruitment and enrollment, including targeted plans for recruiting at-risk students and including lottery procedures;

(p) The school's student discipline policies, including for special education students;

(q) An organization chart that clearly presents the school's organizational structure, including lines of authority and reporting between the governing board, staff, any related bodies such as advisory bodies or parent and teacher councils, and any external organizations that will play a role in managing the school;

(r) A clear description of the roles and responsibilities for the governing board, the school's leadership and management team, and any other entities shown in the organization chart;

(s) A staffing plan for the school's first year and for the term of the charter;

(t) Plans for recruiting and developing school leadership and staff;

(u) The school's leadership and teacher employment policies, including performance evaluation plans;

(v) Proposed governing bylaws;

(w) An explanation of proposed partnership agreement, if any, between a charter school and its school district focused on facilities, budgets, taking best practices to scale, and other items;

(x) Explanations of any other partnerships or contractual relationships central to the school's operations or mission;

(y) Plans for providing transportation, food service, and all other significant operational or ancillary services;

(z) Opportunities and expectations for parent involvement;

(aa) A detailed school start-up plan, identifying tasks, timelines, and responsible individuals;

(bb) A description of the school's financial plan and policies, including financial controls and audit requirements;

(cc) A description of the insurance coverage the school will obtain;

(dd) Start-up and five-year cash flow projections and budgets with clearly stated assumptions;

(ee) Evidence of anticipated fund-raising contributions, if claimed in the application; and

(ff) A sound facilities plan, including backup or contingency plans if appropriate.

(3) In the case of ~~((an application to establish))~~ a conversion charter school, the applicant must also demonstrate support for the proposed conversion ~~((by))~~ through a petition signed by either a majority of teachers assigned to the school or ~~((a petition signed by))~~ a majority of parents of students in the school.

(4) ~~((In the case of an application where the proposed charter school))~~ If an applicant intends to contract with a nonprofit education service provider for substantial educational services, management services, or both, the applicant must:

(a) Provide evidence of the nonprofit education service provider's success in serving student populations similar to the targeted population, including demonstrated academic

achievement as well as successful management of nonacademic school functions if applicable;

(b) Provide a term sheet setting forth: (i) The proposed duration of the service contract; (ii) the roles and responsibilities of the governing board, the school staff, and the service provider; (iii) the scope of services and resources to be provided by the service provider; (iv) performance evaluation measures and timelines; (v) the compensation structure, including clear identification of all fees to be paid to the service provider; (vi) methods of contract oversight and enforcement; (vii) investment disclosure; and (viii) conditions for renewal and termination of the contract; and

(c) Disclose and explain any existing or potential conflicts of interest between the charter school board and proposed service provider or any affiliated business entities.

(5) ~~(In the case of an application from)~~ If an applicant ~~((that))~~ operates one or more schools in any state or nation, the applicant must provide evidence of ~~((past))~~ the performance of those schools, including evidence of the applicant's success in serving at-risk students, and capacity for growth.

(6) Applicants may submit a proposal for a particular ~~((public))~~ charter public school to no more than one authorizer at a time.

**Sec. 914.** RCW 28A.710.140 and 2013 c 2 s 214 are each reenacted and amended to read as follows:

(1) The state board of education must establish an annual statewide timeline for charter application submission and approval or denial ~~((, which))~~ that must be followed by all authorizers.

(2) In reviewing and evaluating charter applications, authorizers shall employ procedures, practices, and criteria consistent with nationally recognized principles and standards for quality charter authorizing. Authorizers shall give preference to applications for charter schools that are designed to enroll and serve at-risk student populations ~~((: PROVIDED, That))~~. However, nothing in this chapter may be construed as intended to limit the establishment of charter schools to those that serve a substantial portion of at-risk students, or to in any manner restrict, limit, or discourage the establishment of charter schools that enroll and serve other pupil populations under a nonexclusive, nondiscriminatory admissions policy. The application review process must include thorough evaluation of each application, an in-person interview with the applicant group, and an opportunity to learn about and provide input on each application in a public forum including, without limitation, parents, community members, local residents, and school district board members and staff ~~((, to learn about and provide input on each application))~~.

(3) In deciding whether to approve an application, authorizers must:

(a) Grant charters only to applicants that have demonstrated competence in each element of the authorizer's published approval criteria and are likely to open and operate a successful ~~((public))~~ charter public school;

(b) Base decisions on documented evidence collected through the application review process;

(c) Follow charter-granting policies and practices that are transparent and based on merit; and

(d) Avoid any conflicts of interest, whether real or apparent.

(4) An approval decision may include, if appropriate, reasonable conditions that the charter applicant must meet before a charter contract may be executed.

(5) For any denial of an application, the authorizer shall clearly state in writing its reasons for denial. A denied applicant may subsequently reapply to that authorizer or apply to another authorizer in the state.

**Sec. 915.** RCW 28A.710.150 and 2013 c 2 s 215 are each reenacted and amended to read as follows:

(1) A maximum of forty ~~((public))~~ charter public schools may be established under this chapter ~~((;))~~ over ~~((a))~~ the five-year period commencing with the effective date of this section. No more than eight charter schools may be established in any ~~((single))~~ year during the five-year period, except that if in any ~~((single))~~ year fewer than eight charter schools are established, ~~((then))~~ additional charter schools, equal in number to the difference between the number established in that year and eight, may be established in subsequent years during the five-year period.

(2) (a) To ensure compliance with the limits for establishing new charter schools, certification from the state board of education must be obtained before final authorization of a charter school.

(b) Within ten days of taking action to approve or deny an application under RCW 28A.710.140, an authorizer must submit a report of the action to the applicant and ~~((;))~~ the state board of education ~~((, which))~~. The report must include a copy of the authorizer's resolution setting forth the action taken, the reasons for the decision, and assurances of compliance with the procedural requirements and application elements under RCW 28A.710.130 and 28A.710.140. The authorizer must also indicate whether the charter school is designed to enroll and serve at-risk student populations. The state board of education must establish, for each year in which charter schools may be authorized as part of the timeline to be established pursuant to RCW 28A.710.140, the ~~((last))~~ latest annual date by which the authorizer ~~((must))~~ may submit the report. The state board of education must send to each authorizer notice of the date ~~((to each authorizer no later than))~~ by which a report must be submitted at least six months before the date established by the board.

(3) Upon the receipt of notice from an authorizer that a charter school has been approved, the state board of education shall certify whether the approval is in compliance with the limits on the maximum number of charters allowed under subsection (1) of this section. If the board receives simultaneous notification of approved charters that exceed the annual allowable limits in subsection (1) of this section, the board must select approved charters for implementation through a lottery process, and must assign implementation dates accordingly.

(4) The state board of education must notify authorizers when the maximum allowable number of charter schools has been reached.

**Sec. 916.** RCW 28A.710.160 and 2013 c 2 s 216 are each reenacted and amended to read as follows:

(1) The purposes of the charter application submitted under RCW 28A.710.130 are to present the proposed charter school's academic and operational vision and plans, and to demonstrate and provide the authorizer with a clear basis for evaluating the applicant's capacities to execute the proposed

vision and plans. An approved charter application does not serve as the school's charter contract.

(2) Within ninety days of approval of a charter application, the authorizer and the governing board of the approved charter school must execute a charter contract. The contract must establish the terms by which ~~(fundamentally,)~~ the ~~((public))~~ charter school agrees to provide educational services that, at a minimum, meet basic education standards, in return for ~~((an allocation))~~ a distribution of public funds ~~((to))~~ that will be used for ~~((such))~~ the purposes ~~((all as set forth))~~ established in the contract and in this and other applicable statutes ~~((and in the charter contract))~~. The charter contract must clearly set forth the academic and operational performance expectations and measures by which the charter school will be ~~((judged))~~ evaluated and the administrative relationship between the authorizer and charter school, including each party's rights and duties. The performance expectations and measures set forth in the charter contract must include, but need not be limited to, applicable federal and state accountability requirements. The performance provisions may be refined or amended by mutual agreement after the charter school is operating and has collected baseline achievement data for its enrolled students.

(3) If the charter school is authorized by a school district board of directors, the charter contract must be signed by the president of the applicable school district board of directors ((if the school district board of directors is the authorizer or the chair of the commission if the commission is the authorizer and by)) and the president of the charter school board. If the charter school is authorized by the commission, the charter contract must be signed by the chair of the commission and the president of the charter school board. Within ten days of executing a charter contract, the authorizer must submit to the state board of education written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.

(4) A charter contract may govern one or more charter schools to the extent approved by the authorizer. A single charter school board may hold one or more charter contracts. However, each charter school that is part of a charter contract must be separate and distinct from any others and, for purposes of calculating the maximum number of charter schools that may be established under this chapter, each charter school must be considered a single charter school regardless of how many charter schools are governed under a particular charter contract.

(5) An initial charter contract must be granted for a term of five operating years. The contract term must commence on the charter school's first day of operation. An approved charter school may delay its opening for one school year in order to plan and prepare for the school's opening. If the school requires an opening delay of more than one school year, the school must request an extension from its authorizer. The authorizer may grant or deny the contract extension depending on the school's circumstances.

(6) Authorizers may establish reasonable preopening requirements or conditions to monitor the start-up progress of newly approved charter schools ~~((and))~~, ensure that they are prepared to open smoothly on the date agreed, and ~~((to))~~

ensure that each school meets all building, health, safety, insurance, and other legal requirements for school opening.

(7) No charter school may commence operations without a charter contract executed in accordance with this section.

(8) In accordance with section 938(4) of this act:

(a) The state board of education must take all reasonable and necessary steps to provide parties to contracts entered into under or in accordance with chapter 2, Laws of 2013 that were in effect on December 1, 2015, with an opportunity to reexecute the contracts with the same terms and duration or substantially the same terms and duration as were in effect on December 1, 2015; and

(b) Each authorizer must take all reasonable and necessary steps to provide parties to contracts entered into under or in accordance with chapter 2, Laws of 2013 that were in effect on December 1, 2015, with an opportunity to reexecute the contracts with the same terms and duration or substantially the same terms and duration as were in effect on December 1, 2015.

(9) Contracts executed pursuant to subsection (8) of this section do not count against the annual cap established in RCW 28A.710.150(1).

(10) For purposes of this section, "substantially the same terms and duration" includes contract modifications necessary to comply with the provisions of this chapter or other applicable law.

**Sec. 917.** RCW 28A.710.170 and 2013 c 2 s 217 are each reenacted and amended to read as follows:

(1) The performance provisions within a charter contract must be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide an authorizer's evaluations of ~~((each))~~ a charter school within its jurisdiction.

(2) At a minimum, the performance framework must include indicators, measures, and metrics for:

- (a) Student academic proficiency;
- (b) Student academic growth;
- (c) Achievement gaps in both proficiency and growth between major student subgroups;
- (d) Attendance;
- (e) Recurrent enrollment from year to year;
- (f) High school graduation rates and student postsecondary readiness~~((for high schools))~~;
- (g) Financial performance and sustainability; and
- (h) Charter school board performance and stewardship, including compliance with all applicable laws, rules, and terms of the charter contract.

(3) Annual performance targets must be set by each charter school in conjunction with its authorizer and must be designed to help each school meet applicable federal, state, and authorizer expectations.

(4) The authorizer and charter school may also include additional rigorous, valid, and reliable indicators in the performance framework to augment external evaluations of the charter school's performance.

(5) The performance framework must require the disaggregation of all student performance data by major student subgroups, including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(6) Multiple schools operating under a single charter contract or overseen by a single charter school board must report their performance as separate schools, and each school shall be held independently accountable for its performance.

**Sec. 918.** RCW 28A.710.180 and 2013 c 2 s 218 are each reenacted and amended to read as follows:

(1) Each authorizer must continually monitor the performance and legal compliance of the charter schools (~~(# oversees)~~) under its jurisdiction, including collecting and analyzing data to support ongoing evaluation according to the performance framework in the charter contract.

(2) An authorizer may conduct or require oversight activities that enable the authorizer to fulfill its responsibilities under this chapter, including conducting appropriate inquiries and investigations, (~~(so long as)~~) if those activities are consistent with the intent of this chapter, adhere to the terms of the charter contract, and do not unduly inhibit the autonomy granted to charter schools.

(3) In the event that a charter school's performance or legal compliance appears unsatisfactory, the authorizer must promptly notify the school of the perceived problem and provide reasonable opportunity for the school to remedy the problem(~~(, unless)~~). However, if the problem warrants revocation (~~(in which case)~~) of the charter contract, the revocation procedures under RCW 28A.710.200 apply.

(4) An authorizer may take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in charter school performance or legal compliance. (~~(Such)~~) These actions or sanctions may include, if warranted, requiring a school to develop and execute a corrective action plan within a specified time frame.

**Sec. 919.** RCW 28A.710.190 and 2013 c 2 s 219 are each reenacted and amended to read as follows:

(1) A charter contract may be renewed by the authorizer, at the request of the charter school, for successive five-year terms(~~(, although)~~). The authorizer, however, may vary the term based on the performance, demonstrated capacities, and particular circumstances of a charter school, and may grant renewal with specific conditions for necessary improvements to a charter school.

(2) No later than six months before the expiration of a charter contract, the authorizer must issue a performance report and charter contract renewal application guidance to (~~(that)~~) the charter school. The performance report must summarize the charter school's performance record to date based on the data required by the charter contract, and must provide notice of any weaknesses or concerns perceived by the authorizer concerning the charter school that may, if not timely rectified, jeopardize its position in seeking renewal (~~(if not timely rectified)~~). The charter school has thirty days to respond to the performance report and submit any corrections or clarifications for the report.

(3) The renewal application guidance must, at a minimum, provide an opportunity for the charter school to:

(a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter contract renewal;

(b) Describe improvements undertaken or planned for the school; and

(c) Detail the school's plans for the next charter contract term.

(4) The renewal application guidance must include or refer explicitly to the criteria that will guide the authorizer's renewal decisions, (~~(which shall)~~) and this criteria must be based on the performance framework set forth in the charter contract.

(5) In making charter renewal decisions, an authorizer must:

(a) (~~(Ground)~~) Base its decisions in evidence of the school's performance over the term of the charter contract in accordance with the performance framework set forth in the charter contract;

(b) Ensure that data used in making renewal decisions are available to the school and the public; and

(c) Provide a public report summarizing the evidence basis for its decision.

**Sec. 920.** RCW 28A.710.200 and 2013 c 2 s 220 are each reenacted and amended to read as follows:

(1) An authorizer may revoke a charter contract (~~(may be revoked)~~) at any time, or (~~(not renewed)~~) may refuse to renew it, if the authorizer determines that the charter school did any of the following or otherwise failed to comply with the provisions of this chapter:

(a) Committed a material and substantial violation of any of the terms, conditions, standards, or procedures required under this chapter or the charter contract;

(b) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter contract;

(c) Failed to meet generally accepted standards of fiscal management; or

(d) Substantially violated any material provision of law from which the charter school is not exempt.

(2) Except as provided otherwise by this subsection (2), an authorizer may not renew a charter contract (~~(may not be renewed)~~) if, at the time of the renewal application, the charter school's performance falls in the bottom quartile of schools on the (~~(accountability)~~) Washington achievement index developed by the state board of education under RCW 28A.657.110(~~(, unless)~~). A contract may be renewed without violating this subsection (2), however, if the charter school demonstrates exceptional circumstances that the authorizer finds justifiable.

(3) Each authorizer must develop revocation and nonrenewal processes that:

(a) Provide the charter school board with a timely notification of the prospect of and reasons for revocation or nonrenewal;

(b) Allow the charter school board a reasonable amount of time in which to prepare a response;

(c) Provide the charter school board with an opportunity, at a recorded public proceeding held for that purpose, to submit documents and give testimony challenging the rationale for closure and in support of the continuation of the school (~~(at a recorded public proceeding held for that purpose)~~);

(d) Allow the charter school board to be represented by counsel and to call witnesses on its behalf; and

(e) After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the charter school board.

(4) If an authorizer revokes or does not renew a charter contract, the authorizer must clearly state in a resolution the reasons for the revocation or nonrenewal.

(5) Within ten days of taking action to renew, not renew, or revoke a charter contract, an authorizer must submit a report of the action to the ~~((applicant))~~ charter school and ~~((to))~~ the state board of education ~~((, which))~~. The report must include a copy of the authorizer's resolution setting forth the action taken, the reasons for the decision, and assurances of compliance with the procedural requirements established by the authorizer under this section.

**Sec. 921.** RCW 28A.710.210 and 2013 c 2 s 221 are each reenacted and amended to read as follows:

(1) Before making a decision to not renew or to revoke a charter contract, an authorizer ~~((s))~~ must develop a charter school termination protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, as necessary, and proper disposition of public school funds, property, and assets. The protocol must specify tasks, timelines, and responsible parties, including delineating the respective duties of the charter school and the authorizer.

(2) ~~((In the event that))~~ If the nonprofit corporation ~~((applicant))~~ operator of a charter school should dissolve for any reason including, without limitation, because of the termination of the charter contract, the public school funds of the charter school that have been provided pursuant to RCW 28A.710.220 must be returned to the state or local account from which the public funds originated. If the charter school has commingled the funds, the funds must be returned in proportion to the proportion of those funds received by the charter school from the public accounts in the last year preceding the dissolution. The dissolution of ~~((an applicant))~~ a nonprofit corporation shall otherwise proceed as provided by law.

(3) A charter contract may not be transferred from one authorizer to another or from one charter school ~~((applicant))~~ to another before the expiration of the charter contract term except by petition to the state board of education by the charter school or its authorizer. The state board of education must review such petitions on a case-by-case basis and may grant transfer requests in response to special circumstances and evidence that such a transfer would serve the best interests of the charter school's students.

**Sec. 922.** RCW 28A.710.220 and 2013 c 2 s 222 are each reenacted and amended to read as follows:

(1) Charter schools must report student enrollment in the same manner, and based on the same definitions of enrolled students and annual average full-time equivalent enrollment, as other public schools. Charter schools must comply with applicable reporting requirements to receive state or federal funding that is ~~((allocated))~~ distributed based on student characteristics.

(2) ~~((According to the schedule established under RCW 28A.510.250, the superintendent of public instruction shall allocate funding for a charter school including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations must be based on the statewide average staff mix ratio of all noncharter public schools from the prior school year and the school's actual full-time equivalent enrollment. Categorical funding must be~~

~~allocated to a charter school based on the same funding criteria used for noncharter public schools and the funds must be expended as provided in the charter contract. A charter school is eligible to apply for state grants on the same basis as a school district))~~ In accordance with appropriations made under sections 927 and 928 of this act, the superintendent of public instruction shall distribute state funding to charter schools according to the schedule established in RCW 28A.510.250.

(3) ~~((Allocations for pupil transportation must be calculated on a per student basis based on the allocation for the previous school year to the school district in which the charter school is located. A charter school may enter into a contract with a school district or other public or private entity to provide transportation for the students of the school.~~

~~((4))~~ Amounts ~~((payable))~~ distributed to a charter school under this section in the school's first year of operation must be based on the projections of first-year student enrollment established in the charter contract. The office of the superintendent of public instruction must reconcile the amounts ~~((paid))~~ distributed in the first year of operation to the amounts that would have been ~~((paid))~~ distributed based on actual student enrollment and make adjustments to the charter school's ~~((allocations))~~ distributions over the course of the second year of operation.

~~((5))~~ For charter schools authorized by a school district board of directors, allocations to a charter school that are included in RCW 84.52.0531(3) (a) through (c) shall be included in the levy planning, budgets, and funding distribution in the same manner as other public schools in the district.

~~((6))~~ Conversion charter schools are eligible for local levy moneys approved by the voters before the conversion start-up date of the school as determined by the authorizer, and the school district must allocate levy moneys to a conversion charter school.

~~((7))~~ New charter schools are not eligible for local levy moneys approved by the voters before the start-up date of the school unless the local school district is the authorizer.

~~((8))~~ For levies submitted to voters after the start-up date of a charter school authorized under this chapter, the charter school must be included in levy planning, budgets, and funding distribution in the same manner as other public schools in the district.

~~((9))~~ (4) Any moneys received by a charter school from any source and remaining in the school's accounts at the end of ~~((any))~~ a budget year ~~((shall))~~ must remain in the school's accounts for use by the school during subsequent budget years.

**Sec. 923.** RCW 28A.710.230 and 2013 c 2 s 223 are each reenacted and amended to read as follows:

(1) Charter schools are eligible for state ~~((matching funds))~~ funding for ~~((common))~~ school construction. However, such appropriations may not be made from the common school construction fund.

(2) ~~((A))~~ If a school district decides to sell or lease the public school facility or property pursuant to RCW 28A.335.040 or 28A.335.120, a charter school ~~((has))~~ located within the boundaries of the district has a right of first refusal to purchase or lease at ~~((or below))~~ fair market value a closed public school facility or property or unused portions of a public school facility or property ~~((located in a~~

~~school district from which it draws its students if the school district decides to sell or lease the public school facility or property pursuant to RCW 28A.335.040 or 28A.335.120)) by negotiated agreement with mutual consideration. The consideration may include the provision of educational services by the charter school.~~

(3) A charter school may negotiate and contract with a school district, the governing body of a public college or university, or any other public or private entity for the use of a facility for a school building at ~~((or below))~~ fair market rent.

(4) Public libraries, community service organizations, museums, performing arts venues, theaters, and public or private colleges and universities may provide space to charter schools within their facilities under their preexisting zoning and land use designations.

(5) A conversion charter school, by negotiated agreement with mutual consideration and as part of the consideration for providing educational services under the charter contract, may continue to use its existing school district facility ~~((without paying rent to the school district that owns the facility))~~. The district remains responsible for major repairs and safety upgrades that may be required for the continued use of the facility as a public school. The charter school is responsible for routine maintenance of the facility including, but not limited to, cleaning, painting, gardening, and landscaping. The charter contract of a conversion charter school using existing facilities that are owned by its school district must include reasonable and customary terms regarding the use of the existing facility that are binding upon the charter school and the school district.

**Sec. 924.** RCW 28A.710.240 and 2013 c 2 s 224 are each reenacted to read as follows:

Years of service in a charter school by certificated instructional staff shall be included in the years of service calculation for purposes of the statewide salary allocation schedule under RCW 28A.150.410. This section does not require a charter school to pay a particular salary to its staff while the staff is employed by the charter school.

**Sec. 925.** RCW 28A.710.250 and 2013 c 2 s 225 are each reenacted and amended to read as follows:

(1) By December 1st of each year beginning in the first year after there have been charter schools operating for a full school year, the state board of education, in collaboration with the commission, must issue ~~((an annual))~~ a report on the performance of the state's charter schools ~~((for))~~ during the preceding school year to the governor, the legislature, and the public at large.

(2) The annual report must be based on the reports submitted by each authorizer as well as any additional relevant data compiled by the state board of education. The report must include a comparison of the performance of charter school students with the performance of academically, ethnically, and economically comparable groups of students in ~~((noncharter))~~ other public schools. In addition, the annual report must include the state board of education's assessment of the successes, challenges, and areas for improvement in meeting the purposes of this chapter, including the board's assessment of the sufficiency of funding for charter schools, the efficacy of the formula for

authorizer funding, and any suggested changes in state law or policy necessary to strengthen the state's charter schools.

(3) Together with the issuance of the annual report following the fifth year after there have been charter schools operating for a full school year, the state board of education, in collaboration with the commission, shall submit a recommendation regarding whether or not the legislature should authorize the establishment of additional ~~((public))~~ charter public schools.

**Sec. 926.** RCW 28A.710.260 and 2014 c 221 s 911 are each reenacted to read as follows:

The charter schools oversight account is hereby created in the state treasury. All moneys received by the commission under RCW 28A.710.110 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of this chapter.

**NEW SECTION. Sec. 927.** A new section is added to chapter 28A.710 RCW to read as follows:

The state legislature shall, at each regular session in an odd-numbered year, appropriate for the current use of charter schools amounts as determined in accordance with section 928 of this act, and amounts authorized under RCW 28A.710.230(1), for state support to charter schools during the ensuing biennium.

**NEW SECTION. Sec. 928.** A new section is added to chapter 28A.710 RCW to read as follows:

(1) The legislature intends that the state funding distributed for charter schools should be equitable to the state funding received by other public schools. For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount per each full-time equivalent student at statewide uniform rates. The calculations and distributions must be based upon the estimated statewide annual average per full-time equivalent student allocations under RCW 28A.150.260, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection, as applicable.

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys appropriated for general apportionment under the same ratios as in RCW 28A.150.260.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through (v) of this subsection (1) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(ii) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(iii) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020;

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030; and

(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(2) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements.

**Sec. 929.** RCW 28A.150.010 and 2013 c 2 s 301 are each reenacted and amended to read as follows:

Public schools means the common schools as referred to in Article IX of the state Constitution, ~~((including))~~ charter schools established under chapter 28A.710 RCW, and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense.

**Sec. 930.** RCW 28A.315.005 and 2013 c 2 s 302 are each reenacted and amended to read as follows:

(1) Under the constitutional framework and the laws of the state of Washington, the governance structure for the state's public common school system is comprised of the following bodies: The legislature, the governor, the superintendent of public instruction, the state board of education, ~~((the Washington charter school commission,))~~ the educational service district boards of directors, and local school district boards of directors. The respective policy and administrative roles of each body are determined by the state Constitution and statutes.

(2) Local school districts are political subdivisions of the state and the organization of such districts, including the powers, duties, and boundaries thereof, may be altered or abolished by laws of the state of Washington.

**Sec. 931.** RCW 41.32.033 and 2013 c 2 s 303 are each reenacted to read as follows:

This section designates charter schools established under chapter 28A.710 RCW as employers and charter school employees as members, and applies only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

**Sec. 932.** RCW 41.35.035 and 2013 c 2 s 304 are each reenacted to read as follows:

This section designates charter schools established under chapter 28A.710 RCW as employers and charter school employees as members, and applies only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

**Sec. 933.** RCW 41.40.025 and 2013 c 2 s 305 are each reenacted to read as follows:

This section designates charter schools established under chapter 28A.710 RCW as employers and charter school employees as members, and applies only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

**Sec. 934.** RCW 41.05.011 and 2015 c 116 s 2 are each reenacted to read as follows:

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

(1) "Authority" means the Washington state health care authority.

(2) "Board" means the public employees' benefits board established under RCW 41.05.055.

(3) "Dependent care assistance program" means a benefit plan whereby state and public employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or other sections of the internal revenue code.

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

(5) "Emergency service personnel killed in the line of duty" means law enforcement officers and firefighters as defined in RCW 41.26.030, members of the Washington state patrol retirement fund as defined in RCW 43.43.120, and reserve officers and firefighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(6) "Employee" includes all employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature. Pursuant to contractual agreement with the authority, "employee" may also include: (a) Employees of a county, municipality, or other political subdivision of the state and members of the legislative authority of any county, city, or town who are elected to office after February 20, 1970, if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205 and 41.05.021(1)(g); (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350; (d) employees of a tribal government, if the governing body of the tribal government seeks and receives the approval of the authority to provide any of its insurance

programs by contract with the authority, as provided in RCW 41.05.021(1) (f) and (g); (e) employees of the Washington health benefit exchange if the governing board of the exchange established in RCW 43.71.020 seeks and receives approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (g) and (n); and (f) employees of a charter school established under chapter 28A.710 RCW. "Employee" does not include: Adult family home providers; unpaid volunteers; patients of state hospitals; inmates; employees of the Washington state convention and trade center as provided in RCW 41.05.110; students of institutions of higher education as determined by their institution; and any others not expressly defined as employees under this chapter or by the authority under this chapter.

(7) "Employer" means the state of Washington.

(8) "Employer group" means those counties, municipalities, political subdivisions, the Washington health benefit exchange, tribal governments, school districts, and educational service districts, and employee organizations representing state civil service employees, obtaining employee benefits through a contractual agreement with the authority.

(9) "Employing agency" means a division, department, or separate agency of state government, including an institution of higher education; a county, municipality, school district, educational service district, or other political subdivision; charter school; and a tribal government covered by this chapter.

(10) "Faculty" means an academic employee of an institution of higher education whose workload is not defined by work hours but whose appointment, workload, and duties directly serve the institution's academic mission, as determined under the authority of its enabling statutes, its governing body, and any applicable collective bargaining agreement.

(11) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(12) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(13) "Medical flexible spending arrangement" means a benefit plan whereby state and public employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(14) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the salary reduction plan.

(15) "Plan year" means the time period established by the authority.

(16) "Premium payment plan" means a benefit plan whereby state and public employees may pay their share of group health plan premiums with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(17) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district, educational service district, or charter school on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district, educational service district, or charter school due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(18) "Salary" means a state employee's monthly salary or wages.

(19) "Salary reduction plan" means a benefit plan whereby state and public employees may agree to a reduction of salary on a pretax basis to participate in the dependent care assistance program, medical flexible spending arrangement, or premium payment plan offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(20) "Seasonal employee" means an employee hired to work during a recurring, annual season with a duration of three months or more, and anticipated to return each season to perform similar work.

(21) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(17) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(33), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

(22) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(23) "Tribal government" means an Indian tribal government as defined in section 3(32) of the employee retirement income security act of 1974, as amended, or an agency or instrumentality of the tribal government, that has government offices principally located in this state.

**Sec. 935.** RCW 41.56.0251 and 2013 c 2 s 307 are each reenacted to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter applies to any charter school established under chapter 28A.710 RCW. Any bargaining unit or units established at the charter school must be limited to employees working in the charter school and must be separate from other bargaining units in school districts, educational service districts, or institutions of higher education. Any charter school established under chapter

28A.710 RCW is a separate employer from any school district, including the school district in which it is located.

**Sec. 936.** RCW 41.59.031 and 2013 c 2 s 308 are each reenacted to read as follows:

This chapter applies to any charter school established under chapter 28A.710 RCW. Any bargaining unit or units established at the charter school must be limited to employees working in the charter school and must be separate from other bargaining units in school districts, educational service districts, or institutions of higher education. Any charter school established under chapter 28A.710 RCW is a separate employer from any school district, including the school district in which it is located.

**NEW SECTION. Sec. 937.** RCW 28A.710.005 (Findings—2013 c 2) and 2013 c 2 s 101 are each repealed.

**NEW SECTION. Sec. 938.** (1) Sections 901 through 937 of this act are remedial and curative in nature and apply to the Washington state charter school commission, school district authorizers, and charter schools established before the effective date of this section.

(2) Charter schools, and actions related to their establishment and operation that were in compliance with the laws of the state of Washington before the effective date of this section, or that substantially complied with the provisions of this act before its effective date, are declared to be valid.

(3) The Washington state charter school commission and school district authorizers, and actions related to their establishment and operation that were in compliance with the laws of the state of Washington before the effective date of this section, or that substantially complied with the provisions of this act before its effective date, are declared to be valid.

(4) Contracts entered into under or in accordance with chapter 2, Laws of 2013 that were in effect on December 1, 2015, may, with the agreement of all parties and within sixty days after the effective date of this section, be reexecuted with the same terms and duration or substantially the same terms and duration as were in effect on December 1, 2015. For purposes of this section, "substantially the same terms and duration" includes contract modifications necessary to comply with the provisions of chapter . . . , Laws of 2016 (this act) or other applicable law.

#### PART X

#### EDUCATIONAL PROGRAMS THAT ARE NOT IN COMMON SCHOOLS

**Sec. 1001.** RCW 28A.150.310 and 2002 c 291 s 2 are each amended to read as follows:

An amount equal to basic and nonbasic education funding, including applicable vocational entitlements and special education program money, generated under this chapter and under state appropriations acts shall be (~~allocated~~) distributed directly to the military department for a national guard youth challenge program for students earning high school graduation credit under RCW (~~(28A.305.170)~~) 28A.300.165. Funding shall be provided based on statewide average rates for basic education, special education, categorical, and block grant programs as determined by the office of the superintendent of public instruction. The state funds provided shall be from the Washington opportunity pathways account created in RCW 28B.76.526. The monthly full-time equivalent enrollment

reported for students enrolled in the national guard youth challenge program shall be based on one full-time equivalent for every one hundred student hours of scheduled instruction eligible for high school graduation credit. The office of the superintendent of public instruction, in consultation with the military department, shall adopt such rules as are necessary to implement this section.

**Sec. 1002.** RCW 28A.185.040 and 1990 c 33 s 169 are each amended to read as follows:

(1) The superintendent of public instruction shall contract with the University of Washington for the education of highly capable students below eighteen years of age who are admitted or enrolled at such early entrance program or transition school as are now or hereafter established and maintained by the University of Washington.

(2) The superintendent of public instruction shall (~~allocate~~) distribute directly to the University of Washington an amount equal to all of the state basic education allocation moneys, state categorical moneys excepting categorical moneys provided for the highly capable students program under RCW 28A.185.010 through 28A.185.030, any enrichment to those statutory formulae that is specified in the omnibus appropriations act, and federal moneys generated by a student while attending an early entrance program or transition school at the University of Washington. The state funds distributed under this subsection shall be from the Washington opportunity pathways account created in RCW 28B.76.526. The allocations shall be according to each student's school district of residence. The expenditure of such moneys shall be limited to selection of students, precollege instruction, special advising, and related activities necessary for the support of students while attending a transition school or early entrance program at the University of Washington. Such allocations may be supplemented with such additional payments by other parties as necessary to cover the actual and full costs of such instruction and other activities.

(3) The provisions of subsections (1) and (2) of this section shall apply during the first three years a student is attending a transition school or early entrance program at the University of Washington or through the academic school year in which the student turns eighteen, whichever occurs first. No more than thirty students shall be admitted and enrolled in the transition school at the University of Washington in any one year.

(4) The superintendent of public instruction shall adopt or amend rules pursuant to chapter 34.05 RCW implementing subsection (2) of this section (~~(before August 31, 1989)~~).

**Sec. 1003.** RCW 28A.193.080 and 1998 c 244 s 9 are each amended to read as follows:

The superintendent of public instruction shall:

(1) (~~Allocate~~) Distribute money appropriated by the legislature to administer and provide education programs under this chapter to school districts (~~(, educational service districts, and other education providers selected under RCW 28A.193.020)~~) that have assumed the primary responsibility to administer and provide education programs under this chapter (-);

(2) Distribute moneys from the Washington opportunity pathways account created in RCW 28B.76.526 to educational school districts, and other education providers

selected under RCW 28A.193.020 that have assumed the primary responsibility to administer and provide education programs under this chapter. The allocation of moneys to any private contractor is contingent upon and must be in accordance with a contract between the private contractor and the department of corrections; and

~~((2))~~ (3) Adopt rules in accordance with chapter 34.05 RCW that establish reporting, program compliance, audit, and such other accountability requirements as are reasonably necessary to implement this chapter and related provisions of the biennial operating act effectively.

**Sec. 1004.** RCW 28A.205.070 and 2006 c 263 s 409 are each amended to read as follows:

In ~~((allocating))~~ distributing funds ~~((appropriated for))~~ to education centers, the superintendent of public instruction shall provide funds from the Washington opportunity pathways account created in RCW 28B.76.526 and also:

(1) Place priority upon stability and adequacy of funding for education centers that have demonstrated superior performance as defined in RCW 28A.205.040(2).

(2) Initiate and maintain a competitive review process to select new or expanded center programs in unserved or underserved areas. The criteria for review of competitive proposals for new or expanded education center services shall include but not be limited to:

(a) The proposing organization shall have obtained certification from the superintendent of public instruction as provided in RCW 28A.205.010;

(b) The cost-effectiveness of the proposal; and

(c) The availability of committed nonstate funds to support, enrich, or otherwise enhance the basic program.

(3) In selecting areas for new or expanded education center programs, the superintendent of public instruction shall consider factors including but not limited to:

(a) The proportion and total number of dropouts unserved by existing center programs, if any;

(b) The availability within the geographic area of programs other than education centers which address the basic educational needs of dropouts; and

(c) Waiting lists or other evidence of demand for expanded education center programs.

(4) In the event of any curtailment of services resulting from lowered legislative appropriations, the superintendent of public instruction shall issue pro rata reductions to all centers funded at the time of the lowered appropriation. Individual centers may be exempted from such pro rata reductions if the superintendent finds that such reductions would impair the center's ability to operate at minimally acceptable levels of service. In the event of such exceptions, the superintendent shall determine an appropriate rate for reduction to permit the center to continue operation.

(5) In the event that an additional center or centers become certified and apply to the superintendent for funds to be ~~((allocated))~~ distributed from a legislative appropriation which does not increase from the immediately preceding biennium, or does not increase sufficiently to allow such additional center or centers to operate at minimally acceptable levels of service without reducing the funds available to previously funded centers, the superintendent shall not provide funding for such additional center or centers from such appropriation.

**Sec. 1005.** RCW 28A.215.060 and 2008 c 169 s 1 are each amended to read as follows:

(1) The Washington community learning center program is established. The program shall be administered by the office of the superintendent of public instruction. The purposes of the program include:

(a) Supporting the creation or expansion of community learning centers that provide students with tutoring and educational enrichment when school is not in session;

(b) Providing training and professional development for community learning center program staff;

(c) Increasing public awareness of the availability and benefits of after-school programs; and

(d) Supporting statewide after-school intermediary organizations in their efforts to provide leadership, coordination, technical assistance, professional development, advocacy, and programmatic support to the Washington community learning center programs and after-school programs throughout the state.

(2)(a) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction may provide community learning center grants to any public or private organization that meets the eligibility criteria of the federal twenty-first century community learning centers program. Grant funds provided to entities other than school districts must be provided from the Washington opportunity pathways account created in RCW 28B.76.526.

(b) Priority may be given to grant requests submitted jointly by one or more schools or school districts and one or more community-based organizations or other nonschool partners.

(c) Priority may also be given to grant requests for after-school programs focusing on improving mathematics achievement, particularly for middle and junior high school students.

(d) Priority shall be given to grant requests that:

(i) Focus on improving reading and mathematics proficiency for students who attend schools that have been identified as being in need of improvement under section 1116 of Title I of the federal no child left behind act of 2001; and

(ii) Include a public/private partnership agreement or proposal for how to provide free transportation for those students in need that are involved in the program.

(3) Community learning center grant funds may be used to carry out a broad array of out-of-school activities that support and enhance academic achievement. The activities may include but need not be limited to:

(a) Remedial and academic enrichment;

(b) Mathematics, reading, and science education;

(c) Arts and music education;

(d) Entrepreneurial education;

(e) Community service;

(f) Tutoring and mentoring programs;

(g) Programs enhancing the language skills and academic achievement of limited English proficient students;

(h) Recreational and athletic activities;

(i) Telecommunications and technology education;

(j) Programs that promote parental involvement and family literacy;

(k) Drug and violence prevention, counseling, and character education programs; and

(l) Programs that assist students who have been truant, suspended, or expelled, to improve their academic achievement.

(4) Each community learning center grant may be made for a maximum of five years. Each grant recipient shall report annually to the office of the superintendent of public instruction on what transportation services are being used to assist students in accessing the program and how those services are being funded. Based on this information, the office of the superintendent of public instruction shall compile a list of transportation service options being used and make that list available to all after-school program providers that were eligible for the community learning center program grants.

(5) To the extent that funding is available for this purpose, the office of the superintendent of public instruction may provide grants or other support for the training and professional development of community learning center staff, the activities of intermediary after-school organizations, and efforts to increase public awareness of the availability and benefits of after-school programs.

(6) Schools or school districts that receive a community learning center grant under this section may seek approval from the office of the superintendent of public instruction for flexibility to use a portion of their state transportation funds for the costs of transporting students to and from the community learning center program.

(7) The office of the superintendent of public instruction shall evaluate program outcomes and report to the governor and the education committees of the legislature on the outcomes of the grants and make recommendations related to program modification, sustainability, and possible expansion. An interim report is due November 1, 2008. A final report is due December 1, 2009.

**Sec. 1006.** RCW 28A.715.040 and 2013 c 242 s 5 are each amended to read as follows:

(1) A school that is the subject of a state-tribal education compact must report student enrollment. Reporting must be done in the same manner and use the same definitions of enrolled students and annual average full-time equivalent enrollment as is required of school districts. The reporting requirements in this subsection are required for a school to receive state or federal funding that is ~~((allocated))~~ distributed based on student characteristics.

(2) Funding for a school that is the subject of a state-tribal education compact shall be ~~((apportioned))~~ separately calculated and distributed by the superintendent of public instruction according to the schedule established under RCW 28A.510.250. The state funds distributed by the superintendent shall come from the Washington opportunity pathways account created in RCW 28B.76.526. The amount of state funds to be provided shall be determined in accordance with the state funding formulae, including general apportionment, special education, categorical, any enrichment to those statutory formulae that is specified in the omnibus appropriations act, and other nonbasic education moneys. ((Allocations)) Distributions for certificated instructional staff must be based on the average staff mix ratio of the school, as separately calculated by the

superintendent of public instruction using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act. ~~((Allocations))~~ Distributions for classified staff and certificated administrative staff must be based on the salary allocations of the school district in which the school is located, subject to conditions and limitations established by the omnibus appropriations act. Nothing in this section requires a school that is the subject of a state-tribal education compact to use the statewide salary allocation schedule. Such a school is eligible to apply for state grants on the same basis as a school district.

(3) Any moneys received by a school that is the subject of a state-tribal education compact from any source that remain in the school's accounts at the end of any budget year must remain in the school's accounts for use by the school during subsequent budget years.

**NEW SECTION. Sec. 1007.** A new section is added to chapter 28A.300 RCW to read as follows:

The legislature shall provide state funds to the superintendent of public instruction from the Washington opportunity pathways account created in RCW 28B.76.526 to cover the costs of the following:

(1) Distributing state funds under RCW 28A.150.310, 28A.185.040, 28A.193.080, 28A.205.070, 28A.215.060, and 28A.715.040; and

(2) Rule making under RCW 28A.150.310, 28A.185.040, 28A.193.080, 28A.205.050, and 28A.715.010.

**Sec. 1008.** RCW 28B.76.526 and 2010 1st sp.s. c 27 s 2 are each amended to read as follows:

(1) The Washington opportunity pathways account is created in the state treasury. Expenditures from the account shall be used to cover the costs of the following:

(a) Distributing state funds under RCW 28A.150.310, 28A.185.040, 28A.193.080, 28A.205.070, 28A.215.060, and 28A.715.040; and

(b) Rule making under RCW 28A.150.310, 28A.185.040, 28A.193.080, 28A.205.050, and 28A.715.010.

(2) Expenditures from the account may be used ~~((only))~~ for programs in chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (state need grant program), ~~((chapter 28B.101 RCW (educational opportunity grant),))~~ chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to college promise), chapter 28B.118 RCW (college bound scholarship), and chapter 28B.119 RCW (Washington promise scholarship), and chapter 43.215 RCW (early childhood education and assistance program) ~~((and RCW 43.330.280 (recruitment of entrepreneurial researchers, innovation partnership zones and research teams)))~~.

## PART XI

### MISCELLANEOUS PROVISIONS

**NEW SECTION. Sec. 1101.** The sum of eight hundred twenty-six thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2019, from the Washington opportunity pathways account to

the charter school commission to perform its duties under this act.

**NEW SECTION. Sec. 1102.** The sum of eighteen million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2019, from the Washington opportunity pathways account to the office of the superintendent of public instruction for the purposes of funding charter schools.

**NEW SECTION. Sec. 1103.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 1104.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

### POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (595) to Fourth Substitute House Bill No. 1541.

### SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "In ruling upon the point of order that the amendment is outside the scope and object of the underlying bill, the Speaker finds and rules as follows:

The title of Fourth Substitute House Bill 1541 is "An act relating to implementing strategies to close the educational opportunity gap, based on the recommendations of the educational opportunity gap oversight and accountability committee." The entire bill is related only to recommendations made by the Educational Opportunity Gap Oversight and Accountability Committee. None of those recommendations or provisions of this bill involve any aspect of charter schools, which is the subject of the amendment at issue. For these reasons, the amendment is beyond the scope and object of the underlying bill and is not properly before us for consideration. The point of order is well-taken."

Representative Magendanz moved the adoption of amendment (598):

On page 3, at the beginning of line 5, strike all material through "2.53.045." on page 14, line 25

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

Correct the title.

Representative Magendanz spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (598) to Fourth Substitute House Bill No. 1541 and the amendment was not adopted by the following vote: Yeas, 47; Nays, 51; Absent, 0; Excused, 0.

Voting yea: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, G., Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, S., Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, and Wylie

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on amendment (598) to Fourth Substitute House Bill No. 1541.

Representative Van Werven, 42 District

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

Representatives Santos and Ortiz-Self spoke in favor of the passage of the bill.

Representative Magendanz spoke against the passage of the bill.

There being no objection, the House deferred action on FOURTH SUBSTITUTE HOUSE BILL NO. 1541, and the bill held its place on the third reading calendar.

**SECOND ENGROSSED HOUSE BILL NO. 2214, by Representatives Reykdal, Taylor, Pettigrew, Shea, Gregory, G. Hunt, Pollet, Holy, Ryu, Haler, Sells, Santos, Farrell, Tarleton, Bergquist, Appleton, Moscoso, Takko, Peterson, Dunshee, Riccelli, Sawyer, Tharinger, Condotta, Gregerson, Stanford, Robinson, Fitzgibbon, Kilduff, Orwall, Ortiz-Self, Van De Wege, Goodman, Kirby, Blake, Wylie, Moeller, Fey, McBride, Hurst, Schmick, S. Hunt, Griffey and Young**

**Increasing academic rigor and streamlining assessment requirements for high school students.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2214 was substituted for Second Engrossed House Bill No. 2214 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2214 was read the second time.

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

Representatives Reykdal, Magendanz and Santos spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

### MOTION

On motion of Representative Van De Wege, Representative Blake was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2214.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2214, and the bill passed the House by the following vote:

Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Buys, Caldier, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, G. Hunt, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, DeBolt, Harris, Kretz, Kristiansen, Lytton, Morris, Orcutt, Stokesbary and Wilcox.

Excused: Representative Blake.

SUBSTITUTE HOUSE BILL NO. 2214, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 1737, by House Committee on Appropriations (originally sponsored by Representatives Orcutt, Santos, Magendanz, Bergquist, Ortiz-Self, Kilduff, Kagi, Zeiger, Tarleton, Muri, Condotta and Pollet)**

**Addressing the availability of retired teachers as substitutes.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1737 was substituted for Substitute House Bill No. 1737 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1737 was read the second time.

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

Representatives Orcutt, Santos and Magendanz spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1737.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1737, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, G. Hunt, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Hudgins.

Excused: Representative Blake.

SECOND SUBSTITUTE HOUSE BILL NO. 1737, having received the necessary constitutional majority, was declared passed.

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

### INTRODUCTION & FIRST READING

HB 2860 by Representatives Johnson, Appleton, Chandler, Ryu, Holy, Hurst, Dent, McCabe, Stokesbary and Scott

AN ACT Relating to services provided by residential habilitation centers; and amending RCW 71A.20.010 and 71A.20.180.

Referred to Committee on Early Learning & Human Services.

HB 2861 by Representatives Schmick, Cody and Young

AN ACT Relating to fair payment for chiropractic services; amending RCW 48.43.190; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2862 by Representatives Rossetti, Santos, Reykdal, Magendanz, Riccelli, McCaslin, Hayes, Bergquist, Ortiz-Self, Moscoso and Ormsby

AN ACT Relating to preventing unfunded state mandates by requiring school district fiscal notes to identify revenue sources; and amending RCW 28A.300.0401.

Referred to Committee on Education.

HB 2863 by Representatives McCabe, Blake, Chandler, Dent and Johnson

AN ACT Relating to the administrative rules governing the provision of emergency drought relief funds for drinking water supply projects; and amending RCW 43.83B.430 and 43.83B.420.

Referred to Committee on Agriculture & Natural Resources.

HB 2864 by Representatives S. Hunt, Reykdal and Moscoso

AN ACT Relating to authorizing certain public transportation benefit areas to impose a sales and use tax increase approved by voters; amending RCW 82.14.045; and providing an effective date.

Referred to Committee on Transportation.

HB 2865 by Representatives Cody, Harris and Ormsby

AN ACT Relating to hospital privileges for advanced registered nurse practitioners and physician assistants; and amending RCW 70.41.230.

Referred to Committee on Health Care & Wellness.

HB 2866 by Representatives Johnson, Tarleton, Chandler, Moscoso, Buys, Van Werven, Manweller, Haler and Stanford

AN ACT Relating to the establishment of a joint select committee to investigate the creation of a Washington state council for the Pacific Northwest economic region; creating a new section; and providing an expiration date.

Referred to Committee on Technology & Economic Development.

HB 2867 by Representatives Scott, Shea, Taylor, Young, Short, Haler, G. Hunt, Schmick, Dent and Wilson

AN ACT Relating to authorizing conceal carry on campuses of institutions of higher education; amending RCW 9.41.010 and 9.41.0975; adding new sections to chapter 9.41 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 2868 by Representatives Reykdal, Walsh, Sells, Moscoso, Ortiz-Self, Hayes, Van Werven, Harris, Haler, Tarleton, Stambaugh, Pollet, MacEwen, Wilcox, Kilduff, Johnson, Klippert, Pike, Young, Rossetti, Kagi, Senn, Clibborn, Wilson, Smith, Buys, Stanford, Fey, Bergquist, S. Hunt, Frame and Ormsby

AN ACT Relating to career and technical education materials, supplies, and operating costs; amending RCW 28A.150.260; reenacting and amending RCW 28A.150.260; and providing effective dates.

Referred to Committee on Appropriations.

HB 2869 by Representatives Jinkins, Rodne and Kuderer

AN ACT Relating to preventing guardians from isolating incapacitated persons; and adding a new section to chapter 11.88 RCW.

Referred to Committee on Judiciary.

HB 2870 by Representatives Taylor, Dent, Manweller, Short, Chandler, Kretz, Schmick, Young and Scott

AN ACT Relating to prohibiting the department of fish and wildlife from requiring public access as a condition of receiving compensation under chapter 77.36 RCW; and amending RCW 77.36.110.

Referred to Committee on Agriculture & Natural Resources.

HB 2871 by Representatives Cody, Harris, Schmick, Tharinger, Kagi, Ortiz-Self and Ormsby

AN ACT Relating to the creation of a task force on high patient out-of-pocket costs; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 2872 by Representatives Fey, Hayes, Clibborn, Moscoso, Rodne, Tarleton, Kilduff, Muri, Fitzgibbon, Appleton, Stokesbary, Stanford, Griffey, Senn, Bergquist, S. Hunt, Ortiz-Self, Gregerson and Ormsby

AN ACT Relating to the recruitment and retention of Washington state patrol commissioned officers; adding a new section to chapter 43.43 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Labor & Workplace Standards.

HB 2873 by Representatives Griffey, Orwall, McCabe, Smith, Wilson, Stambaugh, Pike, Kilduff, Hayes, Muri, Gregerson, Moscoso and Dent

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

Referred to Committee on Public Safety.

HB 2874 by Representatives Pettigrew, Walsh, Sawyer, Senn, Kagi, Stanford, Bergquist, Ortiz-Self, Gregerson and Ormsby

AN ACT Relating to income eligibility for temporary assistance for needy families benefits; and repealing RCW 74.12.037.

Referred to Committee on Early Learning & Human Services.

HB 2875 by Representatives Smith, Morris and Magendanz

AN ACT Relating to establishing the office of data privacy, protection, and access equity; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Technology & Economic Development.

HB 2876 by Representatives Orwall, Kirby and Griffey

AN ACT Relating to foreclosure of deeds of trust; and creating a new section.

Referred to Committee on Judiciary.

HB 2877 by Representatives Hickel, Zeiger, Riccelli, Sawyer, Wilcox, Kochmar, Stanford, Gregerson and Ormsby

AN ACT Relating to the distribution of supplemental nutrition assistance program benefits; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Early Learning & Human Services.

HB 2878 by Representatives Kilduff, Robinson, Muri and Ormsby

AN ACT Relating to creating a penalty assessment for crimes involving the abuse of children used to support

child advocacy centers; adding a new section to chapter 9A.44 RCW; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2879 by Representatives Nealey, Springer and Magendanz

AN ACT Relating to consolidating and simplifying the annual report and annual survey used for economic development tax incentives; amending RCW 82.32.590, 82.32.600, 82.32.605, 82.32.607, 82.32.710, 82.32.808, 82.04.240, 82.04.2404, 82.04.2909, 82.04.294, 82.04.426, 82.04.4277, 82.04.4461, 82.04.4463, 82.04.448, 82.04.4481, 82.04.4483, 82.04.449, 82.08.805, 82.08.965, 82.08.9651, 82.08.970, 82.08.980, 82.08.986, 82.12.022, 82.12.025651, 82.12.805, 82.12.965, 82.12.9651, 82.12.970, 82.12.980, 82.16.0421, 82.29A.137, 82.60.070, 82.63.020, 82.63.045, 82.74.040, 82.74.050, 82.75.040, 82.75.070, 82.82.020, 82.82.040, 84.36.645, and 84.36.655; reenacting and amending RCW 82.04.260 and 82.32.790; adding a new section to chapter 82.32 RCW; adding new sections to chapter 50.13 RCW; repealing RCW 82.32.534 and 82.32.585; providing an effective date; and providing a contingent effective date.

Referred to Committee on Finance.

HB 2880 by Representatives Cody and Schmick

AN ACT Relating to the filing and rating of group health benefit plans other than small group plans, all stand-alone dental plans, and stand-alone vision plans by disability insurers, health care service contractors, and health maintenance organizations; amending RCW 48.43.733; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2881 by Representatives Pollet, Reykdal, Stanford, Morris, S. Hunt, Ortiz-Self, Kilduff, Walkinshaw, Frame and Farrell

AN ACT Relating to responding to the educator shortage crisis by increasing training, recruitment, and retention, in order to enable Washington to lower class sizes; amending RCW 28B.145.005, 28B.145.010, 28B.145.040, 28B.145.070, and 28A.415.265; adding a new section to chapter 28B.102 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.410 RCW; adding new sections to chapter 28A.300 RCW; adding new sections to chapter 28B.10 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 28A.150 RCW; creating new sections; making appropriations; and providing expiration dates.

Referred to Committee on Education.

HB 2882 by Representatives Appleton and Moscoso

AN ACT Relating to collecting data regarding occasions of justifiable homicide or use of deadly force; and adding a new section to chapter 10.93 RCW.

Referred to Committee on Public Safety.

HB 2883 by Representatives Senn, Chandler and Ormsby

AN ACT Relating to government efficiency by eliminating or revising the requirements for state agency reports; amending RCW 28B.10.029, 43.19.642, 43.43.480, 49.04.190, 50.22.157, 70.41.045, 72.10.020, 74.14A.060, and 79A.25.350; reenacting and amending RCW 34.05.328, 46.52.120, and 77.85.140; and repealing RCW 18.27.342, 28A.345.060, 43.22.330, 46.01.325, 43.88.500, 43.88.505, 43.88.510, and 43.88.515.

Referred to Committee on State Government.

HB 2884 by Representatives Clibborn, Fey and Moscoso

AN ACT Relating to modifying the business and occupation tax and public utility tax credits for alternative fuel commercial vehicles; amending RCW 82.04.4496 and 82.16.0496; and amending 2015 4rd sp.s. c 44 s 410 (uncodified).

Referred to Committee on Transportation.

HB 2885 by Representatives Stambaugh, Cody, Calder, Smith, Van Werven, Wilson, Robinson and Ormsby

AN ACT Relating to establishing a maternal mortality review panel; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Health Care & Wellness.

HB 2886 by Representative Manweller

AN ACT Relating to electrical scope of practice; amending RCW 19.28.095 and 19.28.191; and reenacting and amending RCW 19.28.400.

Referred to Committee on Labor & Workplace Standards.

HB 2887 by Representatives Haler, Sells, Stambaugh, Pollet and Stanford

AN ACT Relating to the graduate higher education loan program report; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2888 by Representatives Van De Wege, Pettigrew, Stanford, Morris, Kuderer, S. Hunt, Appleton, Peterson, Fitzgibbon, Hurst, Pollet and Farrell

AN ACT Relating to cetacean captivity; adding a new section to chapter 77.15 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 2889 by Representatives Short, Kretz and Magendanz

AN ACT Relating to absences from the meetings of a school district board of directors because of a temporary absence resulting from travel for work, duties as an elected or appointed official, or military service; and amending RCW 28A.343.390.

Referred to Committee on Education.

HB 2890 by Representatives Haler, Zeiger, Kilduff, Muri, Bergquist, S. Hunt, Ormsby and Pollet

AN ACT Relating to student voters; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 2891 by Representative Haler

AN ACT Relating to payments to counties in lieu of property taxes by the department of fish and wildlife; amending RCW 77.12.203; repealing RCW 77.12.201; and providing an effective date.

Referred to Committee on Appropriations.

HB 2892 by Representatives DeBolt and Morris

AN ACT Relating to improving the accuracy and transparency of the reporting and calculation of the fuel mix information to retail electric customers; amending RCW 19.29A.060, 19.29A.070, and 19.29A.080; and reenacting and amending RCW 19.29A.010.

Referred to Committee on Technology & Economic Development.

HB 2893 by Representatives Kuderer, Robinson, Senn, Fitzgibbon, Gregerson, Frame and Van De Wege

AN ACT Relating to procedures following certain initial detention determinations under the involuntary treatment act; amending RCW 9.41.047; and adding a new section to chapter 71.05 RCW.

Referred to Committee on Judiciary.

HJR 4215 by Representatives Orcutt, Scott, Manweller, Magendanz, McCaslin, Griffey, Hargrove, Wilson, Van Werven, Calder, Condotta, Rodne, Taylor, Shea, Harmsworth, Vick, Johnson, Holy, Buys, McCabe, Dye, Pike, Chandler, Hayes, Smith, Kochmar, Klippert, Dent,

Wilcox, Muri, Schmick, Short, Nealey, Haler,  
Young, Stokesbary, Stambaugh and Zeiger

Amending the Constitution to require a two-thirds majority vote of the legislature to raise taxes.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE JOINT RESOLUTION NO. 4215.

### MOTION

Representative Orcutt moved that the rules be suspended and that HOUSE JOINT RESOLUTION NO. 4215 be placed on the second reading calendar.

Representative Orcutt spoke in favor of the motion to suspend the rules.

Representative Sullivan spoke against the motion to suspend the rules.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the motion to suspend the rules and advance HOUSE JOINT RESOLUTION NO. 4215 to the second reading calendar. The motion was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, G. Hunt, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

Voting nay: Representatives Appleton, Bergquist, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, S. Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Excused: Representative Blake.

There being no objection, HOUSE JOINT RESOLUTION NO. 4215 was referred to the Committee on Finance.

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

There being no objection, the House adjourned until 9:55 a.m., January 26, 2016, the 16th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - REGULAR SESSION**

**SIXTEENTH DAY**

House Chamber, Olympia, Tuesday, January 26, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Ormsby presiding).

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

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

**INTRODUCTION & FIRST READING**

HB 2894 by Representatives Cody, Appleton, Ortiz-Self, Reykdal, Sells and Robinson

AN ACT Relating to addressing workplace bullying by making it an unfair practice to subject an employee to an abusive work environment; adding a new section to chapter 49.60 RCW; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

HB 2895 by Representative MacEwen

AN ACT Relating to alien victims of certain qualifying criminal activity; and adding a new section to chapter 7.68 RCW.

Referred to Committee on Public Safety.

HB 2896 by Representatives Moscoso, Dye and Manweller

AN ACT Relating to limiting oil spill contingency planning requirements to those railroads that haul crude oil or petroleum products; amending RCW 88.46.010; and reenacting and amending RCW 90.56.010.

Referred to Committee on Environment.

HB 2897 by Representatives Zeiger, Kirby, Stokesbary, Stambaugh and Hickel

AN ACT Relating to unlawful activities on certain properties; amending RCW 9A.52.070, 9A.52.090, 59.04.050, and 59.18.075; adding a new section to chapter 9A.52 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 2898 by Representative Clibborn

AN ACT Relating to wholesale vehicle dealers; amending RCW 46.70.023, 46.70.027, 46.70.070, and 46.70.330; reenacting and amending RCW 46.70.011; and declaring an emergency.

Referred to Committee on Business & Financial Services.

HB 2899 by Representative Kirby

AN ACT Relating to unlawful possession of instruments of financial fraud; amending RCW 9A.56.320; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Public Safety.

HB 2900 by Representatives Klippert and Haler

AN ACT Relating to prohibiting marijuana, alcohol, or other intoxicant, or a cell phone while confined or incarcerated in a state correctional institution; amending RCW 9.94.041; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2901 by Representative Vick

AN ACT Relating to actual utility costs of a landlord under the manufactured/mobile home landlord-tenant act; amending RCW 59.20.070; and creating a new section.

Referred to Committee on Judiciary.

HB 2902 by Representative Hargrove

AN ACT Relating to funding state charter schools by creating a business and occupation tax credit to incentivize businesses to donate revenue to a charter school fund; reenacting and amending RCW 43.84.092; and adding a new chapter to Title 82 RCW.

Referred to Committee on Finance.

HB 2903 by Representative Peterson

AN ACT Relating to electronic product recycling; and amending RCW 70.95N.280 and 70.95N.290.

Referred to Committee on Environment.

HB 2904 by Representatives Blake and Rossetti

AN ACT Relating to requiring issuers to accept payments made by businesses solely owned by an enrollee; and amending RCW 48.43.059.

Referred to Committee on Health Care & Wellness.

HB 2905 by Representative Sells

AN ACT Relating to the issuance of collector vehicle license plates; amending RCW 46.18.220; reenacting and amending RCW 46.18.220; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

#### REPORTS OF STANDING COMMITTEES

January 21, 2016  
SHB 1295 Prime Sponsor, Committee on Education: Concerning breakfast after the bell programs. Reported by Committee on Appropriations

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Wilcox, Assistant Ranking Minority Member; Cody; Fitzgibbon; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Haler; Schmick; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta; Dent and Hunt, G..

January 21, 2016  
HB 1345 Prime Sponsor, Representative Lytton: Adopting a definition and standards of professional learning. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Buys; Cody; Dent; Fitzgibbon; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Haler and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta and Hunt, G.

January 22, 2016  
HB 1499 Prime Sponsor, Representative Goodman: Concerning vulnerable adults. Reported by Committee on Public Safety

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Appleton; Griffey; Moscoso and Wilson.

Passed to Committee on General Government & Information Technology.

January 21, 2016  
HB 1605 Prime Sponsor, Representative Peterson: Modifying certain provisions governing benefit charges of fire protection districts and regional fire protection service authorities. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Griffey, Assistant Ranking Minority Member; Fitzgibbon; McBride and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member and McCaslin.

MINORITY recommendation: Without recommendation. Signed by Representative Pike.

Passed to Committee on Finance.

January 22, 2016  
HB 2259 Prime Sponsor, Representative Klippert: Concerning the crime of indecent exposure. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Appleton; Griffey; Moscoso and Wilson.

Passed to Committee on General Government & Information Technology.

January 22, 2016

HB 2260 Prime Sponsor, Representative Klippert: Adding the crime of sexual misconduct with a minor in the first degree to crimes that can be prosecuted up to six years after the offense. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Appleton; Griffey; Moscoso and Wilson.

Passed to Committee on General Government & Information Technology.

January 20, 2016  
HB 2274 Prime Sponsor, Representative Harmsworth: Concerning the filing of abandoned vehicle reports of sale. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Morris; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

January 22, 2016  
HB 2280 Prime Sponsor, Representative Klippert: Making felony driving under the influence of intoxicating liquor, marijuana, or any drug a class B felony. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Appleton; Griffey; Moscoso and Wilson.

Passed to Committee on General Government & Information Technology.

January 22, 2016  
HB 2281 Prime Sponsor, Representative Klippert: Increasing the punishment for vehicular homicide. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Appleton; Griffey; Moscoso and Wilson.

Passed to Committee on General Government & Information Technology.

January 22, 2016  
HB 2329 Prime Sponsor, Representative Haler: Including certain residents who do not have a high school diploma or credential and the number of students expected to enroll in basic education for adults courses at community and technical colleges in caseload forecast council forecasting. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Appropriations.

January 22, 2016  
HB 2341 Prime Sponsor, Representative Orwall: Concerning DNA biological samples. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Griffey; Moscoso and Wilson.

MINORITY recommendation: Do not pass. Signed by Representative Appleton.

Passed to Committee on General Government & Information Technology.

January 22, 2016  
HB 2389 Prime Sponsor, Representative Kagi: Concerning the definition of school-age child for purposes of school-age child care. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; Ortiz-Self; Sawyer and Walkinshaw.

MINORITY recommendation: Without recommendation. Signed by Representative McCaslin.

Passed to Committee on Rules for second reading.

January 22, 2016  
HB 2394 Prime Sponsor, Representative Walsh: Creating the parent to parent program for

individuals with developmental disabilities. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer and Walkinshaw.

Passed to Committee on Appropriations.

January 21, 2016

HB 2436 Prime Sponsor, Representative Hudgins: Equalizing access to permanent ballot drop boxes for every Washington citizen. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Frame and Moscoso.

MINORITY recommendation: Do not pass. Signed by Representatives Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member and Hawkins.

Passed to Committee on General Government & Information Technology.

January 21, 2016

HB 2698 Prime Sponsor, Representative Lytton: Delaying implementation of revisions to the school levy lid and local effort assistance. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Wilcox, Assistant Ranking Minority Member; Cody; Condotta; Dent; Fitzgibbon; Hansen; Harris; Hudgins; Hunt, G.; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Haler and Taylor.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of SUBSTITUTE HOUSE BILL NO. 1295, HOUSE BILL NO. 1345 and HOUSE BILL NO. 2698 which were placed on the second reading calendar.

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

There being no objection, the Committee on Labor & Workplace Standards was relieved of HOUSE BILL NO. 2625, and the bill was referred to the Committee on General Government & Information Technology.

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

There being no objection, the House adjourned until 10:00 a.m., January 27, 2016, the 17th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - REGULAR SESSION****SEVENTEENTH DAY**

House Chamber, Olympia, Wednesday, January 27, 2016

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Adama James and Jonathan Holder. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Keith Wilson, Hood Canal Community Church, Hoodspport, Washington.

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

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Moeller presiding) introduced Washington State Dairy Ambassador Nichole Buell and Alternates Lydia Johnson and Amanda Howe, County Dairy Ambassadors, Representatives from Washington State Dairy Products Commission, Washington State Dairy Women, and the Washington State Dairy Federation to the Chamber and asked the members to acknowledge them.

**MESSAGE FROM THE SECRETARY OF STATE****CERTIFICATION OF INITIATIVE TO THE LEGISLATURE NO. 735**

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29A.72.230, and WAC 434-379-010, the Office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature No. 735 to be examined in the following manner:

1. It was determined that 333,040 signatures were submitted by the sponsors of the initiative. A random sample of 10,124 signatures was taken from those submitted;
2. Each sampled signature was examined to determine if the signer was a registered voter of the state, if the signature was reasonably similar to the one appearing on the record of that voter, and if the same signature appeared more than once in the sample. We found 8,895 valid signatures, 1,209 signatures that were invalid and 20 pairs of duplicated signatures in the sample;
3. We calculated an allowance for the chance error of sampling (52) by multiplying the square root of the number of invalid signatures by 1.5;
4. We estimated the upper limit of the number of signatures on the initiative petition which were invalid (41,487) by

dividing the sum of the number of invalid signatures in the sample and allowance for the chance of error of sampling by the sampling ratio;

5. We determined the maximum allowable number of duplicate pairs of signatures on the petition (45,181) by subtracting the sum of the number of signatures required by Article 11, Section 1 of the Washington State Constitution (246,372) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;

6. We determined the expected number of duplicate pairs of signatures in the sample (42) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;

7. We determined the acceptable number of duplicate pairs of signatures in the sample (31) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and

8. The number of duplicate pairs of signatures in the sample is less than the acceptable number of duplicate pairs of signatures in the sample.

Therefore, I hereby declare Initiative to the Legislature No. 735 to contain sufficient signatures.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the State of Washington this 26<sup>th</sup> day of January, 2016.

Mark Neary  
Assistant Secretary of State

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

**INTRODUCTION & FIRST READING****HI 732**

Creating a carbon pollution tax on fossil fuels to fund a reduction in the business and occupation tax on manufacturing, and the implementation/enhancement of the working families' sales tax exemption.

Referred to Committee on State Government.

**HB 2906** by Representatives Stambaugh and Kagi

AN ACT Relating to strengthening opportunities for the rehabilitation and reintegration of juvenile

offenders; and amending RCW 13.40.010, 13.40.127, 13.40.308, 10.99.030, and 13.40.265.

Referred to Committee on Early Learning & Human Services.

HB 2907 by Representatives Moscoso, Appleton, Walkinshaw, Pettigrew, Reykdal and S. Hunt

AN ACT Relating to the use of deadly force by a public officer or peace officer; amending RCW 9A.16.040; creating a new section; and prescribing penalties.

Referred to Committee on Public Safety.

HB 2908 by Representative Ryu

AN ACT Relating to establishing the joint legislative task force on community policing standards for a safer Washington; creating new sections; and providing an expiration date.

Referred to Committee on Public Safety.

HB 2909 by Representative Cody

AN ACT Relating to involuntary outpatient mental health treatment for persons with a persistent or acute disability; and reenacting and amending RCW 71.05.020.

Referred to Committee on Judiciary.

HB 2910 by Representatives Harris, Cody, Pollet and Nealey

AN ACT Relating to youth substance use prevention associated with tobacco and drug delivery e-cigarettes and vapor products; amending RCW 26.28.080, 28A.210.310, 70.155.010, 70.155.020, 70.155.030, 70.155.050, 70.155.070, 70.155.140, 70.155.080, 70.155.090, 70.155.100, 70.155.110, 70.155.120, and 82.24.530; adding new sections to chapter 70.155 RCW; creating new sections; repealing RCW 70.155.130; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Gaming.

HB 2911 by Representatives Reykdal, Stambaugh, Tarleton, Zeiger and Hargrove

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

Referred to Committee on Higher Education.

HB 2912 by Representatives Pettigrew and Moscoso

AN ACT Relating to enhancing crime victim participation in the criminal justice system process; and adding a new chapter to Title 7 RCW.

Referred to Committee on Public Safety.

HB 2913 by Representatives Gregerson and Kilduff

AN ACT Relating to creating efficiencies regarding requirements for license withholding and suspension for noncompliance with a child support order; amending RCW 74.20A.320; and creating a new section.

Referred to Committee on Judiciary.

HB 2914 by Representative Kirby

AN ACT Relating to providing salary funding to recruit and retain Washington state patrol commissioned officers; amending RCW 82.08.150 and 82.08.160; adding a new section to chapter 46.68 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2915 by Representatives Kilduff, Goodman, Senn and Moeller

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

Referred to Committee on Judiciary.

HB 2916 by Representative Ryu

AN ACT Relating to exchange facilitators; amending RCW 19.310.005, 19.310.010, 19.310.020, 19.310.040, 19.310.050, 19.310.060, 19.310.100, and 19.310.130; adding new sections to chapter 19.310 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Business & Financial Services.

HB 2917 by Representatives Gregerson, Sells, Reykdal, Hudgins, Walkinshaw, Kilduff, Ormsby, Orwall and Robinson

AN ACT Relating to studying the causes of workplace injuries suffered by commercial janitors; adding a new section to chapter 49.17 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Labor & Workplace Standards.

HB 2918 by Representatives Gregerson, Pike, Moscoso, Orwall and Robinson

AN ACT Relating to granting a city or town the authority to establish and operate a traffic school without county consent, control, or supervision; and amending RCW 46.83.010, 46.83.020, and 46.83.030.

Referred to Committee on Local Government.

HB 2919 by Representatives Riccelli and Parker

AN ACT Relating to a pilot program allowing the use of a nationally recognized college readiness assessment to earn a certificate of academic achievement for high school graduation purposes and for federal and state accountability purposes; amending RCW 28A.305.130, 28A.655.061, 28A.655.068, 28A.655.070, and 28A.657.020; adding a new section to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Education.

HB 2920 by Representative Pettigrew

AN ACT Relating to Fred Hutch special license plates; amending RCW 46.68.420; reenacting and amending RCW 46.18.200 and 46.17.220; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2921 by Representatives Hickel, Stambaugh, Zeiger, Caldier and Kochmar

AN ACT Relating to expanding the professional educator workforce by increasing career opportunities in education, creating a more robust enrollment forecasting, and enhancing recruitment efforts; amending RCW 41.32.765, 41.32.875, 43.88C.010, 28A.660.050, and 28A.410.250; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 2922 by Representatives Manweller and Springer

AN ACT Relating to employing certain independent contractors through the use of a digital platform; amending RCW 51.12.020; and adding a new section to chapter 51.08 RCW.

Referred to Committee on Labor & Workplace Standards.

HB 2923 by Representatives Moscoso and Manweller

AN ACT Relating to freight mobility strategic investment board duties relating to certain freight and rail planning; and amending RCW 47.06.045, 47.06A.020, and 47.76.220.

Referred to Committee on Transportation.

HB 2924 by Representatives Dent, Griffey, McCabe, Blake and Johnson

AN ACT Relating to using global positioning system technology to protect the safety of wildland firefighters; amending RCW 76.04.015; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2925 by Representatives Dent, Blake, McCabe, Schmick, Chandler, Short, Griffey, Johnson and Dye

AN ACT Relating to accessing land during a fire suppression response for the purpose of protecting livestock from a wildland fire; amending RCW 76.04.015 and 79.13.060; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2926 by Representative Walkinshaw

AN ACT Relating to providing public notices of public health, safety, and welfare in a language other than English; amending RCW 38.52.070; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Public Safety.

HB 2927 by Representative Short

AN ACT Relating to telemedicine and integrated behavioral health care training; amending RCW 41.05.700 and 74.09.325; adding a new section to chapter 28B.20 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2928 by Representatives Kretz, Blake, Schmick, Dunshee and Short

AN ACT Relating to ensuring that restrictions on outdoor burning for air quality reasons do not impede measures necessary to ensure forest resiliency to catastrophic fires; and amending RCW 76.04.205, 70.94.6512, 70.94.6514, 70.94.6538, and 70.94.6540.

Referred to Committee on Agriculture & Natural Resources.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

**SECOND READING**

**SUBSTITUTE HOUSE BILL NO. 1408, by House Committee on Education (originally sponsored by Representatives Ortiz-Self, Magendanz, Sawyer, Santos, Senn, Robinson, Orwall, Tarleton, Bergquist and Gregerson)**

Concerning the development of a definition and model for "family engagement coordinator" and other terms used interchangeably with it.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1408 was substituted for Substitute House Bill No. 1408 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1408 was read the second time.

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

Representatives Ortiz-Self and Magendanz spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Van De Wege, Representative Reykdal was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1408.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1408, and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pike, Pollet, Riccelli, Robinson, Rodne, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dent, Dye, G. Hunt, Haler, Hayes, Klippert, Kretz, McCaslin, Nealey, Parker, Schmick, Scott, Shea, Short, Smith, Taylor, Vick and Young.

Excused: Representative Reykdal.

SECOND SUBSTITUTE HOUSE BILL NO. 1408, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 1855, by House Committee on Education (originally sponsored by Representatives Caldier, Santos, Parker, Reykdal, Magendanz, Hayes, Young, Pollet and Tharinger)**

**Waiving local graduation requirements for certain students.**

The bill was read the second time.

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

Representatives Caldier and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1855.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1855, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, G. Hunt, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Riccelli, Robinson, Rodne, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Reykdal.

SUBSTITUTE HOUSE BILL NO. 1855, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 1295, by House Committee on Education (originally sponsored by Representatives Hudgins, Magendanz, S. Hunt, Walsh, Walkinshaw, Lytton, Senn, Jinkins, Sawyer, Stokesbary, Reykdal, Robinson, McBride, Stanford, Tharinger, Bergquist, Clibborn, Pollet, Fey, Gregerson and Tarleton)**

**Concerning breakfast after the bell programs.**

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1295 was substituted for Substitute House Bill No. 1295 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1295 was read the second time.

Representative Pike moved the adoption of amendment (597):

On page 4, line 9, after "act." insert "When choosing foods to serve in a breakfast after the bell program, schools must give preference to foods that are healthy, fresh, and Washington-grown."

Representatives Pike and Santos spoke in favor of the adoption of the amendment.

Amendment (597) was adopted.

Representative Caldier moved the adoption of amendment (599):

On page 4, line 9, after "act." insert "In addition, each food item served must contain less than twenty five percent by weight added sugar."

Representatives Caldier, Santos and Magendanz spoke in favor of the adoption of the amendment.

Amendment (599) was adopted.

The bill was ordered engrossed.

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

Representatives Hudgins, Riccelli, Johnson, Magendanz, Santos, Stokesbary and Santos (again) spoke in favor of the passage of the bill.

Representatives Hargrove and Young spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1295.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1295, and the bill passed the House by the following vote: Yeas, 69; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, G. Hunt, Goodman, Gregerson, Griffey, Hansen, Harris, Hickel, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Riccelli, Robinson, Rodne, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Haler, Hargrove, Harmsworth, Hawkins, Hayes, Holy, Klippert, Kretz, Kristiansen, McCaslin, Nealey, Orcutt, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilson and Young.

Excused: Representative Reykdal.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1295, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1345, by Representatives Lytton, Magendanz and Bergquist**

**Adopting a definition and standards of professional learning.**

The bill was read the second time.

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

Representatives Lytton and Magendanz spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1345.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1345, and the bill passed the House by the following vote: Yeas, 81; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Riccelli, Robinson, Rodne, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dent, Dye, G. Hunt, Haler, Klippert, Kretz, Nealey, Schmick, Scott, Shea, Short, Taylor, Vick and Wilcox.

Excused: Representative Reykdal.

HOUSE BILL NO. 1345, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

There being no objection, the rules were suspended, and HOUSE BILL NO. 1003 was returned to second reading for the purpose of amendment.

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

### SECOND READING

**HOUSE BILL NO. 1003, by Representatives Hawkins, Lytton, Magendanz, Bergquist, Hayes, Robinson, Parker, Ortiz-Self, Harris, Reykdal, Johnson, Senn, Muri, Farrell, Klippert, Pollet, Nealey, Manweller, Kretz, Hargrove, Appleton, Gregerson, Condotta, Kilduff and Walkinshaw**

**Concerning the development of a model policy on natural disaster school infrastructure recovery.**

The bill was read the second time.

Representative Hawkins moved the adoption of amendment (590):

On page 2, line 10, after "31," strike "2016" and insert "2017"

On page 2, line 14, after "1," strike "2016" and insert "2017"

Representatives Hawkins and Santos spoke in favor of the adoption of the amendment.

Amendment (590) was adopted.

The bill was ordered engrossed.

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

Representatives Hawkins and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1003.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1003, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, G. Hunt, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Riccelli, Robinson, Rodne, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representative Reykdal.

ENGROSSED HOUSE BILL NO. 1003, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

There being no objection, the rules were suspended, and HOUSE BILL NO. 1770 was returned to second reading for the purpose of amendment.

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

### SECOND READING

**HOUSE BILL NO. 1770, by Representatives Bergquist, Magendanz, Pollet, Lytton, Muri and Goodman**

**Changing explicit alternative routes to teacher certification program requirements to expectations for program outcomes.**

The bill was read the second time.

Representative Bergquist moved the adoption of amendment (601):

On page 4, line 7, after "1," strike "2015" and insert "2016"

Representatives Bergquist and Magendanz spoke in favor of the adoption of the amendment.

Amendment (601) was adopted.

The bill was ordered engrossed.

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

Representatives Bergquist and Magendanz spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1770.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1770, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, G. Hunt, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller,

McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Riccelli, Robinson, Rodne, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Reykdal.

ENGROSSED HOUSE BILL NO. 1770, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., January 28, 2016, the 18th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## EIGHTEENTH DAY

House Chamber, Olympia, Thursday, January 28, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Fitzgibbon presiding).

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

## MESSAGES FROM THE SENATE

January 27, 2016

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5145, and the same is herewith transmitted.

Pablo G. Campos, Deputy Secretary

January 27, 2016

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5458,  
SENATE BILL NO. 5779,  
SUBSTITUTE SENATE BILL NO. 5864,  
SUBSTITUTE SENATE BILL NO. 6019,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

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

## INTRODUCTION &amp; FIRST READING

HB 2929 by Representatives Parker and Ormsby

AN ACT Relating to temporary homeless housing by religious organizations; amending RCW 35.21.915, 35A.21.360, and 36.01.290; adding a new section to chapter 19.27 RCW; and adding a new section to chapter 19.27A RCW.

Referred to Committee on Local Government.

HB 2930 by Representatives Parker and Riccelli

AN ACT Relating to reducing the population requirement in a consortium of counties in order to operate a juvenile correctional facility; and amending RCW 13.04.035.

Referred to Committee on Early Learning &amp; Human Services.

HB 2931 by Representative Stanford

AN ACT Relating to noncompetition agreements; adding a new section to chapter 49.44 RCW; and creating a new section.

Referred to Committee on Labor &amp; Workplace Standards.

HB 2932 by Representatives Blake and Rossetti

AN ACT Relating to authorizing cities and counties to approve the use of alternatives that meet the purposes, objectives, and standards of the state building code to promote innovative housing and the use of modern technical methods, materials, and devices; amending RCW 19.27.060; adding a new section to chapter 19.27 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 2933 by Representatives Gregerson and Santos

AN ACT Relating to small works rosters; amending RCW 39.19.020, 39.19.060, 39.19.080, 39.19.090, 39.19.200, 39.19.250, and 39.04.155; adding a new section to chapter 39.19 RCW; prescribing penalties; and repealing RCW 39.19.100 and 39.19.110.

Referred to Committee on Technology &amp; Economic Development.

HB 2934 by Representatives Moscoso, Manweller, Gregerson, Klippert, Tarleton, Pike, Morris and Ortiz-Self

AN ACT Relating to fostering economic resilience and development and improving the passenger and freight transportation system in Washington state by supporting the rail industry and the use of railroads for passengers and freight; adding a new section to chapter 47.04 RCW; adding new sections to chapter 43.131 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2935 by Representatives Van Werven, Klippert, Caldier, Short, Buys and Wilson

AN ACT Relating to the human rights commission's rule-making authority; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Judiciary.

HB 2936 by Representatives Senn and Chandler

AN ACT Relating to public investments; amending RCW 39.59.010, 39.59.020, 39.60.010, 39.60.020, 39.60.030, 39.60.040, 39.60.050, and 43.84.080; reenacting and amending RCW 43.250.020; adding a new section to chapter 39.59 RCW; adding a new section to chapter 28B.10 RCW; and repealing RCW 39.59.030 and 43.250.090.

Referred to Committee on Appropriations.

HB 2937 by Representative Klippert

AN ACT Relating to encouraging the department of licensing and other licensing entities to ask vehicle owners about purchasing a discover pass upon registration; and amending RCW 46.16A.090.

Referred to Committee on General Government & Information Technology.

HB 2938 by Representatives Orcutt and Walkinshaw

AN ACT Relating to encouraging participation in Washington trade conventions by modifying tax provisions related to establishing substantial nexus; amending RCW 82.04.067; adding a new section to chapter 82.32 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2939 by Representative Stokesbary

AN ACT Relating to requiring the department of social and health services to collect and publicly report information on the safe surrender of newborn children; amending RCW 13.34.360; and creating a new section.

Referred to Committee on Early Learning & Human Services.

HB 2940 by Representatives McCabe, Cody, Klippert, Dent, Wilson, Harris, Kochmar, McBride, Johnson and Pike

AN ACT Relating to establishing the crime of voyeurism in the second degree; amending RCW 9A.44.115 and 9.94A.515; and prescribing penalties.

Referred to Committee on Public Safety.

HJM 4014 by Representatives Stanford, Blake, Van De Wege, Pettigrew, Ryu and Lytton

Concerning the reintroduction of salmon and steelhead above blocked areas of the Columbia river.

Referred to Committee on Agriculture & Natural Resources.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

## REPORTS OF STANDING COMMITTEES

January 26, 2016

ESHB 1448 Prime Sponsor, Committee on Judiciary: Providing procedures for responding to reports of threatened or attempted suicide. Reported by Committee on Judiciary

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Kuderer; Muri; Orwall and Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

Passed to Committee on Appropriations.

January 25, 2016

E2SHB 1682 Prime Sponsor, Committee on Appropriations: Concerning data reported by the office of the superintendent of public instruction for homeless students. (REVISED FOR ENGROSSED: Concerning homeless students.) Reported by Committee on Appropriations

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Wilcox, Assistant Ranking Minority Member; Cody; Fitzgibbon; Haler; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Magendanz; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Buys; Hunt, G.; Schmick; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta and Dent.

Passed to Committee on Rules for second reading.

January 25, 2016

SHB 1725 Prime Sponsor, Committee on Appropriations: Concerning a consumer's right to assign hours to individual providers and the department of social and health services' authority to establish criteria regarding the payment of individual providers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Hudgins; Hunt, G.; Hunt, S.; Jinkins; Kagi; Lytton; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Taylor; Tharinger; Van Werven and Walkinshaw.

Passed to Committee on Rules for second reading.

January 25, 2016  
HB 1900 Prime Sponsor, Representative Ortiz-Self: Defining the role of the school counselor, social worker, and psychologist. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Magendanz; Pettigrew; Robinson; Sawyer; Senn; Springer; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Haler; Hunt, G.; Schmick; Stokesbary; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler, Ranking Minority Member; Condotta and Dent.

Passed to Committee on Rules for second reading.

January 26, 2016  
HB 2314 Prime Sponsor, Representative Goodman: Regulating the manufacture, sale, distribution, and installation of motor vehicle air bags. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

January 26, 2016  
HB 2350 Prime Sponsor, Representative Cody: Defining the administration of medication by medical assistants. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

January 26, 2016  
HB 2359 Prime Sponsor, Representative Goodman: Updating obsolete provisions and making technical corrections. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

January 26, 2016  
HB 2371 Prime Sponsor, Representative Kuderer: Requiring a court that consults the judicial information system in order to render a decision to file a copy of the information used in the court file upon request of a party. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

January 26, 2016  
HB 2388 Prime Sponsor, Representative Hudgins: Concerning theatrical wrestling. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Blake; Dye; Hunt, G.; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on General Government & Information Technology.

January 26, 2016

HB 2391 Prime Sponsor, Representative McCabe: Concerning county payroll draw days. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Fitzgibbon; McBride; McCaslin; Peterson and Pike.

Passed to Committee on Rules for second reading.

January 26, 2016

HB 2398 Prime Sponsor, Representative Holy: Clarifying current requirements for public purchases of goods and services from nonprofit agencies for the blind. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

January 26, 2016

HB 2412 Prime Sponsor, Representative Blake: Concerning the apple commission. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Kretz; Lytton; Orcutt; Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

January 26, 2016

HB 2426 Prime Sponsor, Representative Fitzgibbon: Modifying the appointment process for trustees of rural county library districts in counties with one million or more residents. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Griffey, Assistant Ranking Minority Member; Fitzgibbon; McBride; McCaslin; Peterson and Pike.

MINORITY recommendation: Do not pass. Signed by Representative Taylor, Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 26, 2016

HB 2478 Prime Sponsor, Representative Peterson: Supporting agricultural production, including that of apiarists, through the preservation of forage for pollinators. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Kretz; Lytton; Orcutt; Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

January 26, 2016

HB 2512 Prime Sponsor, Representative Clibborn: Concerning the retention and maintenance of auto dealer and repair facility records. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Blake; Dye; Hunt, G.; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

January 26, 2016

HB 2530 Prime Sponsor, Representative Orwall: Protecting victims of sex crimes. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Appropriations.

January 26, 2016

HB 2775 Prime Sponsor, Representative Klippert: Concerning coroners and medical examiners regarding death investigations. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant

Ranking Minority Member; Appleton; Griffey;  
Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

HB 2812 January 26, 2016  
Prime Sponsor, Representative Goodman:  
Providing for aggravated sentencing for  
certain theft or burglary offenses. Reported  
by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by  
Representatives Goodman, Chair; Orwall, Vice Chair;  
Klippert, Ranking Minority Member; Hayes, Assistant  
Ranking Minority Member; Appleton; Griffey;  
Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's  
committee reports under the fifth order of business were  
referred to the committees so designated.

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

There being no objection, the House adjourned until  
9:55 a.m., January 29, 2016, the 19th Day of the Regular  
Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## NINETEENTH DAY

House Chamber, Olympia, Friday, January 29, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

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

## INTRODUCTION &amp; FIRST READING

HB 2941 by Representatives Short, Klippert, McCabe, Griffey, Manweller, Dent, Johnson, Buys, Shea, Wilcox and Van Werven

AN ACT Relating to privacy and sex-specific use of school bathrooms and athletic facilities; and amending RCW 28A.640.020.

Referred to Committee on Judiciary.

HB 2942 by Representative Ryu

AN ACT Relating to the issuance of nondomiciled commercial drivers' licenses and commercial learners' permits to nonresidents; amending RCW 46.25.010, 46.25.070, and 46.25.---; adding a new section to chapter 46.25 RCW; and providing effective dates.

Referred to Committee on Transportation.

HB 2943 by Representatives Tharinger and DeBolt

AN ACT Relating to certain obsolete provisions in chapter 43.325 RCW overseen by the department of commerce; amending RCW 43.325.110; and repealing RCW 43.325.050, 43.325.100, and 43.325.900.

Referred to Committee on Capital Budget.

HB 2944 by Representatives Scott, McCaslin, Magendanz and Walsh

AN ACT Relating to children and psychotropic medication; amending RCW 26.44.050; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Early Learning & Human Services.

HB 2945 by Representative Appleton

AN ACT Relating to establishing a legislative task force to review the growth management act; creating a new section; and providing an expiration date.

Referred to Committee on Local Government.

HB 2946 by Representatives Robinson, Appleton and Ryu

AN ACT Relating to minimum terms for closure or conversion notices for mobile home parks and manufactured housing communities; amending RCW 59.20.060, 59.20.080, 59.21.030, and 59.20.073; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2947 by Representatives Sullivan and Lytton

AN ACT Relating to education governance; amending RCW 43.17.010 and 43.17.020; reenacting and amending RCW 42.17A.705; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 28A RCW; creating new sections; providing a contingent effective date; and providing an expiration date.

Referred to Committee on General Government & Information Technology.

HJR 4216 by Representatives Sullivan and Lytton

Eliminating the office of the superintendent of public instruction.

Referred to Committee on General Government & Information Technology.

ESSB 5145 by Senate Committee on Health Care (originally sponsored by Senators Dammeier, Frockt, Becker, Bailey, Rivers and Brown)

AN ACT Relating to the membership of the health technology clinical committee; and amending RCW 70.14.090.

Referred to Committee on Health Care & Wellness.

SB 5458 by Senators Angel, Rolfes and Hasegawa

AN ACT Relating to health district banking; and adding a new section to chapter 70.46 RCW.

Referred to Committee on Local Government.

SB 5779 by Senators Parlette and Darneille

AN ACT Relating to reducing penalties applied to regional support networks and behavioral health organizations; amending RCW 71.24.310 and 71.24.310; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SSB 5864 by Senate Committee on Ways & Means (originally sponsored by Senators Nelson and Kohl-Welles)

AN ACT Relating to sales and use tax for cities to offset municipal service costs to newly annexed areas; and amending RCW 82.14.415.

Referred to Committee on Finance.

SSB 6019 by Senate Committee on Law & Justice (originally sponsored by Senators Padden, Pedersen, Frockt and O'Ban)

AN ACT Relating to adjudicative proceedings involving a state agency; and amending RCW 34.05.461, 34.12.060, and 34.05.455.

Referred to Committee on Judiciary.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

#### REPORTS OF STANDING COMMITTEES

January 27, 2016

HB 1336 Prime Sponsor, Representative Kirby: Allowing fingerprint-based background checks for the licensing of any security guard. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; Blake; Hurst; Kochmar; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives McCabe, Assistant Ranking Minority Member; Dye and Hunt, G.

Passed to Committee on Rules for second reading.

January 26, 2016

HB 1701 Prime Sponsor, Representative Moscoso: Prohibiting employers from asking about arrests or convictions before an applicant is determined otherwise qualified for a

position. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Manweller, Ranking Minority Member; Hunt, G., Assistant Ranking Minority Member and McCabe.

Passed to Committee on Rules for second reading.

January 26, 2016

ESHB 1713 Prime Sponsor, Committee on Judiciary: Integrating the treatment systems for mental health and chemical dependency. Reported by Committee on Judiciary

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representative Shea, Assistant Ranking Minority Member.

Passed to Committee on Appropriations.

January 26, 2016

HB 2032 Prime Sponsor, Representative Sawyer: Concerning tribal-state relations. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Appleton and Sawyer.

MINORITY recommendation: Without recommendation. Signed by Representatives Wilson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member and Hickel.

Passed to Committee on Appropriations.

January 26, 2016

HB 2076 Prime Sponsor, Representative Sawyer: Regarding information concerning racial disproportionality. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van

Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on General Government & Information Technology.

January 26, 2016

HB 2182 Prime Sponsor, Representative Tarleton: Ensuring the competitiveness of Washington state's fishing and seafood processing industries by supporting the recapitalization of fishing fleets through certain tax preferences. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Hudgins; Magendanz; Nealey; Rossetti; Santos; Wylie and Young.

Passed to Committee on Finance.

January 26, 2016

HB 2226 Prime Sponsor, Representative Morris: Extending specific aerospace tax preferences to include spacecrafts to encourage the migration of good wage jobs in the state. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Hudgins; Magendanz; Nealey; Rossetti; Santos; Wylie and Young.

Passed to Committee on Finance.

January 26, 2016

HB 2261 Prime Sponsor, Representative Shea: Protecting utility customers by modifying the authority of utilities to backbill customers for charges missed due to utility error. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Magendanz; Nealey; Rossetti; Santos and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Tarleton, Vice Chair; Fey; Hudgins and Wylie.

Passed to Committee on Rules for second reading.

January 26, 2016

HB 2296 Prime Sponsor, Representative Rossetti: Concerning the taxing authority of public facilities districts. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Frame; Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary; Vick; Wilcox and Wylie.

Passed to Committee on Rules for second reading.

January 25, 2016

HB 2298 Prime Sponsor, Representative Moeller: Addressing survivor benefits from the public employees' retirement system for survivors of members in registered domestic partnerships prior to December 2012. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Wilcox, Assistant Ranking Minority Member; Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Magendanz; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Buys; Haler; Hunt, G.; Schmick; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta and Dent.

Passed to Committee on Rules for second reading.

January 26, 2016

HB 2334 Prime Sponsor, Representative Ryu: Concerning the excise taxation of martial arts. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Frame; Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary; Vick; Wilcox and Wylie.

Passed to Committee on Rules for second reading.

January 27, 2016  
HB 2346 Prime Sponsor, Representative Morris:  
 Promoting a sustainable, local renewable  
 energy industry through modifying  
 renewable energy system tax incentives  
 and providing guidance for renewable  
 energy system component recycling.  
 Reported by Committee on Technology &  
 Economic Development

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass.  
 Signed by Representatives Morris, Chair; Tarleton, Vice  
 Chair; Smith, Ranking Minority Member; DeBolt,  
 Assistant Ranking Minority Member; Fey; Harmsworth;  
 Hudgins; Magendanz; Rossetti; Santos and Wylie.

MINORITY recommendation: Without  
 recommendation. Signed by Representatives Nealey  
 and Young.

Passed to Committee on Appropriations.

January 26, 2016  
HB 2347 Prime Sponsor, Representative Hurst:  
 Reducing the tax on useable marijuana,  
 marijuana concentrates, and marijuana-  
 infused products. Reported by Committee  
 on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by  
 Representatives Hurst, Chair; Wylie, Vice Chair;  
 Condotta, Ranking Minority Member; Holy, Assistant  
 Ranking Minority Member; Blake; Kirby; Scott; Van De  
 Wege and Vick.

Passed to Committee on Finance.

January 27, 2016  
HB 2348 Prime Sponsor, Representative Hawkins:  
 Providing local governments with  
 flexibility regarding local fireworks  
 ordinances. Reported by Committee on  
 Local Government

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass.  
 Signed by Representatives Appleton, Chair; Gregerson,  
 Vice Chair; Fitzgibbon; McBride and Peterson.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Taylor, Ranking Minority Member;  
 Griffey, Assistant Ranking Minority Member and  
 McCaslin.

MINORITY recommendation: Without  
 recommendation. Signed by Representative Pike.

Passed to Committee on Rules for second reading.

January 27, 2016

HB 2353 Prime Sponsor, Representative Hunt, S.:  
 Concerning civil penalties for knowing  
 attendance by a member of a governing  
 body at a meeting held in violation of the  
 open public meetings act. Reported by  
 Committee on State Government

MAJORITY recommendation: Do pass. Signed by  
 Representatives Hunt, S., Chair; Bergquist, Vice Chair;  
 Frame and Moscoso.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Holy, Ranking Minority Member; Van  
 Werven, Assistant Ranking Minority Member and  
 Hawkins.

Passed to Committee on Rules for second reading.

January 26, 2016  
HB 2357 Prime Sponsor, Representative Peterson:  
 Concerning the authority of the pollution  
 liability insurance agency. Reported by  
 Committee on Environment

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass.  
 Signed by Representatives Fitzgibbon, Chair; Peterson,  
 Vice Chair; Shea, Ranking Minority Member; Short,  
 Assistant Ranking Minority Member; Dye; Farrell; Fey;  
 Goodman; McBride and Pike.

MINORITY recommendation: Do not pass. Signed by  
 Representative Taylor.

Passed to Committee on Capital Budget.

January 26, 2016  
HB 2390 Prime Sponsor, Representative Klippert:  
 Concerning the enforcement of  
 employment rights arising from state active  
 duty service by a member of the national  
 guard. Reported by Committee on  
 Community Development, Housing &  
 Tribal Affairs

MAJORITY recommendation: Do pass. Signed by  
 Representatives Ryu, Chair; Robinson, Vice Chair;  
 Wilson, Ranking Minority Member; Zeiger, Assistant  
 Ranking Minority Member; Appleton; Hickel and  
 Sawyer.

January 27, 2016  
HB 2430 Prime Sponsor, Representative Stanford:  
 Preserving water resources for an array of  
 water supply needs, including irrigated  
 agriculture, fish and wildlife habitat, and  
 municipal use, by updating water  
 conservation standards for appliances.  
 Reported by Committee on Agriculture &  
 Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Hurst; Lytton; Pettigrew; Stanford and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Orcutt and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representative Kretz.

Passed to Committee on Rules for second reading.

January 26, 2016  
HB 2434 Prime Sponsor, Representative Morris: Concerning Washington state's space exploration sector. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Hudgins; Magendanz; Nealey; Rossetti; Santos; Wylie and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Fey.

Passed to Committee on Appropriations.

January 26, 2016  
HB 2441 Prime Sponsor, Representative Kirby: Restricting the social security offset to disability compensation. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt, G., Assistant Ranking Minority Member and McCabe.

Passed to Committee on Rules for second reading.

January 26, 2016  
HB 2443 Prime Sponsor, Representative Sells: Concerning the compliance of certain conversion vending units and medical units with certain department of labor and industries requirements. Reported by

Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; Hunt, G., Assistant Ranking Minority Member; McCabe; Moeller and Ormsby.

Passed to Committee on Rules for second reading.

January 26, 2016  
HB 2444 Prime Sponsor, Representative Manweller: Eliminating the reference to the standard industrial classification system in the worker and community right to know fund. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; Hunt, G., Assistant Ranking Minority Member; McCabe; Moeller and Ormsby.

Passed to Committee on Rules for second reading.

January 27, 2016  
HB 2493 Prime Sponsor, Representative Smith: Extending the expiration date of the habitat and recreation lands coordinating group. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Kretz; Lytton; Orcutt; Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

January 26, 2016  
HB 2528 Prime Sponsor, Representative Tarleton: Concerning the reorganization and streamlining of economic development-related committees. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Hudgins; Magendanz; Nealey; Rossetti; Santos; Wylie and Young.

Passed to Committee on Rules for second reading.

January 26, 2016

HB 2534 Prime Sponsor, Representative Kilduff:  
Creating a community care and supportive  
services program for veterans. Reported by  
Committee on Community Development,  
Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by  
Representatives Ryu, Chair; Robinson, Vice Chair;  
Wilson, Ranking Minority Member; Zeiger, Assistant  
Ranking Minority Member; Appleton; Hickel and  
Sawyer.

January 26, 2016

HB 2539 Prime Sponsor, Representative Nealey:  
Concerning the inheritance exemption for  
the real estate excise tax. Reported by  
Committee on Finance

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Lytton, Chair; Robinson,  
Vice Chair; Nealey, Ranking Minority Member; Orcutt,  
Assistant Ranking Minority Member; Condotta; Frame;  
Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary;  
Vick; Wilcox and Wylie.

Passed to Committee on Rules for second reading.

January 26, 2016

HB 2578 Prime Sponsor, Representative Jinkins:  
Addressing job search requirements for  
unemployment compensation claimants.  
Reported by Committee on Labor &  
Workplace Standards

MAJORITY recommendation: Do pass. Signed by  
Representatives Sells, Chair; Gregerson, Vice Chair;  
Manweller, Ranking Minority Member; Hunt, G.,  
Assistant Ranking Minority Member; McCabe; Moeller  
and Ormsby.

Passed to Committee on Rules for second reading.

January 27, 2016

HB 2679 Prime Sponsor, Representative Morris:  
Consolidating the duties, powers, missions,  
functions, and funds of the life sciences  
discovery fund authority and the cancer  
research endowment authority within a  
center of excellence for life sciences and  
cancer research. Reported by Committee  
on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by  
Representatives Morris, Chair; Tarleton, Vice Chair;  
Smith, Ranking Minority Member; DeBolt, Assistant  
Ranking Minority Member; Fey; Hudgins; Rossetti;  
Santos; Wylie and Young.

MINORITY recommendation: Without  
recommendation. Signed by Representatives  
Harmsworth; Magendanz and Nealey.

Passed to Committee on Appropriations.

January 26, 2016

HB 2682 Prime Sponsor, Representative Hunt, S.:  
Providing automatic voter registration at  
qualified voter registration agencies.  
Reported by Committee on State  
Government

MAJORITY recommendation: Do pass. Signed by  
Representatives Hunt, S., Chair; Bergquist, Vice Chair;  
Frame and Moscoso.

MINORITY recommendation: Do not pass. Signed by  
Representative Van Werven, Assistant Ranking  
Minority Member.

MINORITY recommendation: Without  
recommendation. Signed by Representatives Holy,  
Ranking Minority Member and Hawkins.

Passed to Committee on Appropriations.

January 26, 2016

HB 2694 Prime Sponsor, Representative DeBolt:  
Concerning background checks in  
emergency placement situations requested  
by tribes. Reported by Committee on  
Community Development, Housing &  
Tribal Affairs

MAJORITY recommendation: Do pass. Signed by  
Representatives Ryu, Chair; Robinson, Vice Chair;  
Wilson, Ranking Minority Member; Zeiger, Assistant  
Ranking Minority Member; Appleton; Hickel and  
Sawyer.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's  
committee reports under the fifth order of business were  
referred to the committees so designated with the exception  
of HOUSE BILL NO. 2390 and HOUSE BILL NO. 2534  
which were placed on the second reading calendar.

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

There being no objection, the Committee on Finance  
was relieved of HOUSE BILL NO. 2737, and the bill was  
referred to the Committee on State Government.

There being no objection, the Committee on Rules was  
relieved of HOUSE BILL NO. 1213 and the bill was placed  
on the second reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., February 1, 2016, the 22nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## TWENTY SECOND DAY

House Chamber, Olympia, Monday, February 1, 2016

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Samuel Voves and Kyra Peters. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Anthony Steele, Allen African Methodist Episcopal Church, Tacoma, Washington.

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

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Moeller presiding) introduced the Nisqually Tribal Council to the Chamber and asked the members to acknowledge them.

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

**INTRODUCTION & FIRST READING**

HB 2948 by Representatives Santos, Pike and Magendanz

AN ACT Relating to increasing the career and college readiness of students; adding a new section to chapter 28A.630 RCW; adding new sections to chapter 28C.18 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Education.

HB 2949 by Representative Calder

AN ACT Relating to the use of a voter's party affiliation declaration with respect to the presidential primary; and amending RCW 29A.56.050.

Referred to Committee on State Government.

HB 2950 by Representatives Haler, Kirby, Magendanz and Vick

AN ACT Relating to including displaying or wearing motorcycle-related or motorcycle club-related paraphernalia as a factor in profiling discrimination; and amending RCW 49.60.030.

Referred to Committee on Judiciary.

HB 2951 by Representative Scott

AN ACT Relating to the transportation and storage of firearms and ammunition in privately owned motor vehicles; adding a new section to chapter 9.41 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2952 by Representatives Scott, Manweller and Holy

AN ACT Relating to understanding the effects on the value of private property by the department of ecology's administrative actions to establish instream flow rules; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2953 by Representatives Tarleton, Moscoso, Bergquist and Gregerson

AN ACT Relating to the limitations on the use of public employees by first-class cities on public works projects; and amending RCW 35.22.620.

Referred to Committee on Local Government.

HB 2954 by Representative Ryu

AN ACT Relating to directing the department of commerce to study the sale and financing of manufactured homes and develop recommendations to improve consumer protections for manufactured homeowners and buyers; creating new sections; and providing an expiration date.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2955 by Representative Hansen

AN ACT Relating to creating the Washington free to finish college program; amending RCW 28B.76.540; adding a new chapter to Title 28B RCW; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2956 by Representative Clibborn

AN ACT Relating to a legislative task force on technology in transportation; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

HB 2957 by Representative Shea

AN ACT Relating to the custody and placement of juveniles; amending RCW 13.40.040, 13.40.050, and 13.40.140; adding new sections to chapter 13.40 RCW; and repealing RCW 13.40.280 and 13.40.285.

Referred to Committee on Early Learning & Human Services.

HB 2958 by Representative Shea

AN ACT Relating to ensuring a parent or guardian has the authority to admit and keep a minor child into a treatment facility for chemical dependency treatment for fourteen days; and amending RCW 13.40.042, 70.96A.095, 70.96A.230, 70.96A.235, 70.96A.240, 70.96A.245, 70.96A.250, and 70.96A.255.

Referred to Committee on Judiciary.

HB 2959 by Representatives Lytton and Nealey

AN ACT Relating to local business tax and licensing simplification; and creating a new section.

Referred to Committee on Finance.

HB 2960 by Representatives Condotta and Vick

AN ACT Relating to increasing the number of tasting rooms allowed under a domestic winery license; and reenacting and amending RCW 66.24.170.

Referred to Committee on Commerce & Gaming.

HB 2961 by Representatives Vick, Schmick and Short

AN ACT Relating to patients' access to investigational medical products; amending RCW 69.04.570; reenacting and amending RCW 69.50.101; and adding a new chapter to Title 69 RCW.

Referred to Committee on Health Care & Wellness.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

**REPORTS OF STANDING COMMITTEES**

January 28, 2016

SHB 1037

Prime Sponsor, Committee on Judiciary: Implementing changes to child support based on the child support schedule work group report. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Hansen; Kirby; Kuderer; Muri; Orwall and Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representatives Haler and Klippert.

Passed to Committee on Appropriations.

January 28, 2016

HB 1666

Prime Sponsor, Representative Magendanz: Making the results on the statewide assessments available as norm-referenced results and as student growth percentiles. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Hayes; Hunt, S.; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

Passed to Committee on Appropriations.

January 28, 2016

HB 1867

Prime Sponsor, Representative Bergquist: Concerning the frequency of evaluations for certain classroom teachers. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Hayes; Hunt, S.; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

Passed to Committee on Rules for second reading.

January 28, 2016

HB 2360

Prime Sponsor, Representative Lytton: Eliminating the quality education council. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant

Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Hayes; Hunt, S.; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

Passed to Committee on Appropriations.

January 28, 2016

HB 2379 Prime Sponsor, Representative Moeller: Creating two elder justice center demonstration sites. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman; Hansen; Kirby; Kuderer; Muri and Orwall.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member; Haler; Klippert and Stokesbary.

Passed to Committee on Appropriations.

January 28, 2016

HB 2382 Prime Sponsor, Representative Magendanz: Concerning increased recruitment and retention of teachers in alternate route programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Hayes; Hunt, S.; Kilduff; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

Passed to Committee on Appropriations.

January 28, 2016

HB 2400 Prime Sponsor, Representative Fitzgibbon: Clarifying that the provisions of chapter 70.95 RCW do not apply to steel slag that is a product of production in the electric arc steel-making process and is managed as an item of commercial value and placed in commerce. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye; Farrell; Fey; Goodman; McBride; Pike and Taylor.

Passed to Committee on Rules for second reading.

January 28, 2016

HB 2409 Prime Sponsor, Representative Orwall: Increasing supports for special needs students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hunt, S.; Kilduff; Klippert; Kuderer; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove and Hayes.

MINORITY recommendation: Without recommendation. Signed by Representative McCaslin.

Passed to Committee on Appropriations.

January 27, 2016

HB 2413 Prime Sponsor, Representative Dent: Concerning aircraft registration simplification and fairness. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

January 27, 2016

HB 2440 Prime Sponsor, Representative Kagi: Concerning host home programs for youth. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.

Passed to Committee on Rules for second reading.

January 28, 2016

HB 2476 Prime Sponsor, Representative Johnson: Concerning waivers from the one hundred

eighty-day school year requirement.  
Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Hayes; Hunt, S.; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

Passed to Committee on Rules for second reading.

January 28, 2016

HB 2527 Prime Sponsor, Representative Peterson: Ensuring the ongoing viability of safe on-site sewage systems as a component of statewide sewage management through the implementation of on-site program management plans. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Farrell; Fey; Goodman and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye; Pike and Taylor.

Passed to Committee on Appropriations.

January 28, 2016

HB 2575 Prime Sponsor, Representative Farrell: Continuing state efforts to increase oil transportation safety. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye; Farrell; Fey; Goodman; McBride and Pike.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Passed to Committee on General Government & Information Technology.

January 28, 2016

HB 2583 Prime Sponsor, Representative McBride: Authorizing specified local governments to designate a portion of their territory as a creative district subject to certification by the Washington arts commission. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Zeiger, Assistant Ranking Minority Member; Appleton; Hickel and Sawyer.

MINORITY recommendation: Without recommendation. Signed by Representative Wilson, Ranking Minority Member.

Passed to Committee on General Government & Information Technology.

January 28, 2016

HB 2585 Prime Sponsor, Representative Robinson: Concerning private activity bond allocation. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Wilson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member; Appleton; Hickel and Sawyer.

Passed to Committee on Rules for second reading.

January 27, 2016

HB 2599 Prime Sponsor, Representative Orcutt: Authorizing the freight mobility strategic investment board to remove funding allocation for projects after a certain number of years without construction occurring. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

January 28, 2016

HB 2699 Prime Sponsor, Representative Young: Concerning the sale of software used in the unauthorized interference of ticket sales over the internet. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Harmsworth; Hudgins; Magendanz; Nealey; Rossetti; Santos and Young.

MINORITY recommendation: Do not pass. Signed by Representative Fey.

Passed to Committee on Rules for second reading.

January 28, 2016  
HB 2710 Prime Sponsor, Representative McCabe:  
 Concerning eligibility for lifetime veteran's  
 disability passes. Reported by Committee  
 on Community Development, Housing &  
 Tribal Affairs

MAJORITY recommendation: Do pass. Signed by  
 Representatives Ryu, Chair; Robinson, Vice Chair;  
 Wilson, Ranking Minority Member; Zeiger, Assistant  
 Ranking Minority Member; Appleton; Hickel and  
 Sawyer.

Passed to Committee on General Government &  
 Information Technology.

January 27, 2016  
HB 2716 Prime Sponsor, Representative Senn:  
 Concerning working connections child care  
 eligibility for vulnerable children.  
 Reported by Committee on Early Learning  
 & Human Services

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass.  
 Signed by Representatives Kagi, Chair; Senn, Vice  
 Chair; Walsh, Ranking Minority Member; Dent,  
 Assistant Ranking Minority Member; Hawkins; Kilduff;  
 McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.

Passed to Committee on Appropriations.

January 28, 2016  
HB 2718 Prime Sponsor, Representative Kilduff:  
 Providing consumer protections for  
 military members on active duty. Reported  
 by Committee on Community  
 Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass.  
 Signed by Representatives Ryu, Chair; Robinson, Vice  
 Chair; Wilson, Ranking Minority Member; Zeiger,  
 Assistant Ranking Minority Member; Appleton; Hickel  
 and Sawyer.

Passed to Committee on Rules for second reading.

January 28, 2016  
HB 2732 Prime Sponsor, Representative Peterson:  
 Modifying certain voter approval  
 requirements for fire protection district  
 annexations. Reported by Committee on  
 State Government

MAJORITY recommendation: Do pass. Signed by  
 Representatives Hunt, S., Chair; Bergquist, Vice Chair;  
 Frame and Moscoso.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Holy, Ranking Minority Member Van  
 Werven, Assistant Ranking Minority Member.

MINORITY recommendation: Without  
 recommendation. Signed by Representative Hawkins.

Passed to Committee on Rules for second reading.

January 28, 2016  
HB 2734 Prime Sponsor, Representative McCaslin:  
 Changing high school science assessment  
 requirements. Reported by Committee on  
 Education

MAJORITY recommendation: Do pass. Signed by  
 Representatives Santos, Chair; Ortiz-Self, Vice Chair;  
 Muri, Assistant Ranking Minority Member; Stambaugh,  
 Assistant Ranking Minority Member; Bergquist;  
 Caldier; Griffey; Hargrove; Hayes; Hunt, S.; Kilduff;  
 Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti  
 and Springer.

MINORITY recommendation: Do not pass. Signed by  
 Representative Magendanz, Ranking Minority Member.

Passed to Committee on Appropriations.

January 28, 2016  
HB 2743 Prime Sponsor, Representative Reykdal:  
 Concerning the issuance of a Washington  
 state high school diploma. Reported by  
 Committee on Education

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass.  
 Signed by Representatives Santos, Chair; Ortiz-Self,  
 Vice Chair; Muri, Assistant Ranking Minority Member;  
 Bergquist; Griffey; Hunt, S.; Kilduff; Kuderer;  
 McCaslin; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Magendanz, Ranking Minority  
 Member; Stambaugh, Assistant Ranking Minority  
 Member; Caldier; Hargrove; Hayes and Klippert.

Passed to Committee on Rules for second reading.

January 28, 2016  
HB 2785 Prime Sponsor, Representative Shea:  
 Ensuring that restrictions on the use of solid  
 fuel burning devices do not prohibit the  
 installation or replacement of solid fuel  
 burning devices or the use of these devices  
 during temporary outages of other sources  
 of heat. Reported by Committee on  
 Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye; Farrell; Goodman; McBride; Pike and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Fey.

Passed to Committee on Rules for second reading.

January 28, 2016

HB 2808 Prime Sponsor, Representative Jinkins: Amending the process for a person's immediate family member, guardian, or conservator to petition the court for the person's initial detention under the involuntary treatment act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Higher Education was relieved of HOUSE BILL NO. 2780, and the bill was referred to the Committee on Finance.

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

There being no objection, the House adjourned until 9:55 a.m., February 2, 2016, the 23rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## TWENTY THIRD DAY

House Chamber, Olympia, Tuesday, February 2, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Springer presiding).

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

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

#### INTRODUCTION & FIRST READING

HB 2962 by Representatives Moscoso and Tarleton

AN ACT Relating to college admission tests; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 2963 by Representatives Moscoso, Pollet and Tarleton

AN ACT Relating to the end-of-course high school examinations; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 2964 by Representatives Gregerson, Santos, Peterson, Rossetti and Kuderer

AN ACT Relating to eliminating lunch copays for students who qualify for reduced-price lunches; amending RCW 28A.235.160; and creating a new section.

Referred to Committee on Appropriations.

HB 2965 by Representative Magendanz

AN ACT Relating to accountability and transparency in school district expenditures for the state's program of basic education and for local purposes; amending RCW 28A.300.173, 28A.320.330, 28A.505.140, 28A.505.040, 28A.505.050, 28A.505.060, 28A.505.100, 28A.400.200, and 43.09.265; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 43.09 RCW; and providing an effective date.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

#### REPORTS OF STANDING COMMITTEES

January 29, 2016

HB 1312

Prime Sponsor, Representative Goodman: Concerning the limited exoneration of bail forfeitures in instances where the prosecuting agency declines extradition of a defendant. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

MINORITY recommendation: Without recommendation. Signed by Representative Hayes, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 29, 2016

HB 1528

Prime Sponsor, Representative Robinson: Allowing authorized health care providers to prescribe epinephrine autoinjectors. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Schmick, Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

January 29, 2016

EHB 1632

Prime Sponsor, Representative Goodman: Concerning domestic violence. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on General Government & Information Technology.

independent review organizations to the insurance commissioner. Reported by Committee on Appropriations

January 29, 2016  
HB 1949 Prime Sponsor, Representative Pollet: Regulating the institutions of higher education, including for-profit institutions and private vocational schools, to protect students from unfair business practices. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Wilcox, Assistant Ranking Minority Member; Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jenkins; Kagi; Lytton; MacEwen; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Frame; Hargrove; Holy; Sells; Tarleton and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Dent; Haler; Hunt, G.; Schmick and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Parker, Assistant Ranking Minority Member; Condotta and Magendanz.

MINORITY recommendation: Do not pass. Signed by Representative Haler, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

Passed to Committee on Appropriations.

January 29, 2016  
HB 2309 Prime Sponsor, Representative Smith: Increasing the available term of water pollution control revolving fund program loans to reflect the 2014 amendments to the federal clean water act allowing such an increase. Reported by Committee on Capital Budget

January 29, 2016  
HB 2375 Prime Sponsor, Representative Magendanz: Concerning cybercrime. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson and Walsh.

Passed to Committee on General Government & Information Technology.

Passed to Committee on Rules for second reading.

January 29, 2016  
HB 2313 Prime Sponsor, Representative Orwall: Concerning the age of individuals at which sale or distribution of tobacco and vapor products may be made. Reported by Committee on Health Care & Wellness

January 28, 2016  
HB 2381 Prime Sponsor, Representative Ortiz-Self: Establishing a legislative task force on school counselors, psychologists, and social workers. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Magendanz, Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hunt, S.; Kilduff; Klippert; Kuderer; Orwall; Pollet; Rossetti and Springer.

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Clibborn; DeBolt; Jenkins; Johnson; Robinson; Short; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representative McCaslin.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Caldier and Moeller.

MINORITY recommendation: Without recommendation. Signed by Representatives Muri, Assistant Ranking Minority Member; Hargrove and Hayes.

Passed to Committee on Appropriations.

Passed to Committee on Rules for second reading.

January 28, 2016  
HB 2326 Prime Sponsor, Representative Moeller: Transferring regulatory authority over

January 29, 2016  
HB 2387 Prime Sponsor, Representative Hunt, S.:  
 Concerning flamethrowing devices.  
 Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Appleton; Moscoso and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Hayes, Assistant Ranking Minority Member; Griffey and Wilson.

Passed to Committee on Rules for second reading.

January 29, 2016  
HB 2403 Prime Sponsor, Representative Kochmar:  
 Concerning Down syndrome resources.  
 Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Schmick, Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

January 29, 2016  
HB 2425 Prime Sponsor, Representative Kuderer:  
 Concerning massage therapists. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Schmick, Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

January 29, 2016  
HB 2432 Prime Sponsor, Representative Riccelli:  
 Concerning substance abuse monitoring for licensed veterinarians, osteopathic physicians and surgeons, and osteopathic physician assistants. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Schmick, Ranking Minority Member; Caldier; Clibborn; Jinkins; Johnson; Moeller; Robinson; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt and Short.

Passed to Committee on Appropriations.

January 29, 2016  
HB 2439 Prime Sponsor, Representative Kagi:  
 Increasing access to adequate and appropriate mental health services for children and youth. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Kilduff; Ortiz-Self; Sawyer and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives McCaslin and Scott.

MINORITY recommendation: Without recommendation. Signed by Representative Hawkins.

Passed to Committee on Appropriations.

January 29, 2016  
HB 2448 Prime Sponsor, Representative Robinson:  
 Concerning the practice of certain East Asian medicine therapies. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Schmick, Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

January 28, 2016  
HB 2449 Prime Sponsor, Representative Orwall:  
 Providing court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Appropriations.

January 29, 2016  
HB 2458 Prime Sponsor, Representative Parker:  
 Concerning participation in the prescription drug donation program.

Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Schmick, Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

January 29, 2016

HB 2462 Prime Sponsor, Representative Kilduff: Concerning surrender of person under surety's bond. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

January 29, 2016

HB 2511 Prime Sponsor, Representative Pike: Concerning child care center licensing requirements. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.

Passed to Committee on Rules for second reading.

January 28, 2016

HB 2610 Prime Sponsor, Representative Riccelli: Concerning county commissioner elections. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

January 29, 2016

HB 2671 Prime Sponsor, Representative Kagi: Concerning the definition of "agency" for purposes of early learning programs. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.

Passed to Committee on Rules for second reading.

January 29, 2016

HB 2675 Prime Sponsor, Representative Sells: Updating workforce investment act references and making no substantive changes. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Frame; Hargrove; Holy; Sells; Tarleton and Van Werven.

Passed to Committee on Rules for second reading.

January 28, 2016

HB 2678 Prime Sponsor, Representative Schmick: Regulating nursing home facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Hunt, G.

MINORITY recommendation: Without recommendation. Signed by Representative Taylor.

Passed to Committee on Rules for second reading.

January 29, 2016

HB 2711 Prime Sponsor, Representative McCabe: Increasing the availability of sexual assault nurse examiners. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Schmick, Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

January 29, 2016  
HB 2725 Prime Sponsor, Representative Rossetti:  
 Addressing the authority of pharmacists to  
 dispense prescription drugs. Reported by  
 Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass.  
 Signed by Representatives Cody, Chair; Schmick,  
 Ranking Minority Member; Caldier; Clibborn; DeBolt;  
 Jinkins; Johnson; Moeller; Robinson; Short; Tharinger  
 and Van De Wege.

Passed to Committee on Rules for second reading.

January 28, 2016  
HB 2764 Prime Sponsor, Representative Jinkins:  
 Clarifying public defense fund  
 distributions. Reported by Committee on  
 Appropriations

MAJORITY recommendation: Do pass. Signed by  
 Representatives Dunshee, Chair; Ormsby, Vice Chair;  
 Chandler, Ranking Minority Member; Parker, Assistant  
 Ranking Minority Member; Wilcox, Assistant Ranking  
 Minority Member; Buys; Cody; Condotta; Dent;  
 Fitzgibbon; Haler; Hansen; Hudgins; Hunt, G.; Hunt, S.;  
 Jinkins; Kagi; Lytton; MacEwen; Magendanz;  
 Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer;  
 Stokesbary; Sullivan; Tharinger; Van Werven and  
 Walkinshaw.

MINORITY recommendation: Do not pass. Signed by  
 Representative Taylor.

Passed to Committee on Rules for second reading.

January 28, 2016  
HB 2793 Prime Sponsor, Representative Orwall:  
 Providing for suicide awareness and  
 prevention education for safer homes.  
 Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass.  
 Signed by Representatives Jinkins, Chair; Kilduff, Vice  
 Chair; Rodne, Ranking Minority Member; Shea,

Assistant Ranking Minority Member; Goodman; Haler;  
 Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and  
 Stokesbary.

Passed to Committee on Appropriations.

January 29, 2016  
HB 2865 Prime Sponsor, Representative Cody:  
 Requiring hospitals to request information  
 on advanced registered nurse practitioners  
 and physician assistants. Reported by  
 Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass.  
 Signed by Representatives Cody, Chair; Schmick,  
 Ranking Minority Member; Caldier; Clibborn; DeBolt;  
 Jinkins; Johnson; Moeller; Robinson; Short; Tharinger  
 and Van De Wege.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's  
 committee reports under the fifth order of business were  
 referred to the committees so designated.

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

There being no objection, the Committee on Health Care  
 & Wellness was relieved of HOUSE BILL NO. 1762, and  
 the bill was referred to the Committee on Rules.

There being no objection, ENGROSSED HOUSE BILL  
 NO. 1187 and HOUSE BILL NO. 1532 were referred to the  
 Committee on Rules.

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

There being no objection, the House adjourned until  
 10:00 a.m., February 3, 2016, the 24th Day of the Regular  
 Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - REGULAR SESSION****TWENTY FOURTH DAY**

House Chamber, Olympia, Wednesday, February 3, 2016

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tate Madison Bell and Jacob Neal Carlson. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Jim Erlandson, Community of Christ, Olympia, Washington.

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

**RESIGNATION OF REPRESENTATIVE GRAHAM HUNT**

February 2, 2016

Governor Jay Inslee  
PO Box 40200  
Olympia, WA 98504

Dear Gov. Inslee,

Please accept this letter as my formal resignation from the House of Representatives, effective immediately. It has been an honor and privilege to serve the constituents of the 2nd Legislative District. My hope is for the appointment process to occur swiftly. It is important that the people of the 2nd District are fully represented during the 2016 session.

Respectfully,

Graham Hunt  
State Representative  
2<sup>nd</sup> Legislative District

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

**SECOND READING**

**HOUSE BILL NO. 2315, by Representatives Kirby, Blake and Stanford**

**Addressing the expiration date of the mortgage lending fraud prosecution account.**

The bill was read the second time.

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

Representatives Stanford and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2315.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2315, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2315, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1646, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Senn, Walsh, Lytton, Santos, Orwall, Wylie, Robinson, Reykdal, Gregerson, Appleton, Jinkins, Farrell, Van De Wege, Carlyle, McBride, Kagi, Goodman, Kilduff, Tarleton, Ortiz-Self, Cody, Riccelli, Clibborn, Ryu, Gregory, Walkinshaw, Springer, Sawyer, Fitzgibbon, Hudgins, Fey, Dunshee, Peterson, Moeller, Bergquist, S. Hunt, Moscoso, Pollet, Takko, Sells, Sullivan, Stanford, Morris, Tharinger and Ormsby)**

**Enacting the equal pay opportunity act by amending and enhancing enforcement of the equal pay act and protecting worker communications about wages and employment opportunities.**

The bill was read the second time.

Representative Short moved the adoption of amendment (605):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1. INTENT.** According to census bureau data, forty percent of households in the United States rely on a woman as the leading or sole breadwinner. In addition, women hold a significant percentage of minimum wage jobs. Income disparities limit the ability of women to provide for their families, leading to higher rates of poverty among women and children.

The legislature finds that in order to establish equality among workers, men and women in the same job must be compensated as equals. The legislature finds that gaps in employee wages is a form of gender discrimination. Policies that encourage retaliation or discipline towards workers who discuss or inquire about compensation prevent workers from moving forward.

The legislature intends to update the existing Washington state equal pay act, not modified since 1943, to address income disparities, employer discrimination, and retaliation practices, and to reflect the equal status of all workers in Washington state.

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

(1) "Compensation" means discretionary and nondiscretionary wages and benefits provided by an employer to an employee as a result of the employment relationship.

(2) "Department," "director," "employee," and "employer" have the same meaning as defined in RCW 49.12.005.

**Sec. 3.** RCW 49.12.175 and 1943 c 254 s 1 are each amended to read as follows:

**EQUAL PAY OPPORTUNITY.**

(1) Any employer in this state(~~(-employing both males and females, who shall discriminate in any way in the payment of wages as between sexes or who shall pay any female a less wage, be it time or piece work, or salary, than is being paid to males)) who discriminates in providing compensation based on gender between individuals similarly employed(~~(-or in any employment formerly performed by males, shall be))~~ is guilty of a misdemeanor.~~

(2)(a) If any ((female)) employee ((shall)) receives less compensation because of being discriminated against on account of ((her sex, and)) gender in violation of this section, ((she shall be)) that employee is entitled to recover in a civil action the full amount of compensation that

((she)) the employee would have received had ((she)) the employee not been discriminated against. An employee is entitled to recover any actual damages, plus statutory damages equal to the amount of actual damages or five thousand dollars, whichever is greater, and costs and reasonable attorneys' fees. In addition, the court may order injunctive relief. In such action, however, the employer shall be credited with any compensation which has been paid to ((he#) the employee upon account.

(b) A differential in ((wages between employees)) compensation or employment opportunities based in good faith on a bona fide job-related factor or factors ((other than sex shall)), including but not limited to education, training, or experience, that is not based on gender, unless the differential is otherwise permitted by law, does not constitute discrimination within the meaning of ((RCW 49.12.010 through 49.12.180)) this section.

**NEW SECTION. Sec. 4. WORKPLACE PRACTICES.** (1) An employer may not:

(a) Require nondisclosure by an employee of his or her wages as a condition of employment; or

(b) Require an employee to sign a waiver or other document that prevents the employee from disclosing the amount of the employee's wages.

(2) An employer may not discharge or in any other manner retaliate against an employee for:

(a) Inquiring about, disclosing, comparing, or otherwise discussing the employee's wages or the wages of any other employee;

(b) Asking the employer to provide a reason for the employee's wages or reasons for a lack of employment advancement available to the employee; or

(c) Aiding or encouraging an employee to exercise their rights under this section.

(3) An employer may prohibit a human resources or other manager from disclosing the wages of other employees unless the disclosure is otherwise required by law.

**NEW SECTION. Sec. 5. NO RETALIATION.** An employer may not discharge or otherwise discriminate against an employee because the employee has filed any complaint, or instituted or caused to be instituted any proceeding under this chapter, or testified or is about to testify in any such proceeding, or because of the exercise by such employee on behalf of himself or herself or others of any right afforded by this chapter.

**NEW SECTION. Sec. 6. CAUSE OF ACTION.** An employee may bring a civil action against an employer for violation of section 4 or 5 of this act for actual damages, plus statutory damages equal to the amount of actual damages or five thousand dollars, whichever is greater, and costs and reasonable attorneys' fees. The court may also order reinstatement and injunctive relief.

NEW SECTION. Sec. 7. NOTICE. The department may include notice of the provisions of this chapter in the next reprinting of employment posters.

NEW SECTION. Sec. 8. RULE MAKING. The department may adopt rules to implement sections 1 through 5 of this act.

NEW SECTION. Sec. 9. SHORT TITLE. This chapter shall be known and cited as the "equal pay opportunity act."

NEW SECTION. Sec. 10. CODIFICATION. (1) Sections 1, 2, and 4 through 9 of this act constitute a new chapter in Title 49 RCW.

(2) RCW 49.12.175 is recodified as a section in chapter 49.--- RCW (the new chapter created in this section)."

Representatives Short, Smith and Pike spoke in favor of the adoption of the amendment.

Representatives Sells and Senn spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (605) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, S., Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

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

Representatives Senn and Sells spoke in favor of the passage of the bill.

Representatives Short and Van Werven spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1646.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1646, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, McBride, McCabe, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stokesbary, Taylor, Van Werven, Vick, Wilcox, Wilson, Young and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1646, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 1790, by House Committee on Education (originally sponsored by Representatives Springer, Muri, Ortiz-Self and Reykdal)**

**Clarifying the authority of a nurse working in a school setting.**

The bill was read the second time.

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

Representatives Springer and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1790.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1790, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey,

Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Kretz, McCaslin, Schmick, Scott, Shea, Short, Taylor, Van Werven and Young.

SUBSTITUTE HOUSE BILL NO. 1790, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 1248 was returned to second reading for the purpose of amendment.

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

### SECOND READING

**SUBSTITUTE HOUSE BILL NO. 1248, by House Committee on Judiciary (originally sponsored by Representatives Shea, Sawyer, Rodne, Jinkins, Walkinshaw, Fitzgibbon, Kilduff and Pollet)**

#### Concerning court proceedings.

The bill was read the second time.

Representative Shea moved the adoption of amendment (592):

Strike everything after the enacting clause and insert the following:

"**Sec. 11.** RCW 7.06.020 and 2005 c 472 s 2 are each amended to read as follows:

(1) All civil actions, except for appeals from municipal or district courts, which are at issue in the superior court in counties which have authorized arbitration, where the sole relief sought is a money judgment, and where no party asserts a claim in excess of fifteen thousand dollars, or if approved by the superior court of a county by two-thirds or greater vote of the judges thereof, up to (~~fifty~~) seventy-five thousand dollars, exclusive of interest and costs, are subject to mandatory arbitration.

(2) If approved by majority vote of the superior court judges of a county which has authorized arbitration, all civil actions which are at issue in the superior court in which the

sole relief sought is the establishment, termination or modification of maintenance or child support payments are subject to mandatory arbitration. The arbitrability of any such action shall not be affected by the amount or number of payments involved.

**NEW SECTION. Sec. 12.** A new section is added to chapter 7.06 RCW to read as follows:

The arbitrator shall set the time, date, and place of the hearing and shall give reasonable notice of the hearing date to the parties. Except by stipulation or for good cause shown, the hearing shall be scheduled to take place not sooner than twenty-one days, nor later than seventy-five days, from the date of the assignment of the case to the arbitrator. The hearing shall take place in appropriate facilities provided or authorized by the court.

**NEW SECTION. Sec. 13.** A new section is added to chapter 7.06 RCW to read as follows:

After the assignment of a case to the arbitrator, a party may conduct discovery as follows: (1) Demand a specification of damages under RCW 4.28.360; (2) request from the arbitrator an examination under CR 35; (3) request admissions from a party under CR 36; and (4) take the deposition of another party. A party may request additional discovery from the arbitrator, including interrogatories, and the arbitrator will allow additional discovery only as reasonably necessary.

**Sec. 14.** RCW 7.06.040 and 1987 c 212 s 102 are each amended to read as follows:

(1) The appointment of arbitrators shall be prescribed by rules adopted by the supreme court. An arbitrator must be a member of the state bar association who has been admitted to the bar for a minimum of five years or who is a retired judge.

(2) A person may not serve as an arbitrator unless the person has completed a minimum of three credits of Washington state bar association approved continuing legal education credits on the professional and ethical consideration for serving as an arbitrator. Upon being selected and appointed as an arbitrator for a specific case, the appointed arbitrator shall within ten working days file a declaration or affidavit stating or certifying to the appointing court that the appointed arbitrator is in compliance with the continuing legal education requirements of this section.

(3) The parties may stipulate to a nonlawyer arbitrator. The supreme court may prescribe by rule additional qualifications of arbitrators.

(4) Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the superior court.

**Sec. 15.** RCW 7.06.050 and 2011 c 336 s 164 are each amended to read as follows:

(1) Following a hearing as prescribed by court rule, the arbitrator shall file his or her decision and award with the clerk of the superior court, together with proof of service thereof on the parties. Within twenty days after such filing, any aggrieved party may file with the clerk a written notice of appeal and request for a trial de novo in the superior court on all issues of law and fact. The notice must be signed by the party. Such trial de novo shall thereupon be held, including a right to jury, if demanded.

(a) Up to thirty days prior to the actual date of a trial de novo, a nonappealing party may serve upon the appealing party a written offer of compromise.

(b) In any case in which an offer of compromise is not accepted by the appealing party within ten calendar days after service thereof, for purposes of MAR 7.3, the amount of the offer of compromise shall replace the amount of the arbitrator's award for determining whether the party appealing the arbitrator's award has failed to improve that party's position on the trial de novo.

(c) A postarbitration offer of compromise shall not be filed or communicated to the court or the trier of fact until after judgment on the trial de novo, at which time a copy of the offer of compromise shall be filed for purposes of determining whether the party who appealed the arbitrator's award has failed to improve that party's position on the trial de novo, pursuant to MAR 7.3.

(2) If no appeal has been filed at the expiration of twenty days following filing of the arbitrator's decision and award, a judgment shall be entered and may be presented to the court by any party, on notice, which judgment when entered shall have the same force and effect as judgments in civil actions.

**Sec. 16.** RCW 36.18.016 and 2015 c 275 s 11 and 2015 c 265 s 27 are each reenacted and amended to read as follows:

(1) Revenue collected under this section is not subject to division under RCW 36.18.025 or 27.24.070.

(2)(a) For the filing of a petition for modification of a decree of dissolution or paternity, within the same case as the original action, and any party filing a counterclaim, cross-claim, or third-party claim in any such action, a fee of thirty-six dollars must be paid.

(b) The party filing the first or initial petition for dissolution, legal separation, or declaration concerning the validity of marriage shall pay, at the time and in addition to the filing fee required under RCW 36.18.020, a fee of fifty-four dollars. The clerk of the superior court shall transmit monthly forty-eight dollars of the fifty-four dollar fee collected under this subsection to the state treasury for deposit in the domestic violence prevention account. The remaining six dollars shall be retained by the county for the purpose of supporting community-based domestic violence services within the county, except for five percent of the six dollars, which may be retained by the court for administrative purposes. On or before December 15th of each year, the county shall report to the department of social and health services revenues associated with this section and community-based domestic violence services expenditures. The department of social and health services shall develop a reporting form to be utilized by counties for uniform reporting purposes.

(3)(a) The party making a demand for a jury of six in a civil action shall pay, at the time, a fee of one hundred twenty-five dollars; if the demand is for a jury of twelve, a fee of two hundred fifty dollars. If, after the party demands a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional one hundred twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(b) Upon conviction in criminal cases a jury demand charge of one hundred twenty-five dollars for a jury of six,

or two hundred fifty dollars for a jury of twelve may be imposed as costs under RCW 10.46.190.

(4) For preparing a certified copy of an instrument on file or of record in the clerk's office, for the first page or portion of the first page, a fee of five dollars, and for each additional page or portion of a page, a fee of one dollar must be charged. For authenticating or exemplifying an instrument, a fee of two dollars for each additional seal affixed must be charged. For preparing a copy of an instrument on file or of record in the clerk's office without a seal, a fee of fifty cents per page must be charged. When copying a document without a seal or file that is in an electronic format, a fee of twenty-five cents per page must be charged. For copies made on a compact disc, an additional fee of twenty dollars for each compact disc must be charged.

(5) For executing a certificate, with or without a seal, a fee of two dollars must be charged.

(6) For a garnishee defendant named in an affidavit for garnishment and for a writ of attachment, a fee of twenty dollars must be charged.

(7) For filing a supplemental proceeding, a fee of twenty dollars must be charged.

(8) For approving a bond, including justification on the bond, in other than civil actions and probate proceedings, a fee of two dollars must be charged.

(9) For the issuance of a certificate of qualification and a certified copy of letters of administration, letters testamentary, or letters of guardianship, there must be a fee of five dollars.

(10) For the preparation of a passport application, the clerk may collect an execution fee as authorized by the federal government.

(11) For clerk's services such as performing historical searches, compiling statistical reports, and conducting exceptional record searches, the clerk may collect a fee not to exceed thirty dollars per hour.

(12) For processing ex parte orders, the clerk may collect a fee of thirty dollars.

(13) For duplicated recordings of court's proceedings there must be a fee of ten dollars for each audiotape and twenty-five dollars for each videotape or other electronic storage medium.

(14) For registration of land titles, Torrens Act, under RCW 65.12.780, a fee of twenty dollars must be charged.

(15) For the issuance of extension of judgment under RCW 6.17.020 and chapter 9.94A RCW, a fee of two hundred dollars must be charged. When the extension of judgment is at the request of the clerk, the two hundred dollar charge may be imposed as court costs under RCW 10.46.190.

(16) A facilitator surcharge of up to twenty dollars must be charged as authorized under RCW 26.12.240.

(17) For filing an adjudication claim under RCW 90.03.180, a fee of twenty-five dollars must be charged.

(18) For filing a claim of frivolous lien under RCW 60.04.081, a fee of thirty-five dollars must be charged.

(19) For preparation of a change of venue, a fee of twenty dollars must be charged by the originating court in addition to the per page charges in subsection (4) of this section.

(20) A service fee of five dollars for the first page and one dollar for each additional page must be charged for

receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(21) For preparation of clerk's papers under RAP 9.7, a fee of fifty cents per page must be charged.

(22) For copies and reports produced at the local level as permitted by RCW 2.68.020 and supreme court policy, a variable fee must be charged.

(23) Investment service charge and earnings under RCW 36.48.090 must be charged.

(24) Costs for nonstatutory services rendered by clerk by authority of local ordinance or policy must be charged.

(25) For filing a request for mandatory arbitration, a filing fee may be assessed against the party filing a statement of arbitrability not to exceed two hundred ~~((twenty))~~ fifty dollars as established by authority of local ordinance. Two hundred twenty dollars of this charge shall be used ((solely)) to offset the cost of the mandatory arbitration program. Thirty dollars of each fee collected under this subsection must be used for indigent defense services.

(26) For filing a request for trial de novo of an arbitration award, a fee not to exceed ~~((two))~~ three hundred fifty dollars as established by authority of local ordinance must be charged.

(27) A public agency may not charge a fee to a law enforcement agency, for preparation, copying, or mailing of certified copies of the judgment and sentence, information, affidavit of probable cause, and/or the notice of requirement to register, of a sex offender convicted in a Washington court, when such records are necessary for risk assessment, preparation of a case for failure to register, or maintenance of a sex offender's registration file.

(28) For the filing of a will or codicil under the provisions of chapter 11.12 RCW, a fee of twenty dollars must be charged.

(29) For the collection of an adult offender's unpaid legal financial obligations, the clerk may impose an annual fee of up to one hundred dollars, pursuant to RCW 9.94A.780.

(30) A surcharge of up to twenty dollars may be charged in dissolution and legal separation actions as authorized by RCW 26.12.260.

The revenue to counties from the fees established in this section shall be deemed to be complete reimbursement from the state for the state's share of benefits paid to the superior court judges of the state prior to July 24, 2005, and no claim shall lie against the state for such benefits.

NEW SECTION. Sec. 17. This act applies to all cases filed on or after January 1, 2017, and takes effect January 1, 2017."

Correct the title.

Representatives Shea and Jinkins spoke in favor of the adoption of the amendment.

Amendment (592) was adopted.

The bill was ordered engrossed.

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

Representatives Shea and Jinkins spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1248.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1248, and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Harmsworth, Harris, Hawkins, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives DeBolt, Dent, Griffey, Hargrove, Hayes, Manweller, Muri, Schmick, Stokesbary, Van Werven, Vick and Wilcox.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1390, by House Committee on Appropriations (originally sponsored by Representatives Goodman, Holy, Jinkins, Kagi, Moscoso, Ormsby and Pollet)**

#### Concerning legal financial obligations.

The bill was read the third time.

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1390.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1390, and the

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

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, S. Hunt, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1390, having received the necessary constitutional majority, was declared passed.

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

**INTRODUCTION & FIRST READING**

HB 2966 by Representative Muri

AN ACT Relating to electrification of transportation infrastructure; amending RCW 35.92.355; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; and creating a new section.

Referred to Committee on Technology & Economic Development.

HB 2967 by Representative Walkinshaw

AN ACT Relating to establishing the Washington investment trust; amending RCW 30A.04.020, 42.56.400, 43.08.135, and 43.84.080; reenacting and amending RCW 42.56.270 and 42.56.400; adding a new section to chapter 39.58 RCW; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Business & Financial Services.

HB 2968 by Representatives Tharinger, DeBolt, Stanford, Smith, Dunshee, Kagi, Farrell, Lytton, Senn, Robinson, Ormsby, Walkinshaw and Hudgins

AN ACT Relating to financing public school facilities necessary to support state-funded all-day kindergarten and class size reduction in kindergarten through third

grade; amending RCW 43.79.495; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2969 by Representatives Harris and Cody

AN ACT Relating to vapor product taxation; amending RCW 66.08.145, 66.44.010, 82.24.510, 82.24.550, 82.26.060, 82.26.080, 82.26.150, 82.26.220, and 82.32.300; adding a new chapter to Title 82 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Gaming.

HB 2970 by Representatives McCabe and Appleton

AN ACT Relating to voyeurism; amending RCW 9A.44.115, 9.94A.515, and 13.40.070; and prescribing penalties.

Referred to Committee on Public Safety.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

**REPORTS OF STANDING COMMITTEES**

February 1, 2016

HB 2323 Prime Sponsor, Representative Kilduff: Creating the Washington achieving a better life experience program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Early Learning & Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

January 29, 2016

HB 2408 Prime Sponsor, Representative Jinkins: Mitigating barriers to patient access to care resulting from health insurance contracting practices. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Schmick, Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Appropriations.

January 29, 2016

HB 2450 Prime Sponsor, Representative Tharinger: Allowing critical access hospitals participating in the Washington rural health access preservation pilot to resume critical access hospital payment and licensure. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Schmick, Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Appropriations.

January 29, 2016

HB 2518 Prime Sponsor, Representative Sawyer: Promoting the reduction of intergenerational poverty. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Hawkins; Kilduff; Ortiz-Self; Sawyer and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Dent, Assistant Ranking Minority Member; McCaslin and Scott.

Passed to Committee on Appropriations.

February 1, 2016

HB 2521 Prime Sponsor, Representative Wylie: Allowing for proper disposal of unsellable marijuana by a licensed marijuana retail outlet. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant

Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on Rules for second reading.

February 1, 2016

HB 2522 Prime Sponsor, Representative Wylie: Establishing crimes related to minors entering, remaining in, or being served by a marijuana retail outlet. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on Rules for second reading.

January 29, 2016

HB 2533 Prime Sponsor, Representative Kilduff: Protecting minors from sexual exploitation. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

February 1, 2016

HB 2667 Prime Sponsor, Representative Farrell: Concerning administrative processes of the state parks and recreation commission that require a majority vote of the commission. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Farrell; Fey; Goodman and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye; Pike and Taylor.

Passed to Committee on Capital Budget.

February 1, 2016

HB 2803 Prime Sponsor, Representative Ormsby: Improving compliance with prevailing wage procedures. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Manweller, Ranking Minority Member and McCabe.

Passed to Committee on Rules for second reading.

February 1, 2016

HB 2844 Prime Sponsor, Representative Ormsby: Adding training on public works and prevailing wage requirements to responsible bidder criteria. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Manweller, Ranking Minority Member and McCabe.

Passed to Committee on Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Rules was relieved of ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553 and the bill was placed on the third reading calendar.

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2793, and the bill was referred to the Committee on Finance.

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

There being no objection, the House adjourned until 10:00 a.m., February 4, 2016, the 25th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## TWENTY FIFTH DAY

House Chamber, Olympia, Thursday, February 4, 2016

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Washington National Guard Honor Guard, comprised of Sergeant William McMillan, Senior Airman Robert Heikins, Specialist Leslie Delacruz and Specialist William Goodwin. The National Anthem was performed by Sergeant Dan Ruitter with the 133<sup>rd</sup> Washington National Guard. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Colonel Carl Steele, Chaplain, Washington Army National Guard.

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2016-4652, by Representatives Chopp, Kristiansen, Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger**

WHEREAS, More than eight thousand men and women of the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in nearly every legislative district throughout Washington, volunteer their time and put personal lives aside when the needs of the people of Washington state arise; and

WHEREAS, The Guard always answers the state's call in response to all emergency efforts to protect lives and property, and recently mobilized more than 1,500 soldiers

and airmen and airwomen to respond to the state's largest wildfire; and

WHEREAS, The Guard continues to train and prepare for both natural disasters and threats to our national security, including cyber threats; and

WHEREAS, The Guard continues to improve the lives of Washington's young adults, many on the brink of dropping out of school, through its Washington Youth Academy; and

WHEREAS, The Guard adds value to communities by opening its Readiness Centers for community and youth activities, and uses these facilities to enhance education, add to quality of life, and increase economic vitality; and

WHEREAS, Washington National Guard soldiers and airmen and airwomen continue to provide critical support to federal missions around the world and are willing to make the ultimate sacrifice to protect our freedoms and enhance our safety, including Sergeant First Class Matthew McClintock, who leaves behind a young wife and infant son after he was killed in action in Afghanistan earlier this year;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen and airwomen for their support, without whom the Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well-equipped, and trained Guard units and the readiness centers and armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Representative Kilduff moved adoption of HOUSE RESOLUTION NO. 4652.

Representatives Kilduff, Klippert, Peterson and Scott spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4652 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Orwall presiding) introduced the National Guard delegation comprised of Adjutant General, Major General Bret Daugherty, Assistant Adjutant General, Army Brigadier General Wallace Turner and Major Christian Durda to the Chamber and asked the members to acknowledge them.

The Speaker (Representative Orwall presiding) further recognized members of the Washington National Guard who were seated in the galleries and thanked them for their service.

The Speaker (Representative Orwall presiding) introduced the wife of Sergeant First Class Matthew McClintock, Alexandria and son Declan.

**MESSAGE FROM THE SENATE**

February 3, 2016

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 6151,  
SUBSTITUTE SENATE BILL NO. 6227,

and the same are herewith transmitted.

Pablo G. Campos, Deputy Secretary

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

**INTRODUCTION & FIRST READING**

HB 2971 by Representatives McBride and Nealey

AN ACT Relating to real estate as it concerns the local government authority in the use of real estate excise tax revenues and regulating real estate transactions; and amending RCW 64.06.080, 82.46.015, and 82.46.037.

Referred to Committee on Finance.

HB 2972 by Representative McBride

AN ACT Relating to recognizing art and cultural resources as components of state environmental policy; and amending RCW 43.21C.020.

Referred to Committee on Environment.

HB 2973 by Representative Orcutt

AN ACT Relating to measuring the performance of the state transportation system; amending RCW 47.01.071 and 47.64.360; and reenacting and amending RCW 47.04.280.

Referred to Committee on Transportation.

SB 6151 by Senators Litzow, Fain, Pedersen and Frockt

AN ACT Relating to sexual assault protection orders; and amending RCW 7.90.120 and 7.90.121.

Referred to Committee on Judiciary.

SSB 6227 by Senate Committee on Natural Resources & Parks (originally sponsored by Senators Honeyford, Keiser, Rolfes, Conway, Ranker, McAuliffe, Mullet and Chase)

AN ACT Relating to implementing the recommendations of the 2015 review of the Washington wildlife and recreation program; amending RCW 79A.15.010, 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.070, 79A.15.080, 79A.15.110, and 79A.15.130; reenacting and amending RCW 79A.15.060; creating a new section; repealing RCW 79A.15.120; and declaring an emergency.

Referred to Committee on Capital Budget.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

**REPORTS OF STANDING COMMITTEES**

January 29, 2016

HB 2335 Prime Sponsor, Representative Cody: Addressing health care provider credentialing. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

MINORITY recommendation: Without recommendation. Signed by Representative MacEwen, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 1, 2016

HB 2364 Prime Sponsor, Representative Wylie: Concerning the licensing of marijuana-related businesses involving a partnership, employee cooperative, association, nonprofit corporation, corporation, or limited liability company. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; Wylie, Vice

Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on General Government & Information Technology.

February 2, 2016

HB 2384 Prime Sponsor, Representative Buys: Clarifying the meaning of mobile telecommunications service provider. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Harmsworth; Hudgins; Magendanz; Nealey; Rossetti; Santos; Wylie and Young.

Passed to Committee on Rules for second reading.

February 2, 2016

HB 2424 Prime Sponsor, Representative Tharinger: Providing for hospital discharge planning with lay caregivers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Caldier; Clibborn; DeBolt; Jinkins; Moeller; Robinson; Rodne; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member and Short.

MINORITY recommendation: Without recommendation. Signed by Representative Johnson.

Passed to Committee on Rules for second reading.

January 29, 2016

HB 2435 Prime Sponsor, Representative Hudgins: Enhancing election reconciliation reports. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 2, 2016

HB 2447 Prime Sponsor, Representative Cody: Addressing emergency health care services

balanced billing. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member and DeBolt.

Passed to Committee on Rules for second reading.

February 2, 2016

HB 2480 Prime Sponsor, Representative Blake: Concerning state natural resource-related agencies providing financial assistance to agencies of the federal government. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Kretz; Lytton; Orcutt; Pettigrew; Schmick and Van De Wege.

Passed to Committee on Rules for second reading.

February 1, 2016

HB 2486 Prime Sponsor, Representative Fitzgibbon: Updating specified environmental statutes of the department of ecology to improve efficiency and provide for increased flexibility for local governments. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Farrell; Fey; Goodman and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye; Pike and Taylor.

Passed to Committee on General Government & Information Technology.

February 1, 2016

HB 2494 Prime Sponsor, Representative Tarleton: Concerning penalties for marijuana offenses. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on Rules for second reading.

HB 2498 February 2, 2016  
 Prime Sponsor, Representative Caldier:  
 Concerning prior authorization for dental services and supplies in medical assistance programs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

HB 2507 January 29, 2016  
 Prime Sponsor, Representative Klippert:  
 Clarifying reimbursement for employees who are victims of offender assaults. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

HB 2520 February 1, 2016  
 Prime Sponsor, Representative Wylie:  
 Concerning the sale of marijuana to regulated cooperatives. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on Rules for second reading.

HB 2557 February 2, 2016  
 Prime Sponsor, Representative Hunt, S.:  
 Addressing the return of unused shared leave. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair;

Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

HB 2584 February 1, 2016  
 Prime Sponsor, Representative Vick:  
 Concerning public disclosure of information submitted to the liquor and cannabis board regarding marijuana product traceability and operations. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on Rules for second reading.

HB 2620 February 2, 2016  
 Prime Sponsor, Representative Tarleton:  
 Modifying administrative processes for the utilities and transportation commission in managing deposits and cost reimbursements of the energy facility site evaluation council. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Harmsworth; Hudgins; Magendanz; Nealey; Rossetti; Santos; Wylie and Young.

Passed to Committee on Rules for second reading.

HB 2636 February 3, 2016  
 Prime Sponsor, Representative Walkinshaw:  
 Concerning recordkeeping requirements of secondary commercial fish receivers. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Lytton; Orcutt; Pettigrew; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

HB 2648 February 2, 2016  
 Prime Sponsor, Representative Fey:  
 Providing for an exemption from disclosure of certain financial, commercial,

and proprietary information held by a city retirement board on behalf of its employees' retirement system. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

February 2, 2016  
HB 2663 Prime Sponsor, Representative Springer: Implementing sunshine committee recommendations to repeal obsolete exemptions to public disclosure provisions. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

February 2, 2016  
HB 2695 Prime Sponsor, Representative Blake: Ensuring that historic public recreational access is not diminished by the road maintenance and abandonment efforts of public forest landowners. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Kretz; Lytton; Orcutt; Pettigrew; Schmick and Van De Wege.

Passed to Committee on General Government & Information Technology.

February 2, 2016  
HB 2746 Prime Sponsor, Representative Walkinshaw: Concerning mental health and chemical dependency treatment for juvenile offenders. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent,

Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.

Passed to Committee on Appropriations.

February 2, 2016  
HB 2790 Prime Sponsor, Representative Walsh: Concerning employment and community access services for individuals with developmental disabilities. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.

Passed to Committee on Appropriations.

February 2, 2016  
HB 2806 Prime Sponsor, Representative Kuderer: Addressing the presumption of occupational diseases for purposes of industrial insurance. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Manweller, Ranking Minority Member and McCabe.

Passed to Committee on Rules for second reading.

February 1, 2016  
HB 2845 Prime Sponsor, Representative Ormsby: Addressing the time period for workers to recover wages under prevailing wage laws. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe; Moeller and Ormsby.

Passed to Committee on Rules for second reading.

February 1, 2016  
HB 2846 Prime Sponsor, Representative Ormsby: Addressing compliance with apprenticeship utilization requirements. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Manweller, Ranking Minority Member and McCabe.

Passed to Committee on Rules for second reading.

February 2, 2016  
HB 2857 Prime Sponsor, Representative Blake: Concerning tax incentives that will promote the manufacturing and use of sustainable wood materials. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Kretz; Lytton; Orcutt; Pettigrew; Schmick and Van De Wege.

Passed to Committee on Finance.

February 3, 2016  
HB 2892 Prime Sponsor, Representative DeBolt: Improving the accuracy and transparency of the reporting and calculation of the fuel mix information to retail electric customers. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Harmsworth; Hudgins; Magendanz; Nealey; Rossetti; Santos; Wylie and Young.

Passed to Committee on General Government & Information Technology.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

**SECOND READING**

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1745, by House Committee on State Government (originally sponsored by Representatives Moscoso, Bergquist, S. Hunt, Haler, Orwall, Sawyer, Stanford, Walkinshaw, Appleton, Reykdal, Fitzgibbon, Tharinger, Fey, Jinkins, Wylie, Goodman, Ormsby, Farrell, Riccelli, Sells, Hudgins, Lytton, McBride and Santos)**

**Enacting the Washington voting rights act.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1745 was substituted for Engrossed Substitute House Bill No. 1745 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1745 was read the second time.

Representative Hunt moved the adoption of amendment (614):

On page 2, at the beginning of line 16, strike "(1) "At-large method of election" and insert "(1) "Alternative proportional voting method" means any at-large election that includes one of the following methods of voting for multiple members of the governing body of a political subdivision:

(a) Limiting the number of votes a voter is entitled to cast to fewer than there are positions to elect;

(b) Cumulating the number of votes a voter is entitled to cast for each position, and allowing the voter to cast the total number of votes in favor of a single candidate or to distribute the total number of votes among multiple candidates; or

(c) Voting in a single transferable vote where voters rank each candidate in order of preference, with their vote counting towards the highest ranked candidate, and preferences allocated among other candidates who are not elected on first place votes.

(2) "At-large election"

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

On page 4, line 6, after "at-large" strike "method of"

On page 4, line 20, after "system" insert "or an alternative proportional voting method"

On page 5, after line 39, insert the following:  
 "(7) A political subdivision may eliminate the staggered terms of any position in order to implement an alternative proportional voting method."

On page 6, line 5, after "system" insert "or an alternative proportional voting method"

On page 7, after line 2, insert the following:  
 "(d) The remedy may provide for a political subdivision to eliminate the staggered terms of any position in order to implement an alternative proportional voting method."

On page 9, line 20, after "election" strike "as defined in section 3(2)" and insert "system or an alternative proportional voting method as defined in section 3"

On page 10, line 13, after "system" strike "as defined in section 3(2)" and insert "or an alternative proportional voting method as defined in section 3"

On page 10, line 28, after "system" strike "as defined in section 3(2)" and insert "or an alternative proportional voting method as defined in section 3"

Representatives Hunt and Holy spoke in favor of the adoption of the amendment.

Amendment (614) was adopted.

Representative Manweller moved the adoption of amendment (610):

Strike everything after the enacting clause and insert the following:

"**Sec. 18.** RCW 35.18.020 and 2015 c 53 s 32 are each amended to read as follows:

(1) The number of councilmembers in a city or town operating with a council-manager plan of government shall be based upon the latest population of the city or town that is determined by the office of financial management as follows:

(a) A city or town having not more than two thousand inhabitants, five councilmembers; and

(b) A city or town having more than two thousand, seven councilmembers.

(2) Except for the initial staggering of terms, if applicable, councilmembers shall serve for four-year terms of office. All councilmembers shall serve until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280. Councilmembers may be elected on a citywide or townwide basis, or from wards or districts, or any combination of these alternatives. Candidates shall run for specific positions. Wards or districts shall be redrawn as provided in chapter 29A.76 RCW. Wards or districts shall be used as follows: (a) Only a resident of the ward or district may be a candidate for, or hold office as, a councilmember of the ward or district; and (b) only voters of the ward or district may vote at a primary to nominate candidates for a councilmember of the ward or district. Voters of the entire city or town may vote at the general election to elect a councilmember of a ward or district, unless the city or town ~~((had prior to January 1, 1994, limited))~~ council has adopted an ordinance or the voters of the city or town have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward or district associated with the council positions. ((If a city or town had so limited the voting in the general election to only voters residing within the ward or district, then the city or town shall be authorized to continue to do so.))

(3) When a city or town has qualified for an increase in the number of councilmembers from five to seven by virtue of the next succeeding population determination made by the office of financial management, two additional council positions shall be filled at the next municipal general election ~~((with))~~. If the voting at the election includes voters of the entire city and if the council positions are to be staggered terms, the person elected to one of the new council positions receiving the greatest number of votes ~~((being elected for))~~ shall serve a four-year term of office, and the person elected to the other additional council position ~~((being elected for))~~ shall serve a two-year term of office. The two additional councilmembers shall assume office immediately when qualified in accordance with RCW 29A.04.133, but the term of office shall be computed from the first day of January after the year in which they are

elected. Their successors shall be elected to four-year terms of office. The city or town may redistrict and create seven wards by ordinance or, if authorized, voter initiative, and conduct the appointment and election of the new councilmembers within the wards.

Prior to the election of the two new councilmembers, the city or town council shall fill the additional positions by appointment not later than forty-five days following the release of the population determination, and each appointee shall hold office only until the new position is filled by election.

(4) When a city or town has qualified for a decrease in the number of councilmembers from seven to five by virtue of the next succeeding population determination made by the office of financial management, two council positions shall be eliminated at the next municipal general election if four council positions normally would be filled at that election, or one council position shall be eliminated at each of the next two succeeding municipal general elections if three council positions normally would be filled at the first municipal general election after the population determination. The council shall by ordinance indicate which, if any, of the remaining positions shall be elected at-large or from wards or districts. The city or town may redistrict and create five wards by ordinance or, if authorized, voter initiative, and conduct the appointment and election of the new councilmembers within the wards.

(5) Vacancies on a council shall occur and shall be filled as provided in chapter 42.12 RCW.

(6) Any city or town may by ordinance or, if authorized, voter initiative, adopt a voting system for voters of the entire city or town at the general election for multiple council positions to:

(a) Limit the selection of candidates to fewer candidates than there are council positions to elect;

(b) Cumulate the number of votes a voter is entitled to cast for each council position, and to cast the total number of votes in favor of a single candidate or to distribute the total number of votes among multiple candidates; or

(c) Vote in a single transferable voting system where voters rank each candidate in order of preference, with their vote counting towards the highest ranked candidate, and preferences allocated among other candidates who are not elected on first place votes.

(7) If a city or town adopts a multiple council position alternative voting system described in subsection (6) of this section up to one hundred eighty days before a general election, it may subject any affected unexpired position to new elections at the next general election.

**Sec. 19.** RCW 35.23.051 and 2015 c 53 s 39 are each amended to read as follows:

General municipal elections in second-class cities shall be held biennially in the odd-numbered years and shall be subject to general election law.

The terms of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280: PROVIDED, That if the offices of city attorney, clerk, and treasurer are made appointive, the city attorney, clerk, and treasurer shall not be appointed for a definite term: PROVIDED FURTHER, That the term of the elected treasurer shall not commence in the same

biennium in which the term of the mayor commences, nor in which the terms of the city attorney and clerk commence if they are elected.

Council positions shall be numbered in each second-class city so that council position seven has a two-year term of office and council positions one through six shall each have four-year terms of office. Each councilmember shall remain in office until a successor is elected and qualified and assumes office in accordance with RCW 29A.60.280.

In its discretion the council of a second-class city may divide the city by ordinance, into a convenient number of wards, not exceeding six, fix the boundaries of the wards, and change the ward boundaries from time to time and as provided in RCW 29A.76.010. No change in the boundaries of any ward shall be made within one hundred twenty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. However, if a boundary change results in one ward being represented by more councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant.

Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmembers to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmembers so designated shall be elected by the voters resident in such ward, or by general vote of the whole city as may be designated in such ordinance. Council position seven shall not be associated with a ward and the person elected to that position may reside anywhere in the city and voters throughout the city may vote at a primary to nominate candidates for position seven, when a primary is necessary, and at a general election to elect the person to council position seven. Additional territory that is added to the city shall, by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilmember from the ward for which he or she was elected shall create a vacancy in such office.

Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city ~~((had prior to January 1, 1994, limited))~~ council has adopted an ordinance or, if authorized, the voters of the city have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. ~~((If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.))~~ The elections for ~~((the))~~ any remaining council position or council positions

that are not associated with a ward shall be conducted as if the wards did not exist.

**Sec. 20.** RCW 35.23.850 and 2015 c 53 s 41 are each amended to read as follows:

In any city initially classified as a second-class city prior to January 1, 1993, that retained its second-class city plan of government when the city reorganized as a noncharter code city, the city council may divide the city into wards, not exceeding six in all, or change the boundaries of existing wards at any time less than one hundred twenty days before a municipal general election. No change in the boundaries of wards shall affect the term of any councilmember, and councilmembers shall serve out their terms in the wards of their residences at the time of their elections. However, if these boundary changes result in one ward being represented by more councilmembers than the number to which it is entitled, those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are assigned for purposes of determining whether those positions are vacant and shall serve until a ward resident is elected.

The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city ~~((had prior to January 1, 1994, limited))~~ council has adopted an ordinance or, if authorized, the voters of the city have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. ~~((If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.))~~ The elections for ~~((the))~~ any remaining council position or council positions that are not associated with a ward shall be conducted as if the wards did not exist.

**NEW SECTION. Sec. 21.** A new section is added to chapter 35.23 RCW to read as follows:

(1) Any city subject to this chapter may by ordinance or, if authorized, voter initiative, adopt a voting system for voters of the entire city at the general election for multiple council positions to:

(a) Limit the selection of candidates to fewer candidates than there are council positions to elect;

(b) Cumulate the number of votes a voter is entitled to cast for each council position, and to cast the total number of votes in favor of a single candidate or to distribute the total number of votes among multiple candidates; or

(c) Vote in a single transferable voting system where voters rank each candidate in order of preference, with their vote counting towards the highest ranked candidate, and preferences allocated among other candidates who are not elected on first place votes.

(2) If a city adopts a multiple council position alternative voting system described in this section up to one

hundred eighty days before a general election, it may subject any affected unexpired position to new elections at the next general election.

**Sec. 22.** RCW 35.30.080 and 2015 c 53 s 42 are each amended to read as follows:

(1) When a majority of the legislative body of an unclassified city determines that it would serve the best interests and general welfare of such municipality to change the election procedures of such city to the procedures specified in this section, such legislative body may, by resolution, declare its intention to adopt such procedures for the city. Such resolution must be adopted at least one hundred eighty days before the general municipal election at which the new election procedures are implemented. Within ten days after the passage of the resolution, the legislative body shall cause it to be published at least once in a newspaper of general circulation within the city.

(2) All general municipal elections in an unclassified city adopting a resolution under subsection (1) of this section shall be held biennially in the odd-numbered years as provided in RCW 29A.04.330 and shall be held in accordance with the general election laws of the state.

The term of the treasurer shall not commence in the same biennium in which the term of the mayor commences. Candidates for the city council shall run for specific council positions. The staggering of terms of city officers shall be established at the first election, where the simple majority of the persons elected as councilmembers receiving the greatest numbers of votes shall be elected to four-year terms of office and the remainder of the persons elected as councilmembers and the treasurer shall be elected to two-year terms of office. Thereafter, all elected city officers shall be elected for four-year terms and until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280.

(3) An unclassified city may adopt a voting system for multiple council positions in accordance with section 4 of this act, and may eliminate the staggered terms of council positions in order to implement such a multiple council position voting system. If a city adopts a multiple council position voting system up to one hundred eighty days before a general election, it may subject any affected unexpired position to new elections at the next general election.

**NEW SECTION. Sec. 23.** A new section is added to chapter 35A.02 RCW to read as follows:

A code city may adopt a voting system for multiple council positions in accordance with RCW 35A.29.151.

**Sec. 24.** RCW 35A.12.180 and 2015 c 53 s 53 are each amended to read as follows:

At any time not within three months previous to a municipal general election the council of a noncharter code city organized under this chapter may divide the city into wards or change the boundaries of existing wards. No change in the boundaries of wards shall affect the term of any councilmember, and councilmembers shall serve out their terms in the wards of their residences at the time of their elections: PROVIDED, That if this results in one ward being represented by more councilmembers than the number to which it is entitled those having the shortest unexpired terms shall be assigned by the council to wards where there is a vacancy, and the councilmembers so assigned shall be deemed to be residents of the wards to which they are

assigned for purposes of those positions being vacant and shall serve until a ward resident is elected. The representation of each ward in the city council shall be in proportion to the population as nearly as is practicable.

Wards shall be redrawn as provided in chapter 29A.76 RCW. Wards shall be used as follows: (1) Only a resident of the ward may be a candidate for, or hold office as, a councilmember of the ward; and (2) only voters of the ward may vote at a primary to nominate candidates for a councilmember of the ward. Voters of the entire city may vote at the general election to elect a councilmember of a ward, unless the city ~~((had prior to January 1, 1994, limited))~~ council has adopted an ordinance or, if authorized, the voters of the city have approved an initiative limiting the voting in the general election for any or all council positions to only voters residing within the ward associated with the council positions. ~~((If a city had so limited the voting in the general election to only voters residing within the ward, then the city shall be authorized to continue to do so.))~~

**NEW SECTION. Sec. 25.** A new section is added to chapter 35A.12 RCW to read as follows:

A city may adopt a voting system for multiple council positions in accordance with RCW 35A.29.151.

**Sec. 26.** RCW 35A.29.151 and 1994 c 223 s 41 are each amended to read as follows:

(1) Elections for code cities shall comply with general election law.

(2) A code city may by ordinance or, if authorized, voter initiative, adopt a voting system for voters of the entire city at the general election for multiple council positions to:

(a) Limit the selection of candidates to fewer candidates than there are council positions to elect;

(b) Cumulate the number of votes a voter is entitled to cast for each council position, and to cast the total number of votes in favor of a single candidate or to distribute the total number of votes among multiple candidates; or

(c) Vote in a single transferable voting system where voters rank each candidate in order of preference, with their vote counting towards the highest ranked candidate, and preferences allocated among other candidates who are not elected on first place votes.

(3) If a code city adopts a multiple council position alternative voting system described in this section up to one hundred eighty days before a general election, it may subject any affected unexpired position to new elections at the next general election.

**Sec. 27.** RCW 36.32.030 and 2015 c 53 s 63 are each amended to read as follows:

The terms of office of county commissioners shall be four years and until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280(~~(= PROVIDED, That~~)). The terms ~~((shall))~~ may be staggered so that either one or two commissioners are elected at a general election held in an even-numbered year, or aligned so that all commissioners are elected in a general election held in even-numbered years.

**Sec. 28.** RCW 36.32.050 and 2009 c 549 s 4063 are each amended to read as follows:

(1) County commissioners shall be elected by the qualified voters of the county and the person receiving the highest number of votes for the office of commissioner for the district in which he or she resides shall be declared duly

elected from that district, unless the county has adopted an ordinance or, if authorized, the voters of the county have approved an initiative limiting voting in the general election to the voters of each district.

(2) In any general election for two or more commissioner positions, the county may adopt a voting system that allows voters to:

(a) Limit the selection of candidates to fewer candidates than there are commissioner positions to elect;

(b) Cumulate the number of votes a voter is entitled to cast for each commissioner position, and to cast the total number of votes in favor of a single candidate or to distribute the total number of votes among multiple candidates; or

(c) Vote in a single transferable voting system where voters rank each candidate in order of preference, with their vote counting towards the highest ranked candidate, and preferences allocated among other candidates who are not elected on first place votes.

(3) If a county adopts a multiple commissioner position alternative voting system as described in this section up to one hundred eighty days before a general election, it may subject any affected unexpired position to new elections at the next general election.

**Sec. 29.** RCW 36.32.0556 and 1990 c 252 s 5 are each amended to read as follows:

(1) Subject to subsection (2) of this section, the commissioners in a five-member board of county commissioners shall be elected to four-year staggered terms. Each commissioner shall reside in a separate commissioner district. Each commissioner shall be nominated from a separate commissioner district by the voters of that district. Each shall be elected by the voters of the entire county, unless the commission has adopted an ordinance or, if authorized, the voters of the county have approved an initiative limiting voting in the general election to the voters of each district. Three members of a five-member board of commissioners shall constitute a quorum to do business.

(2) A county may adopt a voting system for multiple commissioner positions in accordance with RCW 36.32.050."

Correct the title.

Representative Manweller spoke in favor of the adoption of the striking amendment.

Representative Hunt spoke against the adoption of the striking amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (610) to Second Substitute House Bill No. 1745 and the amendment was not adopted by the following vote: Yeas, 46; Nays, 51; Absent, 0; Excused, 0.

Voting yea: Representatives Buys, Caldier, Chandler, Condotta, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short,

Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

The bill was ordered engrossed.

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

Representatives Moscoso and Ortiz-Self spoke in favor of the passage of the bill.

Representatives Holy and Manweller spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1745.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1745, and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1745, having received the necessary constitutional majority, was declared passed.

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

**THIRD READING**

The House resumed consideration of FOURTH SUBSTITUTE HOUSE BILL NO. 1541 on third reading (see journal day 15, January 25, 2016 for previous floor action).

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

Representatives Smith and Magendanz spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Fourth Substitute House Bill No. 1541.

### ROLL CALL

The Clerk called the roll on the final passage of Fourth Substitute House Bill No. 1541, and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

FOURTH SUBSTITUTE HOUSE BILL NO. 1541, having received the necessary constitutional majority, was declared passed.

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

### SECOND READING

**HOUSE BILL NO. 2307, by Representatives Farrell, Senn, Riccelli, Appleton, Wylie, Robinson, Tarleton, Goodman, Ormsby, Tharinger, Gregerson, Pollet, Sullivan, Stanford, Jinkins, Kuderer, Ortiz-Self, S. Hunt, Blake, Lytton, Kilduff, Fitzgibbon, Kagi, Sells, Reykdal, Walkinshaw, Rossetti, Sawyer, Orwall, Peterson, Van De Wege, McBride, Kirby, Fey, Santos, Cody, Hudgins, Bergquist, Moscoso and Frame**

**Providing reasonable accommodations in the workplace for pregnant women. Revised for 1st Substitute: Providing reasonable accommodations in the workplace for pregnant women. (REVISED FOR ENGROSSED: Requiring reasonable accommodations**

**in employment for pregnancy, childbirth, or pregnancy-related health conditions. )**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2307 was substituted for House Bill No. 2307 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2307 was read the second time.

With the consent of the house, amendments (603), (604), (607), (608) and (609) were withdrawn.

Representative Farrell moved the adoption of amendment (613).

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 30.** A new section is added to chapter 43.10 RCW to read as follows:

(1) It is an unfair practice for any employer:

(a) To fail or refuse to make reasonable accommodation for an employee for pregnancy, childbirth, or a pregnancy-related health condition including, but not limited to, the need to express breast milk, unless the employer can demonstrate that doing so would impose an undue hardship on the employer's program, enterprise, or business, subject to subsection (2) of this section;

(b) To take adverse action against an employee who requests or uses an accommodation under this section that affects the terms, conditions, or privileges of employment;

(c) To deny employment opportunities to an otherwise qualified employee if such denial is based on the employer's need to make reasonable accommodation required by this section;

(d) To require an employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy, childbirth, or pregnancy-related health condition, unless the employee declines to accept the accommodation offered in lieu of taking leave; or

(e) To require an employee who is pregnant, has a condition related to childbirth, or has a pregnancy-related health condition to accept an accommodation that the person chooses not to accept.

(2)(a) Except as provided in (b) of this subsection, an employer may request that the employee provide written certification from her treating health care professional regarding the need for reasonable accommodation if the need for reasonable accommodation is not apparent to a reasonable person.

(b) An employer may not require an employee to provide written certification, and the employer may not claim undue hardship, for the following accommodations:

(i) Longer, more frequent, or flexible restroom, food, or water breaks;

(ii) Seating;

(iii) Limits on lifting over twenty pounds; and

(iv) Flexible scheduling to accommodate for prenatal and postnatal health care visits.

(3) For the purposes of this section, "reasonable accommodation" means measures that enable the proper performance of the particular job held or desired and enable the enjoyment of equal benefits, privileges, or terms and conditions of employment. "Reasonable accommodation" includes, but is not limited to:

(a) Allowing for time off to recover from childbirth;

(b) Acquiring or modifying equipment or an employee's work station;

(c) Providing for a temporary transfer to a less strenuous or less hazardous position;

(d) Providing assistance with manual labor; and

(e) Modifying work schedules.

(4)(a) This section does not require an employer to create additional employment that the employer would not otherwise have created, unless the employer does so or would do so for other classes of employees who need accommodation.

(b) This section does not require an employer to discharge any employee, transfer any employee with more seniority, or promote any employee who is not qualified to perform the job, unless the employer does so or would do so to accommodate other classes of employees who need accommodation.

(5) This section does not preempt, limit, diminish, or otherwise affect any other provision of law relating to sex discrimination or pregnancy, or in any way diminish or limit the coverage for a condition related to pregnancy, childbirth, or a pregnancy-related health condition.

(6) The attorney general shall investigate complaints and enforce this section. In addition to the complaint process with the attorney general, any person deeming himself or herself injured by any act in violation of this section shall have a civil cause of action in court to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by state or federal law."

Correct the title.

Representative Manweller moved the adoption of amendment (615) to amendment (613):

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.10 RCW to read as follows:

(1) An employer must provide reasonable accommodations to an employee for a pregnancy-related or childbirth-related health condition if she so requests, with written certification from her licensed health care provider, unless the employer demonstrates that the accommodation would impose an undue hardship on the operation of the employer's business. The employee must provide written notice to the employer stating that a health condition related to pregnancy or childbirth requires accommodation.

(2) Notwithstanding subsection (1) of this section, an employee who is pregnant or has a health condition

related to pregnancy or childbirth shall not be required to obtain the advice of her licensed health care provider, nor may an employer claim undue hardship, for the following accommodations: (a) More frequent, longer, or flexible restroom, food, and water breaks; (b) seating; and (c) limits on lifting over twenty pounds.

(3) The employee and employer shall engage in an interactive process with respect to an employee's request for a reasonable accommodation. The department of labor and industries shall include information in the "Your Rights as a Worker" poster, or similar required workplace poster, regarding these respective rights and responsibilities.

(4) Notwithstanding any other provision of this section, an employer shall not be required to create a new or additional position in order to accommodate an employee pursuant to this section, and shall not be required to discharge any employee, transfer any other employee with greater seniority, or promote any employee.

(5) An employer shall not require an employee who has a pregnancy-related or childbirth-related health condition to accept an accommodation, if such accommodation is unnecessary to enable the employee to perform her job.

(6) An employer shall not:

(a) Take adverse action against an employee who requests or uses an accommodation under this section that affects the terms, conditions, or privileges of employment;

(b) Deny employment opportunities to an otherwise qualified employee if such denial is based on the employer's need to make reasonable accommodation required by this section; or

(c) Require an employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy-related or childbirth-related health condition.

(7) This section does not preempt, limit, diminish, or otherwise affect any other provision of law relating to sex discrimination or pregnancy, or in any way diminish or limit the coverage for pregnancy, childbirth, or a pregnancy-related health condition.

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

(a) "Employee" means an individual employed by an employer.

(b) "Employer" means a person engaged in an industry who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, except that this section does not apply to an entity that is exempt from federal taxation under U.S.C. Title 26, section 501(c).

(c) "Reasonable accommodation" means:

(i) Making existing facilities used by employees readily accessible to and usable by employees who have a pregnancy-related or childbirth-related disability;

(ii) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations;

(iii) Temporary transfer to a less strenuous or hazardous position; and

(iv) Limits on heavy lifting.

(d) "Undue hardship" means an action requiring significant difficulty or expense, when considered in light of the following factors:

- (i) The nature and cost of the accommodation needed;
- (ii) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation; the number of persons employed by the employer; the effect on expenses and resources; or the impact otherwise of such accommodation upon the employer;
- (iii) The overall financial resources of the employer; the overall size of the business, including the number of employees; and the number, type, and location of its facilities; and
- (iv) The type of operation or operations of the employer, including the composition, structure, and functions of the workforce of such employer, the geographic separateness, and administrative or fiscal relationship of the facility or facilities in question to the employer.

(9) The attorney general shall investigate complaints and enforce this section. Prior to filing a civil cause of action, a person aggrieved by a violation of this section must file a complaint with the attorney general. The attorney general shall investigate to determine if there has been compliance with this section. If the investigation indicates there is evidence that a violation may have occurred, the attorney general shall issue a written determination stating that a violation may have occurred. If the investigation indicates that there is insufficient evidence that a violation has occurred, the attorney general shall issue a written determination stating that there is insufficient evidence to determine whether a violation has occurred. The attorney general's determination constitutes the final administrative action, but a person may seek judicial review of the determination. A person aggrieved by a violation of this section may pursue a civil cause of action in court only after exhausting the administrative remedy provided under this subsection.

Correct the title."

Representatives Manweller and Smith spoke in favor of the adoption of the amendment to the striking amendment.

Representative Sells spoke against the adoption of the amendment to the striking amendment.

An electronic roll call was requested.

#### **ROLL CALL**

The Clerk called the roll on the adoption of amendment (615) to amendment (613) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short,

Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

Voting nay: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Representative Farrell spoke in favor of the adoption of the striking amendment.

Amendment (613) was adopted.

The bill was ordered engrossed.

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

Representatives Farrell, Senn and Riccelli spoke in favor of the passage of the bill.

Representatives Short, Short (again) and Pike spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2307.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2307, and the bill passed the House by the following vote: Yeas, 52; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2307, having received the necessary constitutional majority, was declared passed.

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

**COMMITTEE APPOINTMENTS**

The Speaker (Representative Orwall presiding) announced the following committee appointments:

Representative MacEwen was appointed to the Committee on Business & Financial Services.

Representative Smith was appointed to the Committee on Labor & Workplace Standards.

Representative Manweller was appointed to the Committee on Appropriations.

There being no objection, the House adjourned until 9:55 a.m., February 5, 2016, the 26th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## TWENTY SIXTH DAY

House Chamber, Olympia, Friday, February 5, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative McBride presiding).

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

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

#### INTRODUCTION & FIRST READING

HB 2974 by Representatives Shea, Taylor, Young, Scott, McCaslin and Condotta

AN ACT Relating to prohibiting the confiscation of an individual's private real and personal property during an emergency; and adding new sections to chapter 38.52 RCW.

Referred to Committee on Judiciary.

HB 2975 by Representatives Shea, Taylor, Scott, McCaslin and Condotta

AN ACT Relating to establishing the Washington state firearms civil rights act; adding new sections to chapter 9.41 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2976 by Representatives Ormsby and Dunshee

AN ACT Relating to repealing the authority for transfers to the Clarke-McNary account; creating a new section; repealing RCW 43.88.550; and providing an effective date.

Referred to Committee on Appropriations.

HJR 4217 by Representatives Shea, Young, Taylor, Scott, McCaslin and Condotta

Amending the state Constitution so that judges on the supreme court serve four-year terms, with a limit of two terms.

Referred to Committee on Judiciary.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

#### REPORTS OF STANDING COMMITTEES

February 1, 2016

HB 2365 Prime Sponsor, Representative Wylie: Allowing marijuana retailers to sell marijuana merchandise. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott and Vick.

MINORITY recommendation: Do not pass. Signed by Representative Van De Wege.

Passed to Committee on Rules for second reading.

February 2, 2016

HB 2399 Prime Sponsor, Representative Holy: Prohibiting the consideration of the number of citations for traffic infractions issued by a law enforcement officer in the performance review of the officer. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe; Moeller and Ormsby.

Passed to Committee on Rules for second reading.

February 2, 2016

HB 2406 Prime Sponsor, Representative Manweller: Addressing employment noncompetition agreements. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Manweller, Ranking Minority Member; McCabe; Moeller and Ormsby.

MINORITY recommendation: Without recommendation. Signed by Representative Gregerson, Vice Chair.

Passed to Committee on Rules for second reading.

February 3, 2016  
HB 2416 Prime Sponsor, Representative Pike:  
 Concerning correctional industries'  
 insurance costs. Reported by Committee  
 on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on General Government & Information Technology.

February 3, 2016  
HB 2427 Prime Sponsor, Representative Springer:  
 Concerning local government  
 modernization. Reported by Committee on  
 Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Griffey, Assistant Ranking Minority Member; Fitzgibbon; McBride; Peterson and Pike.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member and McCaslin.

Passed to Committee on Rules for second reading.

February 1, 2016  
HB 2438 Prime Sponsor, Representative Nealey:  
 Concerning gradually increasing the local  
 government share of excess liquor  
 revenues until the percentage-based  
 method for distributions is restored.  
 Reported by Committee on Commerce &  
 Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on Appropriations.

February 3, 2016  
HB 2446 Prime Sponsor, Representative Rossetti:  
 Concerning the distinction among the roles  
 of governmental employee participants and  
 nongovernmental employee participants on  
 work groups established by the director of  
 the department of fish and wildlife.  
 Reported by Committee on Agriculture &  
 Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hurst; Lytton; Orcutt; Pettigrew and Stanford.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Van De Wege.

Passed to Committee on Rules for second reading.

February 3, 2016  
HB 2503 Prime Sponsor, Representative Buys:  
 Preventing water-sewer districts from  
 prohibiting multipurpose fire sprinkler  
 systems. Reported by Committee on Local  
 Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Fitzgibbon; McBride; McCaslin; Peterson and Pike.

Passed to Committee on Rules for second reading.

February 3, 2016  
HB 2506 Prime Sponsor, Representative Young:  
 Concerning the development of a state plan  
 to implement federal regulations on electric  
 generation facilities. Reported by  
 Committee on Technology & Economic  
 Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Harmsworth; Magendanz; Nealey; Rossetti and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Tarleton, Vice Chair; Fey and Hudgins.

MINORITY recommendation: Without recommendation. Signed by Representatives Santos and Wylie.

Passed to Committee on General Government & Information Technology.

February 2, 2016  
HB 2509 Prime Sponsor, Representative Tharinger:  
 Implementing the recommendations of the  
 2015 review of the Washington wildlife  
 and recreation program. Reported by  
 Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Stanford,

Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson; Riccelli and Walsh.

Passed to Committee on Rules for second reading.

February 3, 2016  
HB 2510 Prime Sponsor, Representative Appleton:  
 Concerning existing county statutes.  
 Reported by Committee on Local  
 Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Griffey, Assistant Ranking Minority Member; Fitzgibbon; McBride; McCaslin; Peterson and Pike.

MINORITY recommendation: Do not pass. Signed by Representative Taylor, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 3, 2016  
HB 2519 Prime Sponsor, Representative McCaslin:  
 Allowing nuisance abatement cost  
 recovery for cities. Reported by  
 Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride; McCaslin; Peterson and Pike.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member Griffey, Assistant Ranking Minority Member.

Passed to Committee on Finance.

February 2, 2016  
HB 2543 Prime Sponsor, Representative Stokesbary:  
 Addressing civil service qualifications.  
 Reported by Committee on Labor &  
 Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe; Moeller and Ormsby.

Passed to Committee on Rules for second reading.

February 2, 2016  
HB 2544 Prime Sponsor, Representative Frame:  
 Authorizing local governments to adopt a  
 property tax exemption program for the  
 preservation of certain affordable housing.  
 Reported by Committee on Community  
 Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Zeiger, Assistant Ranking Minority Member; Appleton; Hickel and Sawyer.

MINORITY recommendation: Without recommendation. Signed by Representative Wilson, Ranking Minority Member.

Passed to Committee on Finance.

February 3, 2016  
HB 2545 Prime Sponsor, Representative Van De  
 Wege: Reducing public health threats that  
 particularly impact highly exposed  
 populations, including children and  
 firefighters, by establishing a process for  
 the department of health to restrict the use  
 of toxic flame retardant chemicals in  
 certain types of consumer products.  
 Reported by Committee on Health Care &  
 Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Clibborn; Jinkins; Moeller; Robinson; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; DeBolt; Johnson and Short.

MINORITY recommendation: Without recommendation. Signed by Representative Rodne.

Passed to Committee on Appropriations.

February 3, 2016  
HB 2580 Prime Sponsor, Representative Cody:  
 Establishing a public registry for the  
 transparency of blood establishments.  
 Reported by Committee on Health Care &  
 Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 3, 2016  
HB 2590 Prime Sponsor, Representative Moscoso:  
 Concerning county road administration and  
 maintenance. Reported by Committee on  
 Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride; Peterson and Pike.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member and McCaslin.

Passed to Committee on Rules for second reading.

February 2, 2016

HB 2591 Prime Sponsor, Representative Hargrove: Notifying foster parents of dependency hearings and their opportunity to be heard in those hearings. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; Ortiz-Self; Sawyer and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Scott.

MINORITY recommendation: Without recommendation. Signed by Representative McCaslin.

Passed to Committee on Rules for second reading.

February 3, 2016

HB 2593 Prime Sponsor, Representative Kilduff: Making community and technical colleges more affordable by eliminating the application fee for low-income students and reviewing placement testing fees. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove and Holy.

Passed to Committee on Appropriations.

February 3, 2016

HB 2604 Prime Sponsor, Representative Kuderer: Concerning disclosure of financial, commercial, and proprietary information of employees of private employers. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

February 3, 2016

HB 2630 Prime Sponsor, Representative Appleton: Addressing the overpayment of wages by a municipal corporation. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Griffey, Assistant Ranking Minority Member; Fitzgibbon; McBride; McCaslin; Peterson and Pike.

MINORITY recommendation: Do not pass. Signed by Representative Taylor, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 3, 2016

HB 2632 Prime Sponsor, Representative Van Werven: Concerning gender requirements in the election of chair and vice chair positions for state committees of political parties. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

February 2, 2016

HB 2637 Prime Sponsor, Representative Manweller: Creating the Washington state historic cemetery preservation capital grant program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson; Riccelli and Walsh.

Passed to Committee on Rules for second reading.

February 2, 2016

HB 2640 Prime Sponsor, Representative Kirby: Concerning public funds and deposits. Reported by Committee on Business & Financial Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Blake; Dye; Hurst; Kochmar; Ryu; Santos Hunt, G., Member.

Passed to Committee on Rules for second reading.

February 2, 2016  
HB 2647 Prime Sponsor, Representative Jinkins: Disposing tax foreclosed property to cities for affordable housing purposes. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Zeiger, Assistant Ranking Minority Member; Appleton; Hickel and Sawyer.

MINORITY recommendation: Without recommendation. Signed by Representative Wilson, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 2, 2016  
HB 2658 Prime Sponsor, Representative Ortiz-Self: Concerning tribal cultural resources protection in the forest practices act. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Appleton and Sawyer.

MINORITY recommendation: Do not pass. Signed by Representatives Wilson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member and Hickel.

Passed to Committee on Agriculture & Natural Resources.

February 2, 2016  
HB 2661 Prime Sponsor, Representative Kilduff: Concerning the developmental disabilities community trust account. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson; Riccelli and Walsh.

Passed to Committee on Appropriations.

February 3, 2016  
HB 2681 Prime Sponsor, Representative Stambaugh: Authorizing pharmacists to prescribe and dispense contraceptives. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Moeller; Robinson; Short; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representative Johnson.

MINORITY recommendation: Without recommendation. Signed by Representative Rodne.

Passed to Committee on Appropriations.

February 3, 2016  
HB 2706 Prime Sponsor, Representative Klippert: Making a fourth driving under the influence offense a felony. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Appropriations.

February 3, 2016  
HB 2715 Prime Sponsor, Representative Blake: Providing sales and use tax exemptions, in the form of a remittance of tax paid, to encourage coal-fired electric generation plants to convert to natural gas-fired plants or biomass energy facilities. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Harmsworth; Hudgins; Magendanz; Nealey; Rossetti; Santos; Wylie and Young.

Passed to Committee on Finance.

February 3, 2016  
HB 2730 Prime Sponsor, Representative Peterson: Concerning the prescription drug monitoring program. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Appropriations.

February 3, 2016

HB 2736 Prime Sponsor, Representative Frame: Encouraging the governor to prioritize gender equality when making appointments and reappointments to state boards, commissions, and councils. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Frame and Moscoso.

MINORITY recommendation: Do not pass. Signed by Representatives Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member and Hawkins.

Passed to Committee on Rules for second reading.

February 2, 2016

HB 2741 Prime Sponsor, Representative Kuderer: Addressing state and local government fiscal agents. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Blake; Dye; Hurst; Kochmar; Ryu; Santos Hunt, G., Member.

Passed to Committee on Rules for second reading.

February 2, 2016

HB 2771 Prime Sponsor, Representative Bergquist: Concerning public hospital district contracts for material and work. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson; Riccelli and Walsh.

Passed to Committee on Rules for second reading.

February 2, 2016

HB 2772 Prime Sponsor, Representative Johnson: Concerning job order contracts by public

hospital districts. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson; Riccelli and Walsh.

Passed to Committee on Rules for second reading.

February 3, 2016

HB 2781 Prime Sponsor, Representative Harris: Requiring the Washington state board of massage to adopt rules to allow approved massage programs to establish transfer programs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 3, 2016

HB 2791 Prime Sponsor, Representative Pettigrew: Creating the Washington statewide reentry council. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Appropriations.

February 2, 2016

HB 2795 Prime Sponsor, Representative Kirby: Concerning tax relief for the construction of adapted housing for disabled veterans. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Wilson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member; Appleton; Hickel and Sawyer.

Passed to Committee on Finance.

February 3, 2016

HB 2800 Prime Sponsor, Representative Haler: Correcting a double amendment concerning county legislative authorities.

Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Fitzgibbon; McBride; McCaslin; Peterson and Pike.

Passed to Committee on Rules for second reading.

February 2, 2016  
HB 2802 Prime Sponsor, Representative Wylie: Concerning the provision of personal services and promotional items by cannabis producers and processors. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on Rules for second reading.

February 2, 2016  
HB 2831 Prime Sponsor, Representative Hurst: Assisting small businesses licensed to sell liquor in Washington state. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on General Government & Information Technology.

February 3, 2016  
HB 2841 Prime Sponsor, Representative Senn: Concerning the state building code council. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Griffey, Assistant Ranking Minority Member; Fitzgibbon; McBride; Peterson and Pike.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member and McCaslin.

Passed to Committee on General Government & Information Technology.

February 2, 2016  
HB 2843 Prime Sponsor, Representative McBride: Supporting affordable housing. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Appleton and Sawyer.

MINORITY recommendation: Without recommendation. Signed by Representatives Wilson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member and Hickel.

Passed to Committee on Finance.

February 2, 2016  
HB 2849 Prime Sponsor, Representative Goodman: Adding certain commissioned court marshals of city police departments to the definition of uniformed personnel for the purpose of public employees' collective bargaining. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe; Moeller and Ormsby.

Passed to Committee on Rules for second reading.

February 2, 2016  
HB 2856 Prime Sponsor, Representative DeBolt: Establishing the office of Chehalis river basin flood risk reduction. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson; Riccelli and Walsh.

Passed to Committee on Rules for second reading.

February 3, 2016  
HB 2858 Prime Sponsor, Representative Hunt, S.: Creating an office of the developmental disabilities ombuds. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.

Passed to Committee on Appropriations.

February 2, 2016  
HB 2859 Prime Sponsor, Representative Hunt, S.:  
 Concerning credit report security freezes.  
 Reported by Committee on Business &  
 Financial Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Blake; Dye; Hurst; Kochmar; Ryu; Santos Hunt, G., Member.

Passed to Committee on Rules for second reading.

February 2, 2016  
HB 2872 Prime Sponsor, Representative Fey:  
 Concerning the recruitment and retention  
 of Washington state patrol commissioned  
 officers. Reported by Committee on Labor  
 & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe; Moeller and Ormsby.

Passed to Committee on Transportation.

February 3, 2016  
HB 2875 Prime Sponsor, Representative Smith:  
 Establishing the office of data privacy,  
 protection, and access equity. Reported by  
 Committee on Technology & Economic  
 Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Harmsworth; Hudgins; Magendanz; Nealey; Rossetti; Santos; Wylie and Young.

Passed to Committee on General Government & Information Technology.

February 2, 2016  
HB 2931 Prime Sponsor, Representative Stanford:  
 Restricting the use of noncompetition  
 agreements. Reported by Committee on  
 Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representative Manweller, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative McCabe.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker (Representative McBride presiding) called upon Representative Sullivan to preside.

**FIRT SUPPLEMENTAL REPORTS OF STANDING COMMITTEES**

February 3, 2016  
HB 2526 Prime Sponsor, Representative McCaslin:  
 Reducing the number of days that a person  
 must maintain a permanent place of abode  
 in Washington before qualifying as a state  
 resident for the purposes of Title 77 RCW.  
 Reported by Committee on Agriculture &  
 Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Lytton; Orcutt; Pettigrew; Stanford and Van De Wege.

Passed to Committee on General Government & Information Technology.

There being no objection, the bill listed on the day's first supplemental committee reports under the fifth order of business was referred to the committee so designated.

**SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES**

February 4, 2016  
HB 2842 Prime Sponsor, Representative Schmick:  
 Financing of improvements for state-  
 owned lands to be transferred for private  
 development. Reported by Committee on  
 Community Development, Housing &  
 Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Wilson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member; Appleton and Hickel.

Passed to Committee on Finance.

February 4, 2016  
HB 2853 Prime Sponsor, Representative Hudgins:  
 Addressing certification requirements for  
 elections administrators. Reported by  
 Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Frame and Moscoso.

MINORITY recommendation: Do not pass. Signed by Representatives Holy, Ranking Minority Member Van Werven, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Hawkins.

Passed to Committee on General Government & Information Technology.

There being no objection, the bills listed on the day's second supplemental committee reports under the fifth order of business were referred to the committees so designated.

The Speaker (Representative Sullivan presiding) called upon Representative Hudgins to preside.

### THIRD SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 3, 2016

ESHB 1236 Prime Sponsor, Committee on Higher Education: Allowing certain school personnel to witness a student's college bound scholarship pledge if the student's parent or guardian is unavailable. (REVISED FOR ENGROSSED: Concerning witnessing a student's college bound scholarship pledge when efforts to obtain a parent's or guardian's signature are unsuccessful. ) Reported by Committee on Higher Education

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Reykdal; Sells; Stambaugh and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove; Holy and Van Werven.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 1525 Prime Sponsor, Representative Caldier: Concerning beverage containers. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye; Goodman; Pike and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Farrell; Fey and McBride.

Passed to Committee on Rules for second reading.

February 4, 2016

SHB 1562 Prime Sponsor, Committee on Education: Requiring posting of allergen information in public schools. Reported by Committee on Education

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Bergquist; Hunt, S.; Kilduff; Kuderer; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Caldier; Griffey; Hargrove; Harris; Hayes; Klippert and McCaslin.

Passed to Committee on Rules for second reading.

February 4, 2016

SHB 1651 Prime Sponsor, Committee on Labor & Workplace Standards: Concerning definitions related to human trafficking. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe; Moeller and Ormsby.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2129 Prime Sponsor, Representative Santos: Bringing Washington state government contracting provisions into compliance with federal law as it relates to small works bonding requirements. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Frame and Moscoso.

MINORITY recommendation: Without recommendation. Signed by Representatives Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member and Hawkins.

Passed to Committee on Rules for second reading.

February 4, 2016  
HB 2183 Prime Sponsor, Representative McCabe:  
 Concerning a curriculum for the prevention  
 of sexual abuse for grades K-12. Reported  
 by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hunt, S.; Kilduff; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Hayes and Klippert.

Passed to Committee on Appropriations.

February 3, 2016  
HB 2344 Prime Sponsor, Representative Morris:  
 Concerning county ferry districts.  
 Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Riccelli; Rossetti; Sells; Stambaugh; Tarleton and Young.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Pike and Shea.

MINORITY recommendation: Without recommendation. Signed by Representatives Harmsworth, Assistant Ranking Minority Member and Rodne.

Passed to Committee on Rules for second reading.

February 4, 2016  
HB 2368 Prime Sponsor, Representative Hurst:  
 Creating a two-year pilot program  
 authorizing up to five qualified licensed  
 marijuana retailers to deliver marijuana to  
 Washington residents in a city with a  
 population of over six hundred fifty  
 thousand. Reported by Committee on  
 Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on General Government & Information Technology.

February 4, 2016  
HB 2396 Prime Sponsor, Representative McBride:  
 Concerning access to nonemergency,  
 outpatient, primary health care services for  
 unaccompanied homeless youth under the  
 federal McKinney-Vento homeless  
 assistance act. Reported by Committee on  
 Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman; Hansen; Kirby; Kuderer; Muri; Orwall and Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member; Haler and Klippert.

Passed to Committee on Rules for second reading.

February 3, 2016  
HB 2414 Prime Sponsor, Representative Wylie:  
 Creating a bistate bridge project legislative  
 work group. Reported by Committee on  
 Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

February 4, 2016  
HB 2429 Prime Sponsor, Representative Caldier:  
 Concerning the provision of assessment  
 results to students and their parents or  
 guardians. Reported by Committee on  
 Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Hunt, S.; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

Passed to Committee on Appropriations.

February 3, 2016  
HB 2452 Prime Sponsor, Representative Riccelli:  
 Creating the interstate medical licensure  
 compact. Reported by Committee on  
 Health Care & Wellness

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass.  
 Signed by Representatives Cody, Chair; Riccelli, Vice  
 Chair; Schmick, Ranking Minority Member; Harris,  
 Assistant Ranking Minority Member; Caldier; Clibborn;  
 DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne;  
 Short; Tharinger and Van De Wege.

Passed to Committee on Appropriations.

February 3, 2016  
HB 2465 Prime Sponsor, Representative Robinson:  
 Requiring private health insurers and the  
 Medicaid program to reimburse for a  
 twelve-month supply of contraceptive  
 drugs. Reported by Committee on Health  
 Care & Wellness

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass.  
 Signed by Representatives Cody, Chair; Riccelli, Vice  
 Chair; Harris, Assistant Ranking Minority Member;  
 Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller;  
 Robinson; Rodne; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Schmick, Ranking Minority Member  
 and Short.

Passed to Committee on Rules for second reading.

February 4, 2016  
HB 2477 Prime Sponsor, Representative Fitzgibbon:  
 Concerning candidate filing fee petitions.  
 Reported by Committee on State  
 Government

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass.  
 Signed by Representatives Hunt, S., Chair; Bergquist,  
 Vice Chair; Holy, Ranking Minority Member; Van  
 Werven, Assistant Ranking Minority Member; Frame;  
 Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

February 4, 2016  
HB 2484 Prime Sponsor, Representative  
 Walkinshaw: Requiring inspections,  
 specialized training, and other enhanced  
 workplace standards on dairy farms.  
 Reported by Committee on Labor &  
 Workplace Standards

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass.

Signed by Representatives Sells, Chair; Gregerson, Vice  
 Chair; Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Manweller, Ranking Minority Member  
 and McCabe.

Passed to Committee on Appropriations.

February 4, 2016  
HB 2541 Prime Sponsor, Representative Frame:  
 Providing for less restrictive involuntary  
 treatment orders. Reported by Committee  
 on Judiciary

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass.  
 Signed by Representatives Jinkins, Chair; Kilduff, Vice  
 Chair; Rodne, Ranking Minority Member; Shea,  
 Assistant Ranking Minority Member; Goodman; Haler;  
 Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and  
 Stokesbary.

Passed to Committee on Rules for second reading.

February 3, 2016  
HB 2567 Prime Sponsor, Representative Clibborn:  
 Correcting certain manifest drafting errors  
 in chapter 44, Laws of 2015 3rd sp. sess.  
 (transportation revenue). Reported by  
 Committee on Transportation

MAJORITY recommendation: Do pass. Signed by  
 Representatives Clibborn, Chair; Farrell, Vice Chair;  
 Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking  
 Minority Member; Harmsworth, Assistant Ranking  
 Minority Member; Bergquist; Gregerson; Hayes;  
 Hickel; Kochmar; McBride; Moeller; Morris; Pike;  
 Riccelli; Rodne; Rossetti; Sells; Stambaugh and  
 Tarleton.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Hargrove, Assistant Ranking Minority  
 Member; Shea and Young.

Passed to Committee on Rules for second reading.

February 4, 2016  
HB 2579 Prime Sponsor, Representative Griffey:  
 Concerning prefire mitigation. Reported  
 by Committee on Agriculture & Natural  
 Resources

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass.  
 Signed by Representatives Blake, Chair; Walkinshaw,  
 Vice Chair; Hurst; Lytton; Pettigrew; Stanford and Van  
 De Wege.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Buys, Ranking Minority Member; Dent,

Assistant Ranking Minority Member; Chandler; Orcutt and Schmick.

Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

MINORITY recommendation: Without recommendation. Signed by Representative Kretz.

Passed to Committee on Rules for second reading.

Passed to Committee on Appropriations.

February 3, 2016

HB 2596

February 4, 2016  
Prime Sponsor, Representative Dye: Reducing the occurrences of small wildland fires escalating into catastrophic fires through the creation of a mechanism to better equip local wildland fire suppression entities in their immediate, local suppression activities. Reported by Committee on Agriculture & Natural Resources

HB 2615

February 3, 2016  
Prime Sponsor, Representative Pollet: Improving student success at community and technical colleges by considering benefits of full-time faculty and staff. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hurst; Kretz; Lytton; Orcutt; Pettigrew and Schmick.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Reykdal; Sells and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Stanford and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Zeiger, Ranking Minority Member; Hargrove; Holy; Stambaugh and Van Werven.

Passed to Committee on Appropriations.

Passed to Committee on Appropriations.

HB 2598

February 3, 2016  
Prime Sponsor, Representative Orcutt: Authorizing the use of certain cargo extensions that connect to a recreational vehicle frame. Reported by Committee on Transportation

HB 2619

February 3, 2016  
Prime Sponsor, Representative Haler: Providing postsecondary education to enhance education opportunities and public safety. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Rules for second reading.

Passed to Committee on Appropriations.

HB 2605

February 4, 2016  
Prime Sponsor, Representative Kirby: Creating a special permit by a manufacturer of beer to hold a private event for the purpose of tasting and selling beer of its own production. Reported by Committee on Commerce & Gaming

HB 2633

February 4, 2016  
Prime Sponsor, Representative Blake: Merging the department of agriculture's fruit and vegetable inspection districts and accounts. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Kretz; Lytton; Orcutt; Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

HB 2639

February 4, 2016  
Prime Sponsor, Representative McCabe: Increasing the safety of school bus riders. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hunt, S.; Kilduff; Klippert; Kuderer; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove; Harris; Hayes and McCaslin.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2673 Prime Sponsor, Representative Sawyer:  
Concerning recoverable costs from the recording of certain judgment liens. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

February 3, 2016

HB 2691 Prime Sponsor, Representative Pollet:  
Concerning Central Washington University's fifth year promise. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Appropriations.

February 3, 2016

HB 2700 Prime Sponsor, Representative Goodman:  
Concerning impaired driving. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Transportation.

February 4, 2016

HB 2701 Prime Sponsor, Representative Wylie:  
Concerning the regulation of alcoholic beverages. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott and Vick.

MINORITY recommendation: Do not pass. Signed by Representative Van De Wege.

Passed to Committee on General Government & Information Technology.

February 3, 2016

HB 2749 Prime Sponsor, Representative Kagi:  
Extending dates concerning measuring performance and performance-based contracting of the child welfare system. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Kilduff; Ortiz-Self; Sawyer and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives McCaslin and Scott.

MINORITY recommendation: Without recommendation. Signed by Representative Hawkins.

Passed to Committee on Appropriations.

February 4, 2016

HB 2773 Prime Sponsor, Representative Klippert:  
Repealing the warrant authority of coroners. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

February 3, 2016

HB 2801 Prime Sponsor, Representative Hansen:  
Expanding higher education opportunities for certain students. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Reykdal; Sells and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Zeiger, Ranking Minority Member; Hargrove; Holy; Stambaugh and Van Werven.

Passed to Committee on Appropriations.

February 3, 2016

HB 2804 Prime Sponsor, Representative Haler: Including highway workers employed on a transportation project by a contractor in the tuition and fee exemption for children and surviving spouses of highway workers. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Holy; Reykdal; Sells; Stambaugh and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove and Van Werven.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2805 Prime Sponsor, Representative Reykdal: Requiring mandatory reporting of hazardous exposures for firefighters. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representative McCabe.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2826 Prime Sponsor, Representative DeBolt: Repealing certain duties of the state energy office with regard to preparing the state energy strategy document. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Harmsworth; Hudgins; Magendanz; Nealey; Rossetti; Santos; Wylie and Young.

Passed to Committee on Rules for second reading.

February 3, 2016

HB 2832 Prime Sponsor, Representative Tharinger: Concerning physician limited licenses. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2833 Prime Sponsor, Representative Young: Establishing a competitive educational grant program to promote confidence, public speaking, and leadership skills in students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Klippert; Kuderer; McCaslin; Orwall; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt, S.; Kilduff and Pollet.

Passed to Committee on Appropriations.

February 4, 2016

HB 2847 Prime Sponsor, Representative Rossetti: Creating an exemption to the definition of substantial development in chapter 90.58 RCW relating to the retrofitting of existing structures to accommodate physical access by individuals with disabilities. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye; Farrell; Fey; Goodman; McBride and Pike.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Passed to Committee on Rules for second reading.

February 4, 2016

- HB 2851** Prime Sponsor, Representative Frame: Increasing compensation for school directors in districts enrolling twenty thousand or more students. Reported by Committee on Education
- supply projects. Reported by Committee on Agriculture & Natural Resources
- MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Kretz; Lytton; Orcutt; Pettigrew; Schmick and Van De Wege.
- MINORITY recommendation: Do not pass. Signed by Representatives Walkinshaw, Vice Chair and Stanford.
- Passed to Committee on Capital Budget.
- February 3, 2016
- HB 2874** Prime Sponsor, Representative Pettigrew: Repealing certain provisions governing income eligibility for temporary assistance for needy families benefits. Reported by Committee on Early Learning & Human Services
- MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.
- Passed to Committee on Appropriations.
- February 3, 2016
- HB 2877** Prime Sponsor, Representative Hickel: Expanding distribution dates for supplemental nutrition assistance program benefits. Reported by Committee on Early Learning & Human Services
- MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.
- Passed to Committee on Appropriations.
- February 4, 2016
- HB 2883** Prime Sponsor, Representative Senn: Addressing government efficiency by eliminating or revising the requirements for state agency reports. Reported by Committee on State Government
- MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.
- Passed to Committee on Rules for second reading.
- February 4, 2016
- HB 2854** Prime Sponsor, Representative Hudgins: Requiring the secretary of state to conduct and publish a statewide survey of ballot rejection practices. Reported by Committee on State Government
- MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.
- Passed to Committee on Rules for second reading.
- February 4, 2016
- HB 2862** Prime Sponsor, Representative Rossetti: Preventing unfunded state mandates by requiring school district fiscal notes to identify revenue sources. Reported by Committee on Education
- MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.
- MINORITY recommendation: Do not pass. Signed by Representative Hunt, S..
- Passed to Committee on Appropriations.
- February 4, 2016
- HB 2863** Prime Sponsor, Representative McCabe: Concerning the administrative rules governing the provision of emergency drought relief funds for drinking water
- Passed to Committee on Rules for second reading.
- February 4, 2016

HB 2886 Prime Sponsor, Representative Manweller:  
Concerning electrical scope of practice.  
Reported by Committee on Labor &  
Workplace Standards

MAJORITY recommendation: Do pass. Signed by  
Representatives Sells, Chair; Gregerson, Vice Chair;  
Manweller, Ranking Minority Member; McCabe;  
Moeller and Ormsby.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2917 Prime Sponsor, Representative Gregerson:  
Studying the causes of workplace injuries  
suffered by commercial janitors. Reported  
by Committee on Labor & Workplace  
Standards

MAJORITY recommendation: Do pass. Signed by  
Representatives Sells, Chair; Gregerson, Vice Chair;  
Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by  
Representatives Manweller, Ranking Minority Member  
and McCabe.

Passed to Committee on Appropriations.

February 4, 2016

HB 2918 Prime Sponsor, Representative Gregerson:  
Granting a city or town the authority to  
establish and operate a traffic school  
without county consent, control, or  
supervision. Reported by Committee on  
Local Government

MAJORITY recommendation: Do pass. Signed by  
Representatives Appleton, Chair; Gregerson, Vice  
Chair; Griffey, Assistant Ranking Minority Member;  
Fitzgibbon; McBride; McCaslin; Peterson and Pike.

MINORITY recommendation: Do not pass. Signed by  
Representative Taylor, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2928 Prime Sponsor, Representative Kretz:  
Ensuring that restrictions on outdoor  
burning for air quality reasons do not  
impede measures necessary to ensure forest  
resiliency to catastrophic fires. Reported  
by Committee on Agriculture & Natural  
Resources

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Blake, Chair; Walkinshaw,  
Vice Chair; Buys, Ranking Minority Member; Dent,  
Assistant Ranking Minority Member; Chandler; Hurst;

Kretz; Lytton; Orcutt; Pettigrew; Schmick; Stanford and  
Van De Wege.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2929 Prime Sponsor, Representative Parker:  
Concerning temporary homeless housing  
by religious organizations. Reported by  
Committee on Local Government

MAJORITY recommendation: Do pass. Signed by  
Representatives Appleton, Chair; Gregerson, Vice  
Chair; Taylor, Ranking Minority Member; Griffey,  
Assistant Ranking Minority Member; Fitzgibbon;  
McBride; McCaslin; Peterson and Pike.

Passed to Committee on Rules for second reading.

February 3, 2016

HB 2930 Prime Sponsor, Representative Parker:  
Reducing the population requirement in a  
consortium of counties in order to operate  
a juvenile correctional facility. Reported  
by Committee on Early Learning & Human  
Services

MAJORITY recommendation: Do pass. Signed by  
Representatives Kagi, Chair; Senn, Vice Chair; Walsh,  
Ranking Minority Member; Dent, Assistant Ranking  
Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-  
Self; Sawyer; Scott and Walkinshaw.

Passed to Committee on Rules for second reading.

February 4, 2016

HJM 4000 Prime Sponsor, Representative Reykdal:  
Asking congress to call a limited  
convention, authorized under Article V of  
the United States Constitution, for the  
purpose of proposing a free and fair  
elections amendment to that Constitution.  
Reported by Committee on State  
Government

MAJORITY recommendation: Do pass. Signed by  
Representatives Hunt, S., Chair; Bergquist, Vice Chair;  
Frame and Moscoso.

MINORITY recommendation: Do not pass. Signed by  
Representatives Holy, Ranking Minority Member; Van  
Werven, Assistant Ranking Minority Member and  
Hawkins.

Passed to Committee on Rules for second reading.

**FOURTH SUPPLEMENTAL REPORTS OF  
STANDING COMMITTEES**

February 4, 2016

HB 1354 Prime Sponsor, Representative Ryu:  
Concerning the employee antiretaliation

act. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Manweller, Ranking Minority Member and McCabe.

Passed to Committee on Appropriations.

February 4, 2016

HB 2500 Prime Sponsor, Representative Caldier: Creating a preferred alternative for the placement and sale of impounded livestock. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Kretz; Lytton; Orcutt; Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2597 Prime Sponsor, Representative Orwall: Requiring school districts to include sexual abuse as a topic in plans addressing students' emotional or behavioral distress. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Hunt, S.; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2616 Prime Sponsor, Representative Buys: Concerning watershed management actions by watershed improvement districts. Reported by Committee on Environment

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Shea, Ranking Minority Member; Farrell; Fey; Goodman and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Assistant Ranking Minority Member; Dye; Pike and Taylor.

Passed to Committee on Rules for second reading.

February 3, 2016

HB 2621 Prime Sponsor, Representative Kagi: Concerning the department of early learning's access to records and personal information for purposes of determining character and suitability of child care workers. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2634 Prime Sponsor, Representative Buys: Modifying the powers and duties of the Washington dairy products commission to include research and education related to the economic uses of nutrients produced by dairy farms. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Kretz; Lytton; Orcutt; Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2674 Prime Sponsor, Representative Jinkins: Concerning filing fee surcharges for funding dispute resolution centers. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Kuderer; Muri and Orwall.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member and Klippert.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary.

Passed to Committee on General Government & Information Technology.

by Committee on Technology & Economic Development

February 4, 2016  
HB 2852 Prime Sponsor, Representative Hudgins: Establishing standards for election data and reporting. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

February 4, 2016  
HB 2888 Prime Sponsor, Representative Van De Wege: Concerning cetacean captivity. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Hurst; Lytton; Pettigrew; Stanford and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Orcutt and Schmick.

MINORITY recommendation: Without recommendation. Signed by Representative Kretz.

Passed to Committee on Rules for second reading.

February 4, 2016  
HB 2925 Prime Sponsor, Representative Dent: Concerning accessing land during a fire suppression response for the purpose of protecting livestock from a wildland fire. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Hurst; Kretz; Lytton; Orcutt; Pettigrew and Schmick.

MINORITY recommendation: Do not pass. Signed by Representatives Walkinshaw, Vice Chair; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

February 4, 2016  
HB 2933 Prime Sponsor, Representative Gregerson: Concerning small works rosters. Reported

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Fey; Hudgins; Rossetti; Santos and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Magendanz and Young.

MINORITY recommendation: Without recommendation. Signed by Representatives Harmsworth and Nealey.

Passed to Committee on Capital Budget.

February 3, 2016  
HI 735 Prime Sponsor, : Objecting to the influence of corporations and money in our political system. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Bergquist, Vice Chair; Frame and Moscoso.

MINORITY recommendation: Do not pass. Signed by Representatives Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member and Hawkins.

Passed to Committee on Rules for second reading.

**FIFTH SUPPLEMENTAL REPORTS OF STANDING COMMITTEES**

February 4, 2016  
HB 1018 Prime Sponsor, Representative Appleton: Preventing breed-based dog regulations. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Goodman; Haler; Hansen; Kirby; Kuderer and Orwall.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member; Klippert and Stokesbary.

MINORITY recommendation: Without recommendation. Signed by Representatives Rodne, Ranking Minority Member and Muri.

Passed to Committee on Rules for second reading.

February 4, 2016

- HB 1565 Prime Sponsor, Representative Ormsby: enforcement officers. Reported by  
Concerning the preservation of housing Committee on Public Safety  
options for participants in government  
assistance programs. Reported by  
Committee on Judiciary
- MAJORITY recommendation: Do pass. Signed by  
Representatives Jenkins, Chair; Kilduff, Vice Chair;  
Goodman; Hansen; Kirby; Kuderer and Orwall.
- MINORITY recommendation: Do not pass. Signed by  
Representatives Rodne, Ranking Minority Member;  
Shea, Assistant Ranking Minority Member; Haler;  
Klippert and Stokesbary.
- MINORITY recommendation: Without  
recommendation. Signed by Representative Muri.
- Passed to Committee on Rules for second reading.
- February 5, 2016
- HB 2080 Prime Sponsor, Representative Stanford: Concerning fingerprint-based background  
checks for health professionals. Reported  
by Committee on Public Safety
- MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Goodman, Chair; Orwall,  
Vice Chair; Klippert, Ranking Minority Member;  
Appleton; Moscoso and Pettigrew.
- MINORITY recommendation: Do not pass. Signed by  
Representatives Hayes, Assistant Ranking Minority  
Member and Griffey.
- MINORITY recommendation: Without  
recommendation. Signed by Representative Wilson.
- Passed to Committee on Appropriations.
- February 4, 2016
- HB 2287 Prime Sponsor, Representative McCabe: Concerning notice to first responders that a  
person with a disability may be present at  
the scene of an emergency. Reported by  
Committee on Judiciary
- MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Jenkins, Chair; Kilduff, Vice  
Chair; Rodne, Ranking Minority Member; Shea,  
Assistant Ranking Minority Member; Goodman;  
Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and  
Stokesbary.
- Passed to Committee on Appropriations.
- February 5, 2016
- HB 2369 Prime Sponsor, Representative Hurst: Modifying the authority of liquor
- February 4, 2016
- HB 2405 Prime Sponsor, Representative Muri: Concerning the role of parties in cases  
related to certain notices and records.  
Reported by Committee on Judiciary
- MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Jenkins, Chair; Kilduff, Vice  
Chair; Rodne, Ranking Minority Member; Shea,  
Assistant Ranking Minority Member; Goodman;  
Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and  
Stokesbary.
- Passed to Committee on Rules for second reading.
- February 4, 2016
- HB 2410 Prime Sponsor, Representative Hayes: Requiring information about certain  
criminal defendants be included in the  
felony firearm offense conviction database.  
Reported by Committee on Judiciary
- MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Jenkins, Chair; Kilduff, Vice  
Chair; Rodne, Ranking Minority Member; Shea,  
Assistant Ranking Minority Member; Goodman;  
Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and  
Stokesbary.
- Passed to Committee on Rules for second reading.
- February 4, 2016
- HB 2457 Prime Sponsor, Representative Young: Concerning recorded interests in easements  
by an electric utility. Reported by  
Committee on Judiciary
- MAJORITY recommendation: Do pass. Signed by  
Representatives Jenkins, Chair; Kilduff, Vice Chair;  
Rodne, Ranking Minority Member; Shea, Assistant  
Ranking Minority Member; Goodman; Hansen; Kirby;  
Klippert; Kuderer; Muri; Orwall and Stokesbary.
- Passed to Committee on Rules for second reading.
- February 4, 2016

HB 2483 Prime Sponsor, Representative Sawyer:  
Protecting minors from sexual exploitation.  
Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2496 Prime Sponsor, Representative Kilduff:  
Concerning pro bono legal services for military service members, veterans, and their families. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on General Government & Information Technology.

February 5, 2016

HB 2501 Prime Sponsor, Representative Caldier:  
Concerning the communication of information to continue health services for confined persons. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2558 Prime Sponsor, Representative Goodman:  
Establishing the joint legislative task force on jail standards. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2576 Prime Sponsor, Representative McBride:  
Concerning public records act requests to local agencies. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; McCaslin and Pike.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2587 Prime Sponsor, Representative Rodne:  
Concerning the superior court judges' association. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2618 Prime Sponsor, Representative Tarleton:  
Concerning port district worker development and training programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Holy; Reykdal; Sells; Tarleton and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representative Stambaugh.

MINORITY recommendation: Without recommendation. Signed by Representatives Zeiger, Ranking Minority Member and Hargrove.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2644 Prime Sponsor, Representative Blake:  
Concerning animal forfeiture in animal cruelty cases. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Kuderer; Muri; Orwall and Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member and Klippert.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2659 Prime Sponsor, Representative Jenkins: Developing a plan for the consolidation of traffic-based financial obligations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on General Government & Information Technology.

February 5, 2016

HB 2662 Prime Sponsor, Representative Kilduff: Creating the Washington next generation educational savings account program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Appropriations.

February 5, 2016

HB 2668 Prime Sponsor, Representative Orwall: Vacating convictions arising from offenses committed as a result of being a victim of trafficking, promoting prostitution, or promoting commercial sexual abuse of a minor. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

MINORITY recommendation: Do not pass. Signed by Representative Klippert, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2680

Prime Sponsor, Representative Stambaugh: Establishing the Washington open education pilot grant program for the four-year institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Appropriations.

February 5, 2016

HB 2686 Prime Sponsor, Representative Sullivan: Making the cost of textbooks and other college course materials more affordable. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Appropriations.

February 5, 2016

HB 2704 Prime Sponsor, Representative Klippert: Authorizing general authority Washington peace officers to assist the department of corrections with the supervision of offenders. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Griffey; Pettigrew and Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Appleton and Moscoso.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2705 Prime Sponsor, Representative Klippert: Increasing the seriousness level of first degree rape and first degree rape of a child. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member;

Hayes, Assistant Ranking Minority Member; Griffey; Moscoso; Pettigrew and Wilson.

and technical colleges to offer bachelor degrees. Reported by Committee on Higher Education

MINORITY recommendation: Do not pass. Signed by Representative Appleton.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Zeiger, Ranking Minority Member; Bergquist; Frame; Hargrove; Reykdal; Sells and Tarleton.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2708 Prime Sponsor, Representative Appleton: Providing for fire protection district formation by the legislative authority of a city or town subject to voter approval. Reported by Committee on Local Government

MINORITY recommendation: Do not pass. Signed by Representatives Pollet, Vice Chair; Holy; Stambaugh and Van Werven.

Passed to Committee on Appropriations.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Griffey, Assistant Ranking Minority Member; Fitzgibbon; McBride and Peterson.

February 4, 2016

HB 2799 Prime Sponsor, Representative McBride: Concerning the sale of manufactured/mobile home communities. Reported by Committee on Judiciary

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; McCaslin and Pike.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Goodman; Hansen; Kirby; Kuderer and Orwall.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Haler; Klippert and Stokesbary.

MINORITY recommendation: Without recommendation. Signed by Representative Muri.

Passed to Committee on Finance.

February 5, 2016

HB 2755 Prime Sponsor, Representative Zeiger: Creating administrative efficiencies for institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

February 4, 2016

HB 2811 Prime Sponsor, Representative Walkinshaw: Modifying residential landlord-tenant act provisions relating to tenant screening, evictions, and refunds. Reported by Committee on Judiciary

Passed to Committee on Capital Budget.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2765 Prime Sponsor, Representative Kretz: Clarifying the limited authority of park rangers. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

February 5, 2016

HB 2817 Prime Sponsor, Representative Moscoso: Creating an office of the corrections ombuds. Reported by Committee on Public Safety

Passed to Committee on Appropriations.

February 5, 2016

HB 2769 Prime Sponsor, Representative Senn: Creating a pilot program for community

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Appleton; Moscoso and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member and Griffey.

MINORITY recommendation: Without recommendation. Signed by Representative Wilson.

Passed to Committee on Appropriations.

February 5, 2016

HB 2820 Prime Sponsor, Representative Pollet: Establishing the Washington promise program, which provides for universal and affordable access to community and technical colleges for all Washingtonians. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Bergquist; Frame; Reykdal; Sells and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Hargrove; Stambaugh and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representative Holy.

Passed to Committee on Appropriations.

February 5, 2016

HB 2825 Prime Sponsor, Representative Frame: Concerning student services for students with disabilities. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2838 Prime Sponsor, Representative Klippert: Clarifying the department of corrections' authority to impose conditions prohibiting contact with other persons, even if the offender is not a sex offender. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2873 Prime Sponsor, Representative Griffey: Making felony sex offenses a crime that may be prosecuted at any time after its commission. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on General Government & Information Technology.

February 4, 2016

HB 2876 Prime Sponsor, Representative Orwall: Addressing the foreclosure of deeds of trust. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Appropriations.

February 5, 2016

HB 2878 Prime Sponsor, Representative Kilduff: Creating a penalty assessment for crimes involving the abuse of children used to support child advocacy centers. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2882 Prime Sponsor, Representative Appleton: Collecting data regarding occasions of justifiable homicide or use of deadly force. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Appleton; Moscoso and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Griffey and Wilson.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2895 Prime Sponsor, Representative MacEwen: Concerning alien victims of certain qualifying criminal activity. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2899 Prime Sponsor, Representative Kirby: Making the unlawful possession of instruments of financial fraud a crime. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on General Government & Information Technology.

February 5, 2016

HB 2900 Prime Sponsor, Representative Klippert: Prohibiting marijuana, alcohol, or other intoxicant, or a cell phone while confined or incarcerated in a state correctional institution. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2908 Prime Sponsor, Representative Ryu: Establishing the joint legislative task force on community policing standards for a

safer Washington. Reported by Committee on Public Safety

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2913 Prime Sponsor, Representative Gregerson: Creating efficiencies regarding requirements for license withholding and suspension for noncompliance with a child support order. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Goodman; Hansen; Kirby; Kuderer and Orwall.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Haler; Klippert and Stokesbary.

MINORITY recommendation: Without recommendation. Signed by Representative Muri.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2945 Prime Sponsor, Representative Appleton: Establishing a legislative task force to review the growth management act. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; McCaslin and Pike.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2955 Prime Sponsor, Representative Hansen: Creating the Washington free to finish college program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hansen, Chair; Pollet, Vice

Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representative Hargrove.

Passed to Committee on Appropriations.

February 5, 2016  
HB 2970 Prime Sponsor, Representative McCabe:  
Concerning voyeurism. Reported by  
Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

#### SIXTH SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 5, 2016  
HB 1321 Prime Sponsor, Representative Robinson:  
Declaring the intent for all Washingtonians  
to have health care coverage by 2020.  
Reported by Committee on Health Care &  
Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Clibborn; Jinkins; Moeller; Robinson; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; DeBolt; Johnson; Rodne and Short.

Passed to Committee on Rules for second reading.

February 4, 2016  
HB 1585 Prime Sponsor, Representative Young:  
Providing a right of first repurchase for  
surplus transportation property. Reported  
by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Morris; Ortiz-Self; Pike; Riccelli; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

February 4, 2016  
HB 1631 Prime Sponsor, Representative Lytton:  
Allowing federally recognized tribes with  
lands held in trust in a county that is west  
of the Cascade mountain range that borders  
Puget Sound with a population of at least  
one hundred eighteen thousand, but less  
than two hundred fifty thousand, persons to  
enter into agreements regarding fuel taxes.  
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill by Committee on Community Development, Housing & Tribal Affairs be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Bergquist; Gregerson; Hayes; McBride; Morris; Ortiz-Self; Riccelli; Rossetti; Sells and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Hickel; Kochmar; Pike; Shea and Stambaugh.

MINORITY recommendation: Without recommendation. Signed by Representatives Harmsworth, Assistant Ranking Minority Member and Young.

Passed to Committee on Rules for second reading.

February 5, 2016  
HB 1888 Prime Sponsor, Representative Dent:  
Transferring certification responsibilities  
for chemical dependency treatment  
programs from the department of social and  
health services to the department of health.  
Reported by Committee on Early Learning  
& Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.

Passed to Committee on Appropriations.

February 5, 2016  
HB 2319 Prime Sponsor, Representative Jinkins:  
Concerning prescription drug insurance  
continuity of care. Reported by Committee  
on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Harris, Assistant Ranking Minority Member;

Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Tharinger and Van De Wege.

Minority Member; Kilduff; Kochmar; Peterson; Riccelli and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member and Short.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Without recommendation. Signed by Representative Rodne.

February 4, 2016

HB 2360 Prime Sponsor, Representative Lytton: Eliminating the quality education council. Reported by Committee on Appropriations

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Robinson; Sawyer; Schmick; Springer; Stokesbary; Sullivan; Taylor; Tharinger; Van Werven and Walkinshaw.

February 4, 2016

HB 2320 Prime Sponsor, Representative Stokesbary: Providing that the horse racing commission operating account is a nonappropriated account. Reported by Committee on Appropriations

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Harris; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Springer; Stokesbary; Sullivan; Tharinger and Walkinshaw.

February 4, 2016

HB 2373 Prime Sponsor, Representative Senn: Making provisions to evaluate student mental health services and provide students with skills that promote mental health and well-being and increase academic performance. Reported by Committee on Education

MINORITY recommendation: Do not pass. Signed by Representatives Ormsby, Vice Chair; Hudgins and Taylor.

Passed to Committee on Rules for second reading.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Harris; Hunt, S.; Kilduff; Klippert; Kuderer; Orwall; Pollet; Rossetti and Springer.

February 5, 2016

HB 2340 Prime Sponsor, Representative Schmick: Addressing the Washington state health insurance pool. Reported by Committee on Health Care & Wellness

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove; Hayes and McCaslin.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Appropriations.

Passed to Committee on Appropriations.

February 4, 2016

HB 2417 Prime Sponsor, Representative Pike: Modifying certain driver's license requirements. Reported by Committee on Transportation

February 5, 2016

HB 2357 Prime Sponsor, Representative Peterson: Concerning the authority of the pollution liability insurance agency. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; McBride; Morris; Ortiz-Self; Pike;

MAJORITY recommendation: The substitute bill by Committee on Environment be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking

Riccelli; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

teachers and substitute teachers. Reported by Committee on Education

Passed to Committee on Rules for second reading.

February 2, 2016  
HB 2433 Prime Sponsor, Representative Vick:  
 Concerning certified public accountant  
 firm mobility. Reported by Committee on  
 Business & Financial Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Blake; Dye; Hurst; Kochmar; Ryu; Santos Hunt, G., Member.

Passed to Committee on Rules for second reading.

February 3, 2016  
HB 2505 Prime Sponsor, Representative Hunt, G.:  
 Concerning payroll cards. Reported by  
 Committee on Business & Financial  
 Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; McCabe, Assistant Ranking Minority Member; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

MINORITY recommendation: Do not pass. Signed by Representative Vick, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 4, 2016  
HB 2556 Prime Sponsor, Representative Hunt, S.:  
 Eliminating the certificate of academic  
 achievement as a requirement for high  
 school graduation. Reported by Committee  
 on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Bergquist; Griffey; Hunt, S.; Kilduff; Klippert; Kuderer; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Caldier; Hargrove; Harris; Hayes and McCaslin.

Passed to Committee on Appropriations.

February 4, 2016  
HB 2573 Prime Sponsor, Representative Santos:  
 Concerning the shortage of public school

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Harris; Hunt, S.; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Hargrove and Hayes.

Passed to Committee on Appropriations.

February 4, 2016  
HB 2645 Prime Sponsor, Representative Hudgins:  
 Eliminating accounts. Reported by  
 Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative MacEwen.

Passed to Committee on Rules for second reading.

February 4, 2016  
HB 2646 Prime Sponsor, Representative Ormsby:  
 Addressing plan membership default  
 provisions in the public employees'  
 retirement system, the teachers' retirement  
 system, and the school employees'  
 retirement system. Reported by Committee  
 on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Cody; Fitzgibbon; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Pettigrew; Robinson; Sawyer; Springer; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Dent; Haler; Harris; Magendanz; Manweller; Schmick; Stokesbary; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

February 3, 2016

HB 2652 Prime Sponsor, Representative Cody: Concerning the maintenance and disclosure of health care declarations. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Bergquist; Gregerson; Kochmar; McBride; Moeller; Morris; Riccelli; Rossetti; Sells and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes; Hickel; Rodne; Shea; Stambaugh and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Pike.

Passed to Committee on Appropriations.

February 4, 2016

HB 2669 Prime Sponsor, Representative Riccelli: Concerning physical education instructional requirements for public school students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Harris; Hunt, S.; Kilduff; Kuderer; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Griffey; Hargrove; Hayes; Klippert and McCaslin.

Passed to Committee on Appropriations.

February 5, 2016

HB 2726 Prime Sponsor, Representative Walkinshaw: Concerning the regulation of continuing care retirement communities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; Jinkins; Moeller; Robinson; Rodne; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Johnson and Short.

MINORITY recommendation: Without recommendation. Signed by Representative DeBolt.

Passed to Committee on Appropriations.

February 5, 2016

HB 2744 Prime Sponsor, Representative Santos: Concerning certain cultural foods. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 3, 2016

HB 2767 Prime Sponsor, Representative Walsh: Defining and using the term center-based services for individuals with developmental disabilities. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.

Passed to Committee on Appropriations.

February 5, 2016

HB 2768 Prime Sponsor, Representative Schmick: Addressing taxes and service charges on certain qualified stand-alone dental plans offered in the individual or small group markets. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Clibborn; DeBolt; Jinkins;

Johnson; Moeller; Robinson; Rodne; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Caldier and Short.

Passed to Committee on Finance.

February 4, 2016

HB 2823 Prime Sponsor, Representative Parker: Creating a program to provide students and the community with the means to report anonymously concerning unsafe or violent activities, or the threat of these activities. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hunt, S.; Kilduff; Klippert; McCaslin; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Ortiz-Self, Vice Chair; Hayes and Kuderer.

Passed to Committee on Appropriations.

February 5, 2016

HB 2834 Prime Sponsor, Representative Senn: Concerning implementation of the homeless youth prevention and protection act of 2015. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Kilduff; Ortiz-Self; Sawyer and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Hawkins; McCaslin and Scott.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2835 Prime Sponsor, Representative Tharinger: Creating a public information system regarding people with dementia. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn;

DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2871 Prime Sponsor, Representative Cody: Creating a task force on high patient out-of-pocket costs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2884 Prime Sponsor, Representative Clibborn: Modifying the business and occupation tax and public utility tax credits for alternative fuel commercial vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; McBride; Morris; Ortiz-Self; Pike; Riccelli; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Finance.

February 5, 2016

HB 2885 Prime Sponsor, Representative Stambaugh: Establishing a maternal mortality review panel. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Appropriations.

February 3, 2016

HB 2898 Prime Sponsor, Representative Clibborn: Concerning wholesale vehicle dealers. Reported by Committee on Business & Financial Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2904 Prime Sponsor, Representative Blake: Requiring issuers to accept payments made by businesses solely owned by an enrollee. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2906 Prime Sponsor, Representative Stambaugh: Strengthening opportunities for the rehabilitation and reintegration of juvenile offenders. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.

MINORITY recommendation: Without recommendation. Signed by Representative Senn, Vice Chair.

Passed to Committee on Rules for second reading.

February 4, 2016

HB 2948 Prime Sponsor, Representative Santos: Creating the career and college-ready lighthouse pilot project. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Hunt, S.; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

Passed to Committee on Appropriations.

There being no objection, the bills and memorial listed on the day's third, fourth, fifth and sixth supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., February 8, 2016, the 29th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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**SIXTY FOURTH LEGISLATURE - REGULAR SESSION**


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**TWENTY NINTH DAY**


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House was called to order at 9:55 a.m. by the Speaker (Representative Moscoso presiding).

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

**MESSAGE FROM THE SENATE**

February 5, 2016

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5046,  
 SENATE BILL NO. 5342,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5435,  
 SENATE BILL NO. 5581,  
 SECOND ENGROSSED SUBSTITUTE SENATE BILL NO.  
 5623,  
 ENGROSSED SENATE BILL NO. 5873,  
 ENGROSSED SENATE BILL NO. 6091,  
 SUBSTITUTE SENATE BILL NO. 6160,  
 SUBSTITUTE SENATE BILL NO. 6177,  
 SENATE BILL NO. 6178,  
 SENATE BILL NO. 6199,  
 SENATE BILL NO. 6296,  
 SENATE BILL NO. 6405,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

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

**INTRODUCTION & FIRST READING**

HB 2977 by Representatives Short, Kretz and Schmick

AN ACT Relating to encouraging job creation and retention in rural economies through the transparent and accountable provision of targeted tax relief for silicon smelters; amending RCW 82.12.022; adding a new section to chapter 82.16 RCW; adding a new

House Chamber, Olympia, Monday, February 8, 2016

section to chapter 82.04 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2978 by Representatives Stokesbary and Magendanz

AN ACT Relating to school choice; amending RCW 28A.655.110; adding a new section to chapter 28A.657 RCW; and creating a new section.

Referred to Committee on Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2450, and the bill was referred to the Committee on Rules.

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 2895, and the bill was referred to the Committee on Appropriations.

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

There being no objection, the House adjourned until 9:55 a.m., February 9, 2016, the 30th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## THIRTIETH DAY

House Chamber, Olympia, Tuesday, February 9, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

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

## INTRODUCTION &amp; FIRST READING

HB 2979 by Representative DeBolt

AN ACT Relating to a property tax exemption for land owned by a nonprofit organization and designated as a master planned location for major industrial activity; adding a new section to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Finance.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committees so designated.

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

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2749, and the bill was referred to the Committee on Rules.

The Speaker (Representative Orwall presiding) called upon Representative Ormsby to preside.

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

## REPORTS OF STANDING COMMITTEES

SHB 1037 February 8, 2016  
Prime Sponsor, Committee on Judiciary:  
Implementing changes to child support based on the child support schedule work group report. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member;

Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jenkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Taylor; Tharinger; Van Werven and Walkinshaw.

Passed to Committee on Rules for second reading.

HB 1130 February 5, 2016  
Prime Sponsor, Representative Fey:  
Concerning water power license fees.  
Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The substitute bill by Committee on Environment be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; Caldier, Assistant Ranking Minority Member; Morris and Senn.

MINORITY recommendation: Without recommendation. Signed by Representative MacEwen, Ranking Minority Member.

Passed to Committee on Rules for second reading.

HB 1290 February 8, 2016  
Prime Sponsor, Representative Condotta:  
Increasing the number of tasting rooms allowed under a domestic winery license.  
Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson and Morris.

Passed to Committee on Rules for second reading.

HB 1351 February 8, 2016  
Prime Sponsor, Representative Blake:  
Concerning license fees for national guard members under Title 77 RCW. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be

substituted therefor and the substitute bill as amended by Committee on General Government & Information Technology do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 1441 Prime Sponsor, Representative Sawyer: Concerning dental health services in tribal settings. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Dent; Haler; Harris; MacEwen; Magendanz; Schmick; Sullivan; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

February 8, 2016

ESHB 1448 Prime Sponsor, Committee on Judiciary: Providing procedures for responding to reports of threatened or attempted suicide. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill by Committee on Judiciary be substituted therefor and the second substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 1499 Prime Sponsor, Representative Goodman: Concerning vulnerable adults. Reported by

Committee on General Government & Information Technology

MAJORITY recommendation: The third substitute bill by Committee on Public Safety be substituted therefor and the third substitute bill do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 1581 Prime Sponsor, Representative Fey: Modifying the distribution of the thirty dollar vehicle license fee. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt, Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Hargrove, Assistant Ranking Minority Member Harmsworth, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 1605 Prime Sponsor, Representative Peterson: Modifying certain provisions governing benefit charges of fire protection districts and regional fire protection service authorities. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Frame; Pollet; Reykdal; Ryu; Springer; Stokesbary and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Assistant Ranking Minority Member and Vick.

MINORITY recommendation: Without recommendation. Signed by Representatives Nealey, Ranking Minority Member; Condotta; Manweller and Wilcox.

Passed to Committee on Rules for second reading.

February 5, 2016  
EHB 1632 Prime Sponsor, Representative Goodman:  
 Concerning domestic violence. Reported  
 by Committee on General Government &  
 Information Technology

MAJORITY recommendation: The substitute bill by  
 Committee on Public Safety be substituted therefor and  
 the substitute bill do pass. Signed by Representatives  
 Hudgins, Chair; Kuderer, Vice Chair; MacEwen,  
 Ranking Minority Member; Caldier, Assistant Ranking  
 Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 8, 2016  
ESHB 1713 Prime Sponsor, Committee on Judiciary:  
 Integrating the treatment systems for  
 mental health and chemical dependency.  
 Reported by Committee on Appropriations

MAJORITY recommendation: The third substitute bill  
 be substituted therefor and the third substitute bill do  
 pass and do not pass the substitute bill by Committee on  
 Judiciary. Signed by Representatives Dunshee, Chair;  
 Ormsby, Vice Chair; Wilcox, Assistant Ranking  
 Minority Member; Cody; Dent; Fitzgibbon; Haler;  
 Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi;  
 Lytton; Magendanz; Manweller; Pettigrew; Robinson;  
 Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan;  
 Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Chandler, Ranking Minority Member;  
 Buys; MacEwen; Taylor and Van Werven.

MINORITY recommendation: Without  
 recommendation. Signed by Representatives Parker,  
 Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

February 9, 2016  
HB 1915 Prime Sponsor, Representative Hunt, S.:  
 Protecting taxpayers by providing for  
 accountability and transparency in  
 government contracting. Reported by  
 Committee on Appropriations

MAJORITY recommendation: The substitute bill be  
 substituted therefor and the substitute bill do pass.  
 Signed by Representatives Dunshee, Chair; Ormsby,  
 Vice Chair; Wilcox, Assistant Ranking Minority  
 Member; Cody; Fitzgibbon; Hansen; Harris; Hudgins;  
 Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Pettigrew;  
 Robinson; Sawyer; Senn; Springer; Sullivan; Tharinger  
 and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Chandler, Ranking Minority Member;  
 Parker, Assistant Ranking Minority Member; Buys;

Dent; Haler; Magendanz; Schmick; Stokesbary; Taylor  
 and Van Werven.

MINORITY recommendation: Without  
 recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 1949 Prime Sponsor, Representative Pollet:  
 Regulating the institutions of higher  
 education, including for-profit institutions  
 and private vocational schools, to protect  
 students from unfair business practices.  
 Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by  
 Committee on Higher Education be substituted therefor  
 and the substitute bill do pass. Signed by  
 Representatives Dunshee, Chair; Ormsby, Vice Chair;  
 Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins;  
 Kagi; Lytton; Pettigrew; Robinson; Sawyer; Senn;  
 Springer; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Chandler, Ranking Minority Member;  
 Parker, Assistant Ranking Minority Member; Wilcox,  
 Assistant Ranking Minority Member; Buys; Dent;  
 Harris; Schmick; Taylor and Van Werven.

MINORITY recommendation: Without  
 recommendation. Signed by Representatives Condotta;  
 Haler; MacEwen; Magendanz; Manweller and  
 Stokesbary.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 1983 Prime Sponsor, Representative Pollet:  
 Creating the TEACH pilot project of  
 financial assistance for teachers taking  
 basic skills and content tests for teacher  
 certification programs. Reported by  
 Committee on Appropriations

MAJORITY recommendation: The second substitute  
 bill be substituted therefor and the second substitute bill  
 do pass and do not pass the substitute bill by Committee  
 on Education. Signed by Representatives Dunshee,  
 Chair; Ormsby, Vice Chair; Cody; Fitzgibbon; Haler;  
 Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi;  
 Lytton; MacEwen; Magendanz; Pettigrew; Robinson;  
 Sawyer; Senn; Springer; Sullivan; Tharinger and  
 Walkinshaw.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Chandler, Ranking Minority Member;  
 Parker, Assistant Ranking Minority Member; Wilcox,  
 Assistant Ranking Minority Member; Buys; Dent;  
 Schmick; Stokesbary; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta and Manweller.

Passed to Committee on Rules for second reading.

February 9, 2016  
2SHB 1999 Prime Sponsor, Committee on Appropriations: Coordinating services and programs for foster youth in order to improve educational outcomes. Reported by Committee on Appropriations

MAJORITY recommendation: The fourth substitute bill be substituted therefor and the fourth substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Human Services. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Haler and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

February 9, 2016  
HB 2029 Prime Sponsor, Representative Fey: Concerning population-based representation on the governing body of public transportation benefit areas. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Bergquist; Gregerson; McBride; Moeller; Morris; Ortiz-Self; Riccelli; Rossetti; Sells and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes; Hickel; Kochmar; Pike; Rodne; Shea; Stambaugh and Young.

Passed to Committee on Rules for second reading.

February 5, 2016  
HB 2076 Prime Sponsor, Representative Sawyer: Regarding information concerning racial disproportionality. Reported by

Committee on General Government & Information Technology

MAJORITY recommendation: The substitute bill by Committee on State Government be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; Caldier, Assistant Ranking Minority Member; Morris and Senn.

MINORITY recommendation: Do not pass. Signed by Representative

MINORITY recommendation: Without recommendation. Signed by Representative MacEwen, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2146 Prime Sponsor, Representative Kilduff: Concerning public works assistance account program interest rates, project ranking, board membership, and other requirements. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Tharinger, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson and Riccelli.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2148 Prime Sponsor, Representative Chandler: Concerning the state auditor including allowing for audits to be conducted by a private entity and establishing an appeal process. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson and Morris.

MINORITY recommendation: Do not pass. Signed by Representative

MINORITY recommendation: Without recommendation. Signed by Representative Senn.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2182 Prime Sponsor, Representative Tarleton: Ensuring the competitiveness of Washington state's fishing and seafood processing industries by supporting the recapitalization of fishing fleets through certain tax preferences. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology & Economic Development. Signed by Representatives Lytton, Chair; Nealey, Ranking Minority Member; Condotta; Frame; Manweller; Ryu; Springer; Stokesbary; Vick; Wilcox and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Pollet.

MINORITY recommendation: Without recommendation. Signed by Representatives Robinson, Vice Chair; Orcutt, Assistant Ranking Minority Member and Reykdal.

Passed to Committee on Rules for second reading.

February 5, 2016  
HB 2252 Prime Sponsor, Representative Hudgins: Concerning the state capital historical museum. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 9, 2016  
HB 2262 Prime Sponsor, Representative Bergquist: Creating Washington tennis special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Stambaugh; Tarleton and Young.

MINORITY recommendation: Do not pass. Signed by Representative Shea.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2280 Prime Sponsor, Representative Klippert: Making felony driving under the influence of intoxicating liquor, marijuana, or any drug a class B felony. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 9, 2016  
HB 2287 Prime Sponsor, Representative McCabe: Concerning notice to first responders that a person with a disability may be present at the scene of an emergency. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2321 Prime Sponsor, Representative Stokesbary: Removing disincentives to the voluntary formation of regional fire protection service authorities by equalizing certain provisions with existing laws governing fire protection districts and by clarifying the formation process. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Condotta; Frame; Pollet; Reykdal; Ryu; Springer; Stokesbary; Wilcox and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Manweller and Vick.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2340 Prime Sponsor, Representative Schmick: Addressing the Washington state health insurance pool. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Taylor; Tharinger; Van Werven and Walkinshaw.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2341 Prime Sponsor, Representative Orwall: Concerning DNA biological samples. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Morris and Senn.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2346 Prime Sponsor, Representative Morris: Promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance for renewable energy system component recycling. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology & Economic Development. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler;

Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Schmick and Taylor.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2364 Prime Sponsor, Representative Wylie: Concerning the licensing of marijuana-related businesses involving a partnership, employee cooperative, association, nonprofit corporation, corporation, or limited liability company. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Gaming. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Morris and Senn.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2375 Prime Sponsor, Representative Magendanz: Concerning cybercrime. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2378 Prime Sponsor, Representative Stanford: Addressing the caseload forecast council. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Manweller;

Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Harris; Magendanz; Schmick and Taylor.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2388 Prime Sponsor, Representative Hudgins: Concerning theatrical wrestling. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Morris and Senn.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2394 Prime Sponsor, Representative Walsh: Creating the parent to parent program for individuals with developmental disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2429 Prime Sponsor, Representative Caldier: Concerning the provision of assessment results to students and their parents or guardians. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris;

Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Taylor; Tharinger; Van Werven and Walkinshaw.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2432 Prime Sponsor, Representative Riccelli: Concerning substance abuse monitoring for licensed veterinarians, osteopathic physicians and surgeons, and osteopathic physician assistants. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2436 Prime Sponsor, Representative Hudgins: Equalizing access to permanent ballot drop boxes for every Washington citizen. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; Morris and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Ranking Minority Member Caldier, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2439 Prime Sponsor, Representative Kagi: Increasing access to adequate and appropriate mental health services for children and youth. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Human Services. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Wilcox,

Assistant Ranking Minority Member; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Magendanz; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Schmick and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta and MacEwen.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2449 Prime Sponsor, Representative Orwall: Providing court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2452 Prime Sponsor, Representative Riccelli: Creating the interstate medical licensure compact. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Cody; Dent; Fitzgibbon; Hansen; Harris; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Haler; Hudgins; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2486 Prime Sponsor, Representative Fitzgibbon: Updating specified environmental statutes of the department of ecology to improve efficiency and provide for increased flexibility for local governments. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The substitute bill by Committee on Environment be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; Morris and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Ranking Minority Member Caldier, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2496 Prime Sponsor, Representative Kilduff: Concerning pro bono legal services for military service members, veterans, and their families. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

MINORITY recommendation: Without recommendation. Signed by Representative MacEwen, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2506 Prime Sponsor, Representative Young: Concerning the development of a state plan to implement federal regulations on electric generation facilities. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The substitute bill by Committee on Technology & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier,

Assistant Ranking Minority Member; Johnson and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Hudgins, Chair and Senn.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2518 Prime Sponsor, Representative Sawyer: Promoting the reduction of intergenerational poverty. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Early Learning & Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Pettigrew; Robinson; Sawyer; Senn; Springer; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Buys; Dent; Haler; Harris; MacEwen; Magendanz; Schmick; Stokesbary; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Wilcox, Assistant Ranking Minority Member; Condotta and Manweller.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2519 Prime Sponsor, Representative McCaslin: Allowing nuisance abatement cost recovery for cities. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Local Government be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Frame; Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary; Wilcox and Wylie.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta and Vick.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2526 Prime Sponsor, Representative McCaslin: Reducing the number of days that a person

must maintain a permanent place of abode in Washington before qualifying as a state resident for the purposes of Title 77 RCW. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Morris and Senn.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2527 Prime Sponsor, Representative Peterson: Ensuring the ongoing viability of safe on-site sewage systems as a component of statewide sewage management through the implementation of on-site program management plans. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environment be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Cody; Fitzgibbon; Haler; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Dent; Harris; Schmick; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta and Manweller.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2530 Prime Sponsor, Representative Orwall: Protecting victims of sex crimes. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Fitzgibbon; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Haler and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta and Dent.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2540 Prime Sponsor, Representative Nealey: Modifying the penalty for taxpayers that do not submit an annual survey or report. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Frame; Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary; Vick; Wilcox and Wylie.

Passed to Committee on Rules for second reading.

February 9, 2016  
HB 2545 Prime Sponsor, Representative Van De Wege: Reducing public health threats that particularly impact highly exposed populations, including children and firefighters, by establishing a process for the department of health to restrict the use of toxic flame retardant chemicals in certain types of consumer products. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Cody; Fitzgibbon; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Taylor; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Dent; Haler; Schmick and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta and Magendanz.

Passed to Committee on Rules for second reading.

February 5, 2016  
HB 2565 Prime Sponsor, Representative Vick: Reducing the frequency of local sales and

use tax changes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Frame; Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary; Vick; Wilcox and Wylie.

Passed to Committee on Rules for second reading.

February 9, 2016  
HB 2573 Prime Sponsor, Representative Santos: Concerning the shortage of public school teachers and substitute teachers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Cody; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Magendanz; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Dent; MacEwen; Schmick; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

February 9, 2016  
HB 2574 Prime Sponsor, Representative Farrell: Enhancing public safety by reducing distracted driving incidents caused by the use of personal wireless communications devices. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Bergquist; Gregerson; McBride; Moeller; Morris; Ortiz-Self; Riccelli; Sells and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes; Hickel; Kochmar; Pike; Rodne; Rossetti; Shea; Stambaugh and Young.

Passed to Committee on Appropriations.

February 5, 2016  
HB 2575 Prime Sponsor, Representative Farrell:  
 Continuing state efforts to increase oil  
 transportation safety. Reported by  
 Committee on General Government &  
 Information Technology

MAJORITY recommendation: The substitute bill by  
 Committee on Environment be substituted therefor and  
 the substitute bill do pass. Signed by Representatives  
 Hudgins, Chair; Kuderer, Vice Chair; Caldier, Assistant  
 Ranking Minority Member; Morris and Senn.

MINORITY recommendation: Do not pass. Signed by  
 Representative MacEwen, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2576 Prime Sponsor, Representative McBride:  
 Concerning public records act requests to  
 local agencies. Reported by Committee on  
 General Government & Information  
 Technology

MAJORITY recommendation: The second substitute  
 bill be substituted therefor and the second substitute bill  
 do pass and do not pass the substitute bill by Committee  
 on Local Government. Signed by Representatives  
 Hudgins, Chair; Kuderer, Vice Chair; Morris and Senn.

MINORITY recommendation: Do not pass. Signed by  
 Representatives MacEwen, Ranking Minority Member;  
 Caldier, Assistant Ranking Minority Member and  
 Johnson.

Passed to Committee on Rules for second reading.

February 5, 2016  
HB 2583 Prime Sponsor, Representative McBride:  
 Authorizing specified local governments to  
 designate a portion of their territory as a  
 creative district subject to certification by  
 the Washington arts commission. Reported  
 by Committee on General Government &  
 Information Technology

MAJORITY recommendation: The substitute bill by  
 Committee on Community Development, Housing &  
 Tribal Affairs be substituted therefor and the substitute  
 bill do pass. Signed by Representatives Hudgins, Chair;  
 Kuderer, Vice Chair; MacEwen, Ranking Minority  
 Member; Caldier, Assistant Ranking Minority Member;  
 Morris and Senn.

Passed to Committee on Rules for second reading.

February 9, 2016  
HB 2615 Prime Sponsor, Representative Pollet:  
 Improving student success at community  
 and technical colleges by considering

benefits of full-time faculty and staff.  
 Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by  
 Committee on Higher Education be substituted therefor  
 and the substitute bill do pass. Signed by  
 Representatives Dunshee, Chair; Ormsby, Vice Chair;  
 Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins;  
 Kagi; Lytton; Pettigrew; Robinson; Sawyer; Senn;  
 Springer; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Chandler, Ranking Minority Member;  
 Parker, Assistant Ranking Minority Member; Wilcox,  
 Assistant Ranking Minority Member; Buys; Condotta;  
 Dent; Haler; Harris; MacEwen; Magendanz; Schmick;  
 Stokesbary; Taylor and Van Werven.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2619 Prime Sponsor, Representative Haler:  
 Providing postsecondary education to  
 enhance education opportunities and public  
 safety. Reported by Committee on  
 Appropriations

MAJORITY recommendation: Do pass. Signed by  
 Representatives Dunshee, Chair; Ormsby, Vice Chair;  
 Chandler, Ranking Minority Member; Parker, Assistant  
 Ranking Minority Member; Wilcox, Assistant Ranking  
 Minority Member; Cody; Fitzgibbon; Haler; Hansen;  
 Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton;  
 MacEwen; Magendanz; Manweller; Pettigrew;  
 Robinson; Sawyer; Senn; Springer; Stokesbary;  
 Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by  
 Representatives Buys; Dent; Schmick and Taylor.

MINORITY recommendation: Without  
 recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

February 9, 2016  
HB 2651 Prime Sponsor, Representative Rossetti:  
 Concerning vehicle maximum gross weight  
 values. Reported by Committee on  
 Transportation

MAJORITY recommendation: Do pass. Signed by  
 Representatives Clibborn, Chair; Farrell, Vice Chair;  
 Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking  
 Minority Member; Hargrove, Assistant Ranking  
 Minority Member; Harmsworth, Assistant Ranking  
 Minority Member; Bergquist; Gregerson; Hayes;  
 Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-  
 Self; Pike; Riccelli; Rodne; Rossetti; Sells; Shea;  
 Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

February 9, 2016  
HB 2652 Prime Sponsor, Representative Cody:  
 Concerning the maintenance and disclosure  
 of health care declarations. Reported by  
 Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Transportation. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Cody; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Condotta; Dent; MacEwen; Taylor and Van Werven.

Passed to Committee on Rules for second reading.

February 5, 2016  
HB 2655 Prime Sponsor, Representative Stokesbary:  
 Concerning the excise taxation of  
 crowdfunding donations. Reported by  
 Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Frame; Manweller; Ryu; Springer; Stokesbary; Vick; Wilcox and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Pollet and Reykdal.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2659 Prime Sponsor, Representative Jinkins:  
 Developing a plan for the consolidation of  
 traffic-based financial obligations.  
 Reported by Committee on General  
 Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2667 Prime Sponsor, Representative Farrell:  
 Concerning administrative processes of the

state parks and recreation commission that  
 require a majority vote of the commission.  
 Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment. Signed by Representatives Tharinger, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson and Riccelli.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2674 Prime Sponsor, Representative Jinkins:  
 Concerning filing fee surcharges for  
 funding dispute resolution centers.  
 Reported by Committee on General  
 Government & Information Technology

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; Morris and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Ranking Minority Member Caldier, Assistant Ranking Minority Member.

MINORITY recommendation: Without recommendation. Signed by Representative Johnson.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2679 Prime Sponsor, Representative Morris:  
 Consolidating the duties, powers, missions,  
 functions, and funds of the life sciences  
 discovery fund authority and the cancer  
 research endowment authority within a  
 center of excellence for life sciences and  
 cancer research. Reported by Committee  
 on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Cody; Fitzgibbon; Haler; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Dent; Harris; MacEwen; Magendanz; Stokesbary; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta and Manweller.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2681 Prime Sponsor, Representative Stambaugh:  
Authorizing pharmacists to prescribe and  
dispense contraceptives. Reported by  
Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Cody; Dent; Fitzgibbon; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Condotta; Haler; MacEwen; Taylor and Van Werven.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2682 Prime Sponsor, Representative Hunt, S.:  
Providing automatic voter registration at  
qualified voter registration agencies.  
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Pettigrew; Robinson; Senn; Springer; Stokesbary; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Condotta; Dent; Haler; Harris; Magendanz; Schmick; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Parker, Assistant Ranking Minority Member and MacEwen.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2695 Prime Sponsor, Representative Blake:  
Ensuring that historic public recreational  
access is not diminished by the road  
maintenance and abandonment efforts of  
public forest landowners. Reported by  
Committee on General Government &  
Information Technology

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2700 Prime Sponsor, Representative Goodman:  
Concerning impaired driving. Reported by  
Committee on Transportation

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Stambaugh; Tarleton and Young.

MINORITY recommendation: Do not pass. Signed by Representative Shea.

MINORITY recommendation: Without recommendation. Signed by Representative Orcutt, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2716 Prime Sponsor, Representative Senn:  
Concerning working connections child care  
eligibility for vulnerable children.  
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Early Learning & Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Cody; Dent; Fitzgibbon; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Pettigrew; Robinson; Sawyer; Senn; Springer; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Haler; Magendanz; Schmick; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Parker, Assistant Ranking Minority Member; Condotta and Stokesbary.

Passed to Committee on Rules for second reading.

February 9, 2016  
HB 2726 Prime Sponsor, Representative Walkinshaw: Concerning the regulation of continuing care retirement communities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Passed to Committee on Rules for second reading.

February 9, 2016  
HB 2730 Prime Sponsor, Representative Peterson: Concerning the prescription drug monitoring program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Cody; Condotta; Dent; Fitzgibbon; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Haler and Taylor.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2745 Prime Sponsor, Representative Fitzgibbon: Modifying the authority to appoint members to a certain ferry advisory committee. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Morris; Ortiz-Self; Pike;

Riccelli; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

February 9, 2016  
HB 2746 Prime Sponsor, Representative Walkinshaw: Concerning mental health and chemical dependency treatment for juvenile offenders. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Early Learning & Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Haler; Schmick and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2758 Prime Sponsor, Representative Fey: Requiring the use of an ordinance to advise the county governing body of a city's preliminary intent regarding inclusion or exclusion from a public transportation benefit area. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Morris; Ortiz-Self; Pike; Riccelli; Rossetti; Sells; Shea; Stambaugh and Tarleton.

MINORITY recommendation: Without recommendation. Signed by Representative Young.

Passed to Committee on Rules for second reading.

February 5, 2016  
HB 2759 Prime Sponsor, Representative Wylie: Concerning property tax exemptions for service-connected disabled veterans and senior citizens. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Frame; Pollet; Reykdal; Ryu; Springer; Stokesbary and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Assistant Ranking Minority Member; Manweller and Vick.

MINORITY recommendation: Without recommendation. Signed by Representatives Nealey, Ranking Minority Member; Condotta and Wilcox.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2767 Prime Sponsor, Representative Walsh: Defining and using the term center-based services for individuals with developmental disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Early Learning & Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta and Manweller.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2768 Prime Sponsor, Representative Schmick: Addressing taxes and service charges on certain qualified stand-alone dental plans offered in the individual or small group markets. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Frame; Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary; Vick; Wilcox and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

February 9, 2016  
HB 2769 Prime Sponsor, Representative Senn: Creating a pilot program for community and technical colleges to offer bachelor degrees. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Pettigrew; Robinson; Sawyer; Senn; Springer; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Wilcox, Assistant Ranking Minority Member; Condotta; Dent; Haler; Harris; MacEwen; Magendanz; Schmick; Stokesbary; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representative Buys.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2770 Prime Sponsor, Representative Hayes: Creating uniformity in driver training education provided by public and private entities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Morris; Ortiz-Self; Pike; Riccelli; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2778 Prime Sponsor, Representative Fey: Modifying retail sales and use tax exemption criteria for certain clean alternative fuel vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hickel; Kochmar; McBride; Morris; Ortiz-Self; Pike; Riccelli; Rossetti; Sells; Stambaugh; Tarleton and Young.

MINORITY recommendation: Do not pass. Signed by Representative Shea.

MINORITY recommendation: Without recommendation. Signed by Representative Hayes.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2783 Prime Sponsor, Representative Springer: Specifying the documentation that must be provided to determine when sales tax applies to the sale of a motor vehicle to an enrolled tribal member. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Frame; Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary; Vick; Wilcox and Wylie.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2791 Prime Sponsor, Representative Pettigrew: Creating the Washington statewide reentry council. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Cody; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representatives Buys; Condotta; Dent; Schmick and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Parker, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2793 Prime Sponsor, Representative Orwall: Providing for suicide awareness and prevention education for safer homes. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Frame; Pollet; Reykdal; Ryu; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Assistant Ranking Minority Member; Stokesbary and Vick.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta; Manweller and Wilcox.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2795 Prime Sponsor, Representative Kirby: Concerning tax relief for the construction of adapted housing for disabled veterans. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Frame; Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary; Vick; Wilcox and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2799 Prime Sponsor, Representative McBride: Concerning the sale of manufactured/mobile home communities. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Frame; Pollet; Reykdal; Ryu; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Assistant Ranking Minority Member; Stokesbary and Vick.

MINORITY recommendation: Without recommendation. Signed by Representatives Nealey,

Ranking Minority Member; Condotta; Manweller and Wilcox.

Riccelli; Rossetti; Sells; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Do not pass. Signed by Representative Shea.

February 8, 2016

HB 2801 Prime Sponsor, Representative Hansen: Expanding higher education opportunities for certain students. Reported by Committee on Appropriations

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2823 Prime Sponsor, Representative Parker: Creating a program to provide students and the community with the means to report anonymously concerning unsafe or violent activities, or the threat of these activities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Cody; Fitzgibbon; Haler; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger and Walkinshaw.

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Buys; Dent; Harris; MacEwen; Magendanz; Schmick; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta and Manweller.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2807 Prime Sponsor, Representative Dye: Concerning heavy haul industrial corridors. Reported by Committee on Transportation

February 8, 2016

HB 2839 Prime Sponsor, Representative Springer: Providing a sales and use tax exemption for certain new building construction to be used by maintenance repair operators for airplane repair and maintenance. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Morris; Ortiz-Self; Pike; Riccelli; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Manweller; Pollet; Reykdal; Springer; Stokesbary; Vick and Wilcox.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Without recommendation. Signed by Representatives Robinson, Vice Chair; Frame; Ryu and Wylie.

HB 2815 Prime Sponsor, Representative Hayes: Modifying the eligibility requirements for certain counties with ferry terminals to form a regional transportation planning organization. Reported by Committee on Transportation

Passed to Committee on Appropriations.

February 8, 2016

February 5, 2016

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Morris; Ortiz-Self; Pike;

HB 2841 Prime Sponsor, Representative Senn: Concerning the state building code council. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The substitute bill by Committee on Local Government be substituted therefor

and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2842 Prime Sponsor, Representative Schmick: Financing of improvements for state-owned lands to be transferred for private development. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Frame; Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary; Vick; Wilcox and Wylie.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2844 Prime Sponsor, Representative Ormsby: Adding training on public works and prevailing wage requirements to responsible bidder criteria. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Pettigrew; Robinson; Sawyer; Senn; Springer; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Condotta; Dent; Haler; Harris; MacEwen; Magendanz; Schmick; Stokesbary; Taylor and Van Werven.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2853 Prime Sponsor, Representative Hudgins: Addressing certification requirements for elections administrators. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The substitute bill by Committee on State Government be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Morris and Senn.

MINORITY recommendation: Do not pass. Signed by Representative Johnson.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2863 Prime Sponsor, Representative McCabe: Concerning the administrative rules governing the provision of emergency drought relief funds for drinking water supply projects. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kochmar and Riccelli.

MINORITY recommendation: Do not pass. Signed by Representatives Stanford, Vice Chair; Kilduff and Peterson.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2872 Prime Sponsor, Representative Fey: Concerning the recruitment and retention of Washington state patrol commissioned officers. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Stambaugh and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Shea and Young.

Passed to Committee on Appropriations.

February 9, 2016

HB 2874 Prime Sponsor, Representative Pettigrew: Repealing certain provisions governing income eligibility for temporary assistance for needy families benefits. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member;

Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Condotta; Dent; Haler; Harris; Magendanz; Schmick; Taylor and Van Werven.

Passed to Committee on Rules for second reading.

February 5, 2016  
HB 2875 Prime Sponsor, Representative Smith: Establishing the office of data privacy, protection, and access equity. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: The substitute bill by Committee on Technology & Economic Development be substituted therefor and the substitute bill do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Morris and Senn.

Passed to Committee on Rules for second reading.

February 9, 2016  
HB 2876 Prime Sponsor, Representative Orwall: Addressing the foreclosure of deeds of trust. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Taylor; Tharinger and Van Werven.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2877 Prime Sponsor, Representative Hickel: Expanding distribution dates for supplemental nutrition assistance program benefits. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Human Services. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick;

Senn; Springer; Stokesbary; Sullivan; Taylor; Tharinger; Van Werven and Walkinshaw.

Passed to Committee on Rules for second reading.

February 8, 2016  
HB 2884 Prime Sponsor, Representative Clibborn: Modifying the business and occupation tax and public utility tax credits for alternative fuel commercial vehicles. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Transportation be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Frame; Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary; Vick; Wilcox and Wylie.

Passed to Committee on Rules for second reading.

February 5, 2016  
HB 2892 Prime Sponsor, Representative DeBolt: Improving the accuracy and transparency of the reporting and calculation of the fuel mix information to retail electric customers. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 9, 2016  
HB 2895 Prime Sponsor, Representative MacEwen: Concerning alien victims of certain qualifying criminal activity. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2917 Prime Sponsor, Representative Gregerson:  
Studying the causes of workplace injuries  
suffered by commercial janitors. Reported  
by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by  
Representatives Dunshee, Chair; Ormsby, Vice Chair;  
Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins;  
Kagi; Lytton; Pettigrew; Robinson; Sawyer; Senn;  
Springer; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by  
Representatives Chandler, Ranking Minority Member;  
Parker, Assistant Ranking Minority Member; Wilcox,  
Assistant Ranking Minority Member; Buys; Condotta;  
Dent; Haler; Harris; MacEwen; Magendanz; Schmick;  
Stokesbary; Taylor and Van Werven.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2933 Prime Sponsor, Representative Gregerson:  
Concerning small works rosters. Reported  
by Committee on Capital Budget

MAJORITY recommendation: The second substitute  
bill be substituted therefor and the second substitute bill  
do pass and do not pass the substitute bill by Committee  
on Technology & Economic Development. Signed by  
Representatives Tharinger, Chair; Stanford, Vice Chair;  
DeBolt, Ranking Minority Member; Smith, Assistant  
Ranking Minority Member; Kilduff; Kochmar; Peterson  
and Riccelli.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2936 Prime Sponsor, Representative Senn:  
Concerning public investments. Reported  
by Committee on Appropriations

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Dunshee, Chair; Ormsby,  
Vice Chair; Chandler, Ranking Minority Member;  
Parker, Assistant Ranking Minority Member; Wilcox,  
Assistant Ranking Minority Member; Buys; Cody;  
Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris;  
Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen;  
Magendanz; Pettigrew; Robinson; Sawyer; Schmick;  
Senn; Springer; Stokesbary; Sullivan; Taylor; Tharinger  
and Van Werven.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2938 Prime Sponsor, Representative Orcutt:  
Encouraging participation in Washington

trade conventions by modifying tax  
provisions related to establishing  
substantial nexus. Reported by Committee  
on Finance

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Lytton, Chair; Robinson,  
Vice Chair; Nealey, Ranking Minority Member; Orcutt,  
Assistant Ranking Minority Member; Condotta; Frame;  
Manweller; Reykdal; Ryu; Springer; Stokesbary; Vick;  
Wilcox and Wylie.

MINORITY recommendation: Do not pass. Signed by  
Representative Pollet.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2943 Prime Sponsor, Representative Tharinger:  
Concerning certain obsolete provisions in  
chapter 43.325 RCW overseen by the  
department of commerce. Reported by  
Committee on Capital Budget

MAJORITY recommendation: The substitute bill be  
substituted therefor and the substitute bill do pass.  
Signed by Representatives Tharinger, Chair; Stanford,  
Vice Chair; DeBolt, Ranking Minority Member; Smith,  
Assistant Ranking Minority Member; Kilduff;  
Kochmar; Peterson and Riccelli.

Passed to Committee on Appropriations.

February 9, 2016

HB 2955 Prime Sponsor, Representative Hansen:  
Creating the Washington free to finish  
college program. Reported by Committee  
on Appropriations

MAJORITY recommendation: The second substitute  
bill be substituted therefor and the second substitute bill  
do pass and do not pass the substitute bill by Committee  
on Higher Education. Signed by Representatives  
Dunshee, Chair; Ormsby, Vice Chair; Cody; Fitzgibbon;  
Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi;  
Lytton; Magendanz; Pettigrew; Robinson; Sawyer;  
Senn; Springer; Stokesbary; Sullivan; Tharinger and  
Van Werven.

MINORITY recommendation: Do not pass. Signed by  
Representatives Chandler, Ranking Minority Member;  
Parker, Assistant Ranking Minority Member; Wilcox,  
Assistant Ranking Minority Member; Buys; Condotta;  
Dent; MacEwen; Schmick and Taylor.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2956 Prime Sponsor, Representative Clibborn:  
Establishing a legislative task force on

technology in transportation. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

February 5, 2016

HB 2959 Prime Sponsor, Representative Lytton: Concerning local business tax and licensing simplification. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Frame; Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary; Vick; Wilcox and Wylie.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2964 Prime Sponsor, Representative Gregerson: Eliminating lunch copays for students who qualify for reduced-price lunches. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Pettigrew; Robinson; Sawyer; Senn; Springer; Sullivan and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Condotta; Dent; Haler; Harris; Magendanz; Schmick; Stokesbary; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representative MacEwen.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2968 Prime Sponsor, Representative Tharinger: Financing public school facilities necessary to support state-funded all-day kindergarten and class size reduction in

kindergarten through third grade. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson and Riccelli.

Passed to Committee on Rules for second reading.

February 8, 2016

HB 2971 Prime Sponsor, Representative McBride: Addressing real estate as it concerns the local government authority in the use of real estate excise tax revenues and regulating real estate transactions. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Frame; Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary; Vick; Wilcox and Wylie.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2973 Prime Sponsor, Representative Orcutt: Concerning performance oversight of the state transportation system. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

February 9, 2016

HB 2976 Prime Sponsor, Representative Ormsby: Repealing the authority for transfers to the Clarke-McNary account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer;

Stokesbary; Sullivan; Taylor; Tharinger and Van Werven.

requirements. Reported by Committee on Business & Financial Services

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

February 9, 2016  
HJM 4010 Prime Sponsor, Representative Dunshee: Requesting that state route number 99 be named the "William P. Stewart Memorial Highway." Reported by Committee on Transportation

Passed to Committee on Rules for second reading.

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; McBride; Moeller; Morris; Ortiz-Self; Riccelli; Rodne; Rossetti; Sells and Tarleton.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Assistant Ranking Minority Member; Kochmar; Pike; Shea and Stambaugh.

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2765, and the bill was referred to the Committee on Rules.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Hickel and Young.

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

Passed to Committee on Rules for second reading.

There being no objection, the House adjourned until 10:00 a.m., February 10, 2016, the 31st Day of the Regular Session.

February 3, 2016  
SB 5180 Prime Sponsor, Senator Benton: Modernizing life insurance reserve

FRANK CHOPP, Speaker  
 BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## THIRTY FIRST DAY

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Julia Williams and Thomas Dahman. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The invocation was offered by Poet Laureate Dr. Tod Marshal, Spokane, Washington.

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

## SPEAKER'S PRIVILEGE

The Speaker (Representative Moeller presiding) introduced former Poet Laureate Elizabeth Austin and members of the Washington State Arts Commission to the Chamber and asked the members to acknowledge them.

## MESSAGE FROM THE SENATE

February 9, 2016

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5029,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5343,  
SUBSTITUTE SENATE BILL NO. 6007,  
ENGROSSED SENATE BILL NO. 6166,  
SUBSTITUTE SENATE BILL NO. 6179,  
SENATE BILL NO. 6180,  
SUBSTITUTE SENATE BILL NO. 6273,  
SENATE BILL NO. 6274,  
SUBSTITUTE SENATE BILL NO. 6281,  
SUBSTITUTE SENATE BILL NO. 6284,  
SENATE BILL NO. 6299,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

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

## INTRODUCTION &amp; FIRST READING

HB 2980 by Representatives Kochmar, Hickel and Manweller

AN ACT Relating to prohibiting the siting of certain new facilities that would jeopardize air quality in areas that have recently failed to meet air quality standards;

House Chamber, Olympia, Wednesday, February 10, 2016

adding a new section to chapter 70.94 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Environment.

HB 2981 by Representative Shea

AN ACT Relating to an exemption from the requirement of county treasurers to pursue collection of delinquent personal property tax assessments when the assessment is below the cost of collection; and amending RCW 84.56.070.

Referred to Committee on Finance.

ESSB 5029 by Senate Committee on Law & Justice (originally sponsored by Senators Pedersen and O'Ban)

AN ACT Relating to the revised uniform fiduciary access to digital assets act; and adding a new chapter to Title 11 RCW.

Referred to Committee on Judiciary.

SB 5046 by Senators Padden and Pedersen

AN ACT Relating to correcting a codification error concerning the governor's designee to the traffic safety commission; reenacting and amending RCW 43.59.030; and creating a new section.

Referred to Committee on Transportation.

SB 5342 by Senators Hasegawa, Kohl-Welles, Padden, McAuliffe, Brown, Keiser, Roach, Chase and Conway

AN ACT Relating to human trafficking definitions; and amending RCW 19.320.010.

Referred to Committee on Labor & Workplace Standards.

ESSB 5343 by Senate Committee on Transportation (originally sponsored by Senators Hasegawa, King, Jayapal, Chase, Rolfes, Keiser, Darneille and Conway)

AN ACT Relating to parking impact mitigation from regional transit authority facility construction; adding a new section to chapter 81.112 RCW; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Transportation.

ESSB 5435 by Senate Committee on Ways & Means (originally sponsored by Senators Bailey and Schoesler)

AN ACT Relating to expanding participation in the Washington state deferred compensation program; and amending RCW 41.50.770 and 41.50.780.

Referred to Committee on Appropriations.

SB 5581 by Senators Angel and Hobbs

AN ACT Relating to the benefits of group life and disability insurance policies; amending RCW 48.24.280; and adding a new section to chapter 48.21 RCW.

Referred to Committee on Business & Financial Services.

2ESSB 5623 by Senate Committee on Transportation (originally sponsored by Senators Sheldon, Angel, Miloscia, Becker, Warnick and Conway)

AN ACT Relating to modifying the operation of motorcycles on roadways laned for traffic; amending RCW 46.61.608; prescribing penalties; and providing an expiration date.

Referred to Committee on Transportation.

ESB 5873 by Senators Conway, Bailey, Schoesler and Kohl-Welles

AN ACT Relating to permitting persons retired from the law enforcement officers' and firefighters' retirement system plan 1 to select a survivor benefit option; and amending RCW 41.26.164.

Referred to Committee on Appropriations.

SSB 6007 by Senate Committee on Law & Justice (originally sponsored by Senators Roach and Padden)

AN ACT Relating to theft of rental property; amending RCW 9A.56.096; and prescribing penalties.

Referred to Committee on Judiciary.

ESB 6091 by Senators Dammeier, O'Ban, Conway and Becker

AN ACT Relating to the definition of slayer; and amending RCW 11.84.010.

Referred to Committee on Judiciary.

SSB 6160 by Senate Committee on Law & Justice (originally sponsored by Senators O'Ban, Frockt, Fain, Hobbs, Nelson, Rolfes, Conway and Becker)

AN ACT Relating to the manufacture, sale, distribution, and installation of motor vehicle air bags; amending RCW 46.37.640, 46.37.650, 46.37.660, 46.63.020, and 9.94A.515; creating a new section; and prescribing penalties.

Referred to Committee on Public Safety.

ESB 6166 by Senators Takko, Rivers, Ericksen, Chase, Roach, Becker, Sheldon and Benton

AN ACT Relating to allowing incremental electricity produced as a result of certain capital investment projects to qualify as an eligible renewable resource under the energy independence act; and amending RCW 19.285.030 and 19.285.080.

Referred to Committee on Technology & Economic Development.

SSB 6177 by Senate Committee on Commerce & Labor (originally sponsored by Senator Rivers)

AN ACT Relating to the marijuana research license; and amending RCW 69.50.372, 43.350.030, and 42.56.270.

Referred to Committee on Commerce & Gaming.

SB 6178 by Senator Honeyford

AN ACT Relating to outdoor burning of organic waste derived from pruning by commercial berry growers; amending RCW 70.94.6514, 70.94.6524, and 70.94.6528; and creating a new section.

Referred to Committee on Environment.

SSB 6179 by Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senator Honeyford)

AN ACT Relating to water banking; and amending RCW 90.42.100 and 90.42.130.

Referred to Committee on Agriculture & Natural Resources.

SB 6180 by Senators King, Schoesler and Hasegawa

AN ACT Relating to the creation of a disadvantaged business enterprise advisory committee within the transportation commission; amending RCW 47.01.071; adding a new section to chapter 47.01 RCW; and making an appropriation.

Referred to Committee on Transportation.

SB 6199 by Senators Pearson, Chase, Roach, Bailey and Benton

AN ACT Relating to providing for legislative review of the updated North Cascade elk herd plan; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

SSB 6273 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Liias, Litzow, Rolfes, Fain, Mullet, Carlyle, Billig, Fraser and McAuliffe)

AN ACT Relating to safe technology use and digital citizenship in public schools; adding a new section to chapter 28A.650 RCW; and creating a new section.

Referred to Committee on Education.

SB 6274 by Senators Parlette, Takko, Pearson, Rolfes, Hargrove, Schoesler, Becker, Warnick and Hewitt

AN ACT Relating to the Columbia river recreational salmon and steelhead endorsement program; amending RCW 77.12.712, 77.12.714, 77.12.716, 77.12.718, and 77.32.580; amending 2009 c 420 s 7 and 2011 c 339 s 40 (uncodified); creating a new section; and providing expiration dates.

Referred to Committee on Agriculture & Natural Resources.

SSB 6281 by Senate Committee on Commerce & Labor (originally sponsored by Senators Fain, Pedersen, Baumgartner and Frockt)

AN ACT Relating to athlete agents; amending RCW 19.225.010, 19.225.020, 19.225.030, 19.225.040, 19.225.050, 19.225.060, 19.225.070, 19.225.080, 19.225.090, 19.225.100, and 19.225.120; and adding a new section to chapter 19.225 RCW.

Referred to Committee on Business & Financial Services.

SSB 6284 by Senate Committee on Government Operations & Security (originally sponsored by Senators Takko and Roach)

AN ACT Relating to preventing water-sewer districts from prohibiting multipurpose fire sprinkler systems; and adding a new section to chapter 57.02 RCW.

Referred to Committee on Local Government.

SB 6296 by Senators Parlette, Ranker and Fraser

AN ACT Relating to extending the expiration date of the habitat and recreation lands coordinating group;

amending RCW 79A.25.260; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

SB 6299 by Senators King and Hobbs

AN ACT Relating to correcting certain manifest drafting errors in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue); amending RCW 46.20.202 and 82.70.040; creating new sections; and declaring an emergency.

Referred to Committee on Transportation.

SB 6405 by Senators Benton, Roach, McCoy, O'Ban, Angel and Conway

AN ACT Relating to the civilian health and medical program for the veterans affairs administration; amending RCW 48.21.010; and reenacting and amending RCW 48.43.005.

Referred to Committee on Business & Financial Services.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

## SECOND READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1236, by House Committee on Higher Education (originally sponsored by Representatives Ortiz-Self, Johnson, Santos, Lytton, Moscoso, Pettigrew, Walkinshaw, Kilduff, Sawyer, Reykdal, Bergquist, Fey, Tarleton and Hudgins)**

**Eliminating the parent or guardian approval requirement for the college bound scholarship pledge. Revised for 2nd Substitute: Concerning witnessing a student's college bound scholarship pledge when efforts to obtain a parent's or guardian's signature are unsuccessful.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1236 was substituted for Engrossed Substitute House Bill No. 1236 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1236 was read the second time.

Representative Ortiz-Self moved the adoption of amendment (628):

Strike everything after the enacting clause and insert the following:

"Sec. 2. RCW 28B.118.010 and 2015 3rd sp.s. c 36 s 8 are each amended to read as follows:

The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section and in alignment with the state need grant program in chapter 28B.92 RCW unless otherwise provided in this section.

(1) "Eligible students" are those students who:

(a) Qualify for free or reduced-price lunches. If a student qualifies in the seventh grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter; or

(b) Are dependent pursuant to chapter 13.34 RCW and:

(i) In grade seven through twelve; or

(ii) Are between the ages of eighteen and twenty-one and have not graduated from high school.

(2) Eligible students and the students' parents or guardians shall be notified of ~~((their))~~ the student's eligibility for the Washington college bound scholarship program beginning in ~~((their))~~ the student's seventh grade year. Students and the students' parents or guardians shall also be notified of the requirements for award of the scholarship.

(3)(a) To be eligible for a Washington college bound scholarship, a student eligible under subsection (1)(a) of this section must sign a pledge during seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and with no felony convictions. The pledge must be witnessed by a parent or guardian and forwarded to the office of student financial assistance by mail or electronically, as indicated on the pledge form.

(b)(i) Beginning in the 2016-17 academic year, the office of student financial assistance shall make multiple attempts to secure the signature of the student's parent or guardian for the purpose of witnessing the pledge.

(ii) If the signature of the student's parent or guardian is not obtained, the office of student financial assistance may partner with the school counselor or administrator to secure the parent's or guardian's signature to witness the pledge. The school counselor or administrator shall make multiple attempts via all phone numbers, email addresses, and mailing addresses on record to secure the parent's or guardian's signature.

(iii) If a parent's or guardian's signature is still not obtained, the school counselor or administrator shall indicate to the office of student financial assistance the nature of the unsuccessful efforts to contact the student's parent or guardian and the reasons the signature is not available. Then the school counselor or administrator may witness the pledge unless the parent or guardian has indicated that he or she does not wish for the student to participate in the program.

(c) A student eligible under subsection (1)(b) of this section shall be automatically enrolled, with no action necessary by the student or the student's family, and the enrollment form must be forwarded by the department of social and health services to the ~~((higher education coordinating board or its successor))~~ office of student financial assistance by mail or electronically, as indicated on the form.

(4)(a) Scholarships shall be awarded to eligible students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b)(i) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (d).

(ii) For a student who does not meet the "C" average requirement, and who completes fewer than two quarters in the running start program, under chapter 28A.600 RCW, the student's first quarter of running start course grades must be excluded from the student's overall grade point average for purposes of determining their eligibility to receive the scholarship.

(5) A student's family income will be assessed upon graduation before awarding the scholarship.

(6) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington or the representative average of awards granted to students in public research universities in Washington in the 2014-15 academic year, whichever is greater.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington or the representative average of awards granted to students in public community and technical colleges in Washington in the 2014-15 academic year, whichever is greater.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

**Sec. 3.** RCW 28B.118.040 and 2015 c 244 s 4 are each amended to read as follows:

The office of student financial assistance shall:

(1) With the assistance of the office of the superintendent of public instruction, implement and administer the Washington college bound scholarship program;

(2) Develop and distribute, to all schools with students enrolled in grade seven or eight, a pledge form that can be completed and returned electronically or by mail by the student or the school to the office of student financial assistance;

(3) Develop and implement a student application, selection, and notification process for scholarships, which includes working with other state agencies, law enforcement, or the court system to verify that eligible students do not have felony convictions;

(4) Annually in March, with the assistance of the office of the superintendent of public instruction, distribute to tenth grade college bound scholarship students and their families: (a) Notification that, to qualify for the scholarship, a student's family income may not exceed sixty-five percent of the state median family income at graduation from high school; (b) the current year's value for sixty-five percent of the state median family income; and (c) a statement that a student should consult their school counselor if their family makes, or is projected to make, more than this value before the student graduates;

(5) Develop comprehensive social media outreach with grade-level specific information designed to keep students on track to graduate and leverage current tools such as the high school and beyond plan required by the state board of education and the ready set grad web site maintained by the student achievement council;

(6) Track scholarship recipients to ensure continued eligibility and determine student compliance for awarding of scholarships;

(7) Within existing resources, collaborate with college access providers and K-12, postsecondary, and youth-serving organizations to map and coordinate mentoring and advising resources across the state;

(8) Subject to appropriation, deposit funds into the state educational trust fund;

(9) Purchase tuition units under the advanced college tuition payment program in chapter 28B.95 RCW to be owned and held in trust by the ~~(board)~~ office of student financial assistance, for the purpose of scholarship awards as provided for in this section; and

(10) Distribute scholarship funds, in the form of tuition units purchased under the advanced college tuition payment program in chapter 28B.95 RCW or through direct payments from the state educational trust fund, to institutions of higher education on behalf of scholarship recipients identified by the office, as long as recipients maintain satisfactory academic progress."

Correct the title.

Representatives Ortiz-Self and Zeiger spoke in favor of the adoption of the amendment.

Amendment (628) was adopted.

The bill was ordered engrossed.

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

Representatives Ortiz-Self and Zeiger spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Harris, Representative Rodne was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1236.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1236, and the bill passed the House by the following vote: Yeas, 75; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harris, Hawkins, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, DeBolt, Dent, Dye, Hargrove, Harmsworth, Hayes, Holy, Kretz, Kristiansen, McCaslin, Parker, Schmick, Scott, Shea, Short, Taylor, Vick, Wilcox and Young.

Excused: Representative Rodne.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1236, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1682, by House Committee on Appropriations (originally sponsored by Representatives Fey, Stambaugh, Walsh, Riccelli, Goodman, Orwall, Zeiger, Appleton, Van De Wege, Lytton, Gregerson, Reykdal, Tarleton, Ortiz-Self, Kagi, Carlyle, Wylie, Bergquist, S. Hunt, Tharinger, Senn, Robinson, Moscoso, Pollet, Walkinshaw, McBride and Jinkins)**

**Improving educational outcomes for homeless students through increased in-school guidance supports, housing stability, and identification services.**

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1682 was substituted for Engrossed Second Substitute House Bill No. 1682 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1682 was read the second time.

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

Representatives Fey and Magendanz spoke in favor of the passage of the bill.

Representative DeBolt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1682.

**ROLL CALL**

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1682, and the bill passed the House by the following vote: Yeas, 68; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Calder, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, MacEwen, Magendanz, McBride, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Haler, Hargrove, Holy, Johnson, Klippert, Kretz, Kristiansen, Manweller, McCabe, McCaslin, Nealey, Parker, Pike, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick and Wilcox.

Excused: Representative Rodne.

THIRD SUBSTITUTE HOUSE BILL NO. 1682, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1804, by Representatives Springer, Magendanz, Lytton, Muri and Reykdal**

**Concerning the confidentiality of educator professional growth plans.**

The bill was read the second time.

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

Representatives Springer and Magendanz spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1804.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1804, and the bill passed the House by the following vote: Yeas, 78; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Calder, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dent, Dye, Harmsworth, Holy, Johnson, Klippert, Kretz, McCaslin, Parker, Pike, Schmick, Scott, Shea, Short, Taylor and Van Werven.

Excused: Representative Rodne.

HOUSE BILL NO. 1804, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1867, by Representatives Bergquist, Orwall, Pollet, S. Hunt and Tarleton**

**Concerning the frequency of evaluations for certain classroom teachers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1867 was substituted for House Bill No. 1867 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1867 was read the second time.

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

Representatives Bergquist, Magendanz and McCaslin spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1867.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1867, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Rodne.

SUBSTITUTE HOUSE BILL NO. 1867, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2323, by Representatives Kilduff, Walsh, Stanford, Kagi, Robinson, McBride, Bergquist, Jinkins and Pollet**

**Creating the Washington achieving a better life experience program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2323 was substituted for House Bill No. 2323 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2323 was read the second time.

Representative Kilduff moved the adoption of amendment (624):

On page 2, line 24, after "money" strike "by the investment board paid under RCW 43.33A.160" and insert "paid under RCW 43.08.190, 43.33A.160,"

Representative Kilduff spoke in favor of the adoption of the amendment.

Amendment (624) was adopted.

The bill was ordered engrossed.

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

Representatives Kilduff and Walsh spoke in favor of the passage of the bill.

Representative Dent spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2323.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2323, and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Dent, Dye, Holy, Kretz, Kristiansen, Orcutt, Schmick, Scott, Shea, Short, Stokesbary, Taylor and Young.

Excused: Representative Rodne.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2323, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2440, by Representatives Kagi, Smith, McBride, Hargrove, McCaslin, Dent, Clibborn, Walsh, Walkinshaw, Scott, Sawyer, Ortiz-Self, Caldier, Hudgins, Senn, Robinson, Ormsby, Cody, Jinkins, Fey, Zeiger, Frame, Kilduff, Bergquist and Goodman**

**Concerning host home programs for youth.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2440 was substituted for House Bill No. 2440 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2440 was read the second time.

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

Representatives Kagi and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2440.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2440, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Chandler.

Excused: Representative Rodne.

SUBSTITUTE HOUSE BILL NO. 2440, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2511, by Representatives Pike, Scott, Vick, Shea, Walsh and Young

#### Concerning child care center licensing requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2511 was substituted for House Bill No. 2511 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2511 was read the second time.

Representative Kagi moved the adoption of amendment (606):

On page 2, after line 7, insert the following:

"Sec. 3. RCW 43.215.010 and 2015 3rd sp.s. c 7 s 19 are each amended to read as follows:

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

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child care provider who regularly provides early childhood education and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

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

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

(a) Persons related to the child in the following ways:

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

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

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

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

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools that are engaged primarily in early childhood education with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

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

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing child care for periods of less than twenty-four hours when a parent or legal guardian of the child remains on the premises of the facility for the purpose of participating in:

(i) Activities other than employment; or

(ii) Employment of up to two hours per day when the facility is operated by a nonprofit entity that also operates a licensed child care program at the same facility in another location or at another facility;

(i) Any entity that provides recreational or educational programming for school-age children only and the entity meets all of the following requirements:

(i) The entity utilizes a drop-in model for programming, where children are able to attend during any or all program hours without a formal reservation;

(ii) The entity does not assume responsibility in lieu of the parent, unless for coordinated transportation;

(iii) The entity is a local affiliate of a national nonprofit; and

(iv) The entity is in compliance with all safety and quality standards set by the associated national agency;

(j) A program operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

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

(l) A program that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Conviction information" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the applicant.

(5) "Department" means the department of early learning.

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

(7) "Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

(8) "Early childhood education and assistance program contractor" means an organization that provides early childhood education and assistance program services under a signed contract with the department.

(9) "Early childhood education and assistance program provider" means an organization that provides site level, direct, and high quality early childhood education and assistance program services under the direction of an early childhood education and assistance program contractor.

(10) "Early start" means an integrated high quality continuum of early learning programs for children birth-to-five years of age. Components of early start include, but are not limited to, the following:

(a) Home visiting and parent education and support programs;

(b) The early achievers program described in RCW 43.215.100;

(c) Integrated full-day and part-day high quality early learning programs; and

(d) High quality preschool for children whose family income is at or below one hundred ten percent of the federal poverty level.

(11) "Education data center" means the education data center established in RCW 43.41.400, commonly referred to as the education research and data center.

(12) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

(13) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

(14) "Extended day program" means an early childhood education and assistance program that offers early learning education for at least ten hours per day, a minimum of two thousand hours per year, at least four days per week, and operates year-round.

(15) "Full day program" means an early childhood education and assistance program that offers early learning education for a minimum of one thousand hours per year.

(16) "Low-income child care provider" means a person who administers a child care program that consists of at least eighty percent of children receiving working connections child care subsidy.

(17) "Low-income neighborhood" means a district or community where more than twenty percent of households are below the federal poverty level.

(18) "Negative action" means a court order, court judgment, or an adverse action taken by an agency, in any state, federal, tribal, or foreign jurisdiction, which results in a finding against the applicant reasonably related to the individual's character, suitability, and competence to care for or have unsupervised access to children in child care. This may include, but is not limited to:

(a) A decision issued by an administrative law judge;

(b) A final determination, decision, or finding made by an agency following an investigation;

(c) An adverse agency action, including termination, revocation, or denial of a license or certification, or if pending adverse agency action, the voluntary surrender of a license, certification, or contract in lieu of the adverse action;

(d) A revocation, denial, or restriction placed on any professional license; or

(e) A final decision of a disciplinary board.

(19) "Nonconviction information" means arrest, founded allegations of child abuse, or neglect pursuant to chapter 26.44 RCW, or other negative action adverse to the applicant.

(20) "Nonschool-age child" means a child who is age six years or younger and who is not enrolled in a public or private school.

(21) "Part day program" means an early childhood education and assistance program that offers early learning education for at least two and one-half hours per class session, at least three hundred twenty hours per year, for a minimum of thirty weeks per year.

(22) "Private school" means a private school approved by the state under chapter 28A.195 RCW.

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

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

(25) "School-age child" means a child who is ~~((between the ages of))~~ five years ~~((and))~~ of age through twelve years of age and is attending a public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

(26) "Washington state preschool program" means an education program for children three-to-five years of age who have not yet entered kindergarten, such as the early childhood education and assistance program."

Correct the title.

Representatives Kagi and Pike spoke in favor of the adoption of the amendment.

Amendment (606) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2511.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2511, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli,

Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Rodne.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2511, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 2585, by Representatives Robinson, Walsh and McBride

#### Concerning private activity bond allocation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2585 was substituted for House Bill No. 2585 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2585 was read the second time.

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

Representatives Robinson and Wilson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2585.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2585, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Scott, Shea, Taylor and Young.

Excused: Representative Rodne.

SUBSTITUTE HOUSE BILL NO. 2585, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2639, by Representatives McCabe, Santos, Johnson, Kochmar, Cody, Caldier, Muri, Kilduff and McBride**

**Increasing the safety of school bus riders.**

The bill was read the second time.

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

Representatives McCabe, Magendanz, Santos, Smith and Shea spoke in favor of the passage of the bill.

Representative Hargrove spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2639.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2639, and the bill passed the House by the following vote: Yeas, 87; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Dye, Hargrove, Nealey, Orcutt, Schmick, Taylor, Van Werven and Young.

Excused: Representative Rodne.

HOUSE BILL NO. 2639, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2694, by Representatives DeBolt, Johnson, Condotta, Sells, Wilson, S. Hunt and Pettigrew**

**Concerning background checks in emergency placement situations requested by tribes.**

The bill was read the second time.

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

Representatives DeBolt and Ryu spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2694.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2694, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea and Taylor.  
Excused: Representative Rodne.

HOUSE BILL NO. 2694, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2743, by Representatives Reykdal, McBride, Rossetti, Santos and Pollet**

**Concerning the issuance of a Washington state high school diploma. Revised for 1st Substitute: Concerning the issuance of a Washington state high school diploma or a high school equivalency certificate.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2743 was substituted for House Bill No. 2743 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2743 was read the second time.

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

Representatives Reykdal, McCaslin and Santos spoke in favor of the passage of the bill.

Representative Magendanz spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2743.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2743, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, McBride, McCaslin, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Scott, Sells, Senn, Shea, Springer, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, DeBolt, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, Muri, Nealey, Orcutt, Parker, Pike, Schmick, Short, Smith, Stambaugh, Stokesbary, Van Werven, Vick, Wilcox and Wilson.

Excused: Representative Rodne.

SUBSTITUTE HOUSE BILL NO. 2743, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1875, by House Committee on Appropriations (originally sponsored by Representatives Walsh, Kagi, Johnson, Sawyer, Pettigrew, Moscoso, Zeiger, Ormsby, Appleton and Young)**

**Concerning the definition of work activity for the purposes of the WorkFirst program.**

The bill was read the third time.

Representatives Walsh and Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1875.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1875, and the bill passed the House by the following vote: Yeas, 89; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Kristiansen, McCaslin, Scott, Shea, Taylor and Van Werven.

Excused: Representative Rodne.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1875, having received the necessary constitutional majority, was declared passed.

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

### SECOND READING

**HOUSE BILL NO. 2597, by Representatives Orwall, Magendanz, Reykdal, McBride, Lytton, Caldier, Frame, Rossetti, S. Hunt and Pollet**

**Requiring school districts to include sexual abuse as a topic in plans addressing students' emotional or behavioral distress.**

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2597.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2597, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen,

Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2597, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2317, by Representatives Van De Wege, Tharinger, Pettigrew, Moeller and Magendanz**

**Expanding the use of neighborhood and medium-speed electric vehicles.**

The bill was read the second time.

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

Representatives Van De Wege and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2317.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2317, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2317, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2331, by Representatives Chandler, Stanford, Blake, Kretz, Wilcox, Walkinshaw, Haler, Buys and Tharinger**

**Concerning the expiration date of the invasive species council and account.**

The bill was read the second time.

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

Representatives Chandler and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2331.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2331, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

HOUSE BILL NO. 2331, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2357, by Representatives Peterson, Young, S. Hunt, Fitzgibbon, Kirby, Buys, Pollet and Kretz**

**Concerning the authority of the pollution liability insurance agency.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2357 was substituted for House Bill No. 2357 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2357 was read the second time.

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

Representatives Peterson and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2357.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2357, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2357, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2478, by Representatives Peterson, Stambaugh, Buys, Dent, Gregerson, Riccelli, Orwall, Stanford, Blake, Sawyer, Tharinger, Fitzgibbon, Walkinshaw, Tarleton, McBride, Moscoso, Bergquist, Pollet, S. Hunt, Goodman and Wilcox**

**Supporting agricultural production, including that of apiarists, through the preservation of forage for pollinators.**

The bill was read the second time.

Representative Stambaugh moved the adoption of amendment (638):

On page 2, line 19, after "board" strike "may" and insert "  
"(a) Shall coordinate with the county noxious weed control boards in which pilot projects are located, unless the county does not have a local noxious weed control board; and  
(b) May"

Representatives Stambaugh and Peterson spoke in favor of the adoption of the amendment.

Amendment (638) was adopted.

The bill was ordered engrossed.

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

Representatives Peterson and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2478.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2478, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Klippert.

ENGROSSED HOUSE BILL NO. 2478, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2500, by Representatives Calder, Blake, Young, Dent and Wilson**

**Creating a preferred alternative for the placement and sale of impounded livestock.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2500 was substituted for House Bill No. 2500 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2500 was read the second time.

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

Representatives Caldier and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2500.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2500, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

SUBSTITUTE HOUSE BILL NO. 2500, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2888, by Representatives Van De Wege, Pettigrew, Stanford, Morris, Kuderer, S. Hunt, Appleton, Peterson, Fitzgibbon, Hurst, Pollet and Farrell**

#### Concerning cetacean captivity.

The bill was read the second time.

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

Representative Van De Wege spoke in favor of the passage of the bill.

Representative Buys spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2888.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2888, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kuderer, Lytton, MacEwen, McBride, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Short, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Hawkins, Hayes, Holy, Johnson, Klippert, Kristiansen, Magendanz, Manweller, McCabe, McCaslin, Nealey, Orcutt, Parker, Rodne, Schmick, Scott, Shea, Smith, Taylor, Van Werven, Vick, Walsh and Wilcox.

HOUSE BILL NO. 2888, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571, by House Committee on Environment (originally sponsored by Representatives Peterson, Goodman, Fitzgibbon, McBride, Pollet, Robinson, Stanford, S. Hunt and Riccelli)**

#### Concerning paint stewardship.

The bill was read the third time.

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

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1571.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1571, and the bill passed the House by the following vote: Yeas, 51; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571, having received the necessary constitutional majority, was declared passed.

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

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1808, by House Committee on Transportation (originally sponsored by Representatives Stanford, Manweller, Blake, Orcutt, Ryu, Zeiger, Moscoso, Harris, Appleton, Wilcox, Takko, Haler, Pollet, Kochmar, Ormsby, Holy, Vick, Fey, Sells, Dunshee, Hayes, Farrell, S. Hunt, Reykdal and Van De Wege)**

**Concerning passenger-carrying vehicles for railroad employees.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1808 was substituted for Engrossed Substitute House Bill No. 1808 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1808 was read the second time.

Representative Stanford moved the adoption of amendment (611):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 81.61.010 and 1977 ex.s. c 2 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise(~~the term~~):

(1) "Contract crew hauling vehicle," as used in this chapter, means every motor vehicle, regardless of its seating capacity, that is owned, leased, operated, or maintained by a person contracting with a railroad company or its agents, contractors, subcontractors, or vendors, and used primarily to provide railroad crew transportation.

(2) "Passenger-carrying vehicle," as used in this chapter, means those buses, vans, and trucks owned, operated, and maintained by a railroad company which transports railroad employees in other than the cab of such vehicle and designed primarily for operation on roads which may or may not be equipped with retractable flanged wheels for operation on railroad tracks.

NEW SECTION. Sec. 2. A new section is added to chapter 81.61 RCW to read as follows:

(1) The commission must regulate persons providing contract railroad crew transportation and every contract crew hauling vehicle with respect to the safety of equipment, driver qualifications, insurance, and safety of operations.

(2) The commission must adopt rules and require reports as necessary to carry out this chapter regarding contract crew hauling vehicles, considering federal and national motor vehicle motor carrier safety standards for contract crew hauling vehicles, regardless of seating capacity, as the minimum safety standards, including:

(a) Driver qualifications, including a driver's minimum age and skill, medical condition, and appropriate class of commercial driver's license;

(b) Equipment safety;

(c) Safety of operations;

(d) Passenger safety;

(e) Insurance coverage for each contract crew hauling vehicle that satisfies the following minimum amounts, which may be increased by rule as adopted by the commission:

(i)(A) One million five hundred thousand dollars combined single limit coverage for bodily injury and property damage liability coverage; and

(B) Uninsured and underinsured motorist coverage of five million dollars; and

(f) The form and posting of adequate notices in a conspicuous location in all contract crew hauling vehicles to advise railroad employee passengers of their rights, the opportunity to submit safety complaints to the commission, the complaint process, and contact information for the commission.

(3) If a third party contracts with the person operating the vehicle on behalf of the railroad company to transport railroad employees, the insurance requirements may be satisfied by either the third party or the person operating the vehicle, so long as the person operating the vehicle names the third party as an additional insured or named insured.

(4)(a) The commission may, in enforcing rules and orders relating to persons owning, leasing, operating, and maintaining contract crew hauling vehicles under this chapter, inspect any contract crew hauling vehicles. Upon request, the chief of the state patrol or the chief's designee may assist the commission in these inspections.

(b) The commission must investigate safety complaints related to contract crew hauling transportation under this section and take appropriate enforcement action as authorized.

(c) The commission may enforce this section under the authority in RCW 81.04.380 through 81.04.405, including assessing penalties as warranted.

(d) If any person owning, leasing, operating, or maintaining contract crew hauling vehicles is determined to have committed serious or repeated violations of this chapter, or rules adopted under this chapter, the commission must suspend, revoke, or cancel the certificate issued by the commission.

NEW SECTION. Sec. 3. A new section is added to chapter 81.61 RCW to read as follows:

Any person owning, leasing, operating, or maintaining contract crew hauling vehicles must retain for at least three years all operational records relating to the contract crew hauling vehicles, including vehicle records involving

accidents, maintenance and service records, drivers' records, records of passenger complaints, all employment actions, driver logs, and records of passengers transported.

**NEW SECTION. Sec. 4.** A new section is added to chapter 81.61 RCW to read as follows:

A person is immediately and automatically disqualified to work as a driver of a contract crew hauling vehicle under this chapter if the person's license is suspended or revoked two or more times within a three-year period. The disqualification must last for two years from the most recent license suspension or revocation.

**NEW SECTION. Sec. 5.** A new section is added to chapter 81.61 RCW to read as follows:

The commission must compile data regarding any reported safety complaints, accidents, regulatory violations and fines, and corrective actions taken by the commission involving vehicles regulated under this chapter. A railroad company, and any person that owns or leases, operates, or maintains contract crew hauling vehicles in the state, must, at the request of the commission, provide data relevant to any complaints and accidents, including location, time of day, visibility, a description of the event, whether any property damage or personal injuries resulted, and any corrective action taken by the railroad company, person operating the contract crew hauling vehicle, or commission. The commission must make this data available upon request and on its web site.

**Sec. 6.** RCW 81.61.040 and 1977 ex.s. c 2 s 4 are each amended to read as follows:

(1) The commission may, in enforcing rules and orders under this chapter, inspect any passenger-carrying vehicle provided by a railroad company or its agents, contractors, subcontractors, or vendors to transport ~~((employees))~~ railroad crews in the course of their employment. Upon request, the chief of the state patrol may assist the commission in these inspections.

(2) By December 31, 2016, the commission must develop an inspection program for contract crew hauling vehicles. This program must require a periodic inspection of each vehicle, including a review of operational practices."

Correct the title.

Representatives Stanford and Orcutt spoke in favor of the adoption of the amendment.

Amendment (611) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1808.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1808, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Dent, Scott, Shea and Taylor.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1808, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 2322, by Representative Zeiger

**Concerning the vehicle license cost recovery fee charged for certain rental car transactions.**

The bill was read the second time.

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

Representatives Zeiger and Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2322.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2322, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick,

Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2322, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1659, by Representatives Vick, Kirby, Parker and Blake**

**Addressing the benefits of group life and disability insurance policies.**

The bill was read the second time.

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

Representatives Vick and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1659.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1659, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

HOUSE BILL NO. 1659, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1409, by Representatives Walkinshaw, Hayes, Clibborn, Hargrove, Fey, Farrell, Zeiger, Orcutt and Tarleton**

**Concerning the disclosure of vessel owner information.**

The bill was read the second time.

Representative Walkinshaw moved the adoption of amendment (640):

On page 3, line 5, after "use" strike all material through "beached" on line 6 and insert "as may be necessary, in locating the owner of or otherwise dealing with a vessel that has become a hazard."

On page 7, line 19, after "granted." insert "The disclosure agreement with law enforcement entities must provide that law enforcement may redisclose a vessel owner's name or address when trying to locate the owner of or otherwise deal with a vessel that has become a hazard."

On page 8, line 17, after "RCW" strike "46.12.635" and insert "46.12.630, 46.12.635,"

Representatives Walkinshaw and Orcutt spoke in favor of the adoption of the amendment.

Amendment (640) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1409.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1409, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

ENGROSSED HOUSE BILL NO. 1409, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2399, by Representatives Holy, Appleton, Manweller, S. Hunt, Haler, Moscoso, Taylor, Shea, Young, Hayes, Van Werven, Walsh, Bergquist, Farrell, Klippert, Rodne, Dent, Parker, Scott, Griffey, G. Hunt, Reykdal, Goodman, Caldier, Pike, Condotta, Fitzgibbon, Tharinger, Magendanz, Stanford, Muri, Blake, Kilduff, Ormsby and Riccelli**

**Prohibiting the consideration of the number of citations for traffic infractions issued by a law enforcement officer in the performance review of the officer.**

The bill was read the second time.

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

Representatives Holy, Hurst, Sells and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2399.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2399, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Hayes and Klippert.

HOUSE BILL NO. 2399, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 2457, by Representative Young**

**Concerning recorded interests in easements by an electric utility.**

The bill was read the second time.

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

Representatives Young and Kilduff spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2457.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2457, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2457, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 2516, by Representatives Kirby, Vick, Griffey and Ormsby**

**Providing that commercial transportation services providers are not commuter ride-sharing arrangements.**

The bill was read the second time.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2516.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2516, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel,

Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

HOUSE BILL NO. 2516, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2598, by Representatives Orcutt and Clibborn**

**Authorizing the use of certain cargo extensions that connect to a recreational vehicle frame. Revised for 1st Substitute: Authorizing the use of certain cargo extensions that connect to a motor home or travel trailer frame.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2598 was substituted for House Bill No. 2598 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2598 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2598.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2598, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli,

Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2598, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2417, by Representatives Pike, Moeller and Wylie**

**Modifying certain driver's license requirements.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2417 was substituted for House Bill No. 2417 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2417 was read the second time.

With the consent of the house, amendment (622) was withdrawn.

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

Representatives Pike and Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2417.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2417, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Dent, Klippert, MacEwen, Manweller, Nealey, Scott and Taylor.

SUBSTITUTE HOUSE BILL NO. 2417, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

**ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1763, by House Committee on General Government & Information Technology (originally sponsored by Representatives Van De Wege, Lytton, Riccelli and Tharinger)**

#### **Regulating music licensing agencies.**

The bill was read the third time.

Representatives Van De Wege, Kirby and Parker spoke in favor of the passage of the bill.

Representatives Vick and Sawyer spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1763.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1763, and the bill passed the House by the following vote: Yeas, 72; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Gregerson, Hansen, Hargrove, Harmsworth, Hawkins, Hickel, Holy, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, Magendanz, Manweller, McBride, McCaslin, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Scott, Sells, Shea, Smith, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, DeBolt, Dent, Dye, Goodman, Griffey, Haler, Harris, Hayes, Hudgins, Johnson, Kretz, Kristiansen, MacEwen, McCabe, Nealey, Pike, Sawyer, Schmick, Senn, Short, Springer, Taylor, Vick and Wilson.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1763, having received the necessary constitutional majority, was declared passed.

There being no objection, the rules were suspended, and ENGROSSED HOUSE BILL NO. 1465 was returned to second reading for the purpose of amendment.

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

### SECOND READING

**HOUSE BILL NO. 1465, by Representatives MacEwen, Hudgins and Ormsby**

**Creating a dedicated account for elevators, lifting devices, moving walks, manufactured and mobile homes, recreational and commercial vehicles, factory built housing and commercial structures, and contractor registration and compliance activities.**

The bill was read the second time.

Representative Chandler moved the adoption of amendment (633):

On page 2, after line 30, insert the following:  
**"NEW SECTION. Sec. 5.** This act takes effect July 1, 2017."

Representatives Chandler and Ormsby spoke in favor of the adoption of the amendment.

Amendment (633) was adopted.

The bill was ordered engrossed.

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

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

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1465.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1465, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Harmsworth, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, MacEwen, Manweller, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Dent, Dye, Griffey, Hargrove, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kretz, Kristiansen, Magendanz, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

ENGROSSED HOUSE BILL NO. 1465, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2621, by Representatives Kagi, Walsh, Senn, Stokesbary, Lytton, Magendanz, Muri and Goodman**

**Concerning the department of early learning's access to records and personal information for purposes of determining character and suitability of child care workers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2621 was substituted for House Bill No. 2621 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2621 was read the second time.

Representative Taylor moved the adoption of amendment (639):

On page 5, beginning on line 34, after "(2)" strike all material through "~~purposes~~)" on page 6, line 35 and insert "The department shall destroy all of its records concerning:

(a) A screened-out report, within three years from the receipt of the report; and

(b) An unfounded or inconclusive report, within six years of completion of the investigation, unless a prior or subsequent founded report has been received regarding the child who is the subject of the report, a sibling or half-sibling of the child, or a parent, guardian, or legal custodian of the child, before the records are destroyed.

(3) The department may keep records concerning founded reports of child abuse or neglect as the department determines by rule.

(4) No unfounded, screened-out, or inconclusive report or information about a family's participation or nonparticipation in the family assessment response may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW without the consent of the individual who is the subject of the report or family assessment, unless:

(a) The individual seeks to become a licensed foster parent or adoptive parent; or

(b) The individual is the parent or legal custodian of a child being served by one of the agencies referenced in this subsection.

(5)(a) If the department fails to comply with this section, an individual who is the subject of a report may institute proceedings for injunctive or other appropriate relief for enforcement of the requirement to purge information. These

proceedings may be instituted in the superior court for the county in which the person resides or, if the person is not then a resident of this state, in the superior court for Thurston county.

(b) If the department fails to comply with subsection (4) of this section and an individual who is the subject of the report or family assessment response information is harmed by the disclosure of information, in addition to the relief provided in (a) of this subsection, the court may award a penalty of up to one thousand dollars and reasonable attorneys' fees and court costs to the petitioner.

(c) A proceeding under this subsection does not preclude other methods of enforcement provided for by law.

(6) Nothing in this section shall prevent the department from retaining general, nonidentifying information which is required for state and federal reporting and management purposes."

Representatives Taylor, Shea, McCaslin and Taylor (again) spoke in favor of the adoption of the amendment.

Representatives Kagi and Walsh spoke against the adoption of the amendment.

Amendment (639) was not adopted.

Representative Kagi moved the adoption of amendment (626).

On page 13, after line 28, insert the following:

"(c) Nothing in this section affects the appeal rights under chapter 43.215 RCW;"

Representative Kagi spoke in favor of the adoption of the amendment.

Amendment (626) was adopted.

The bill was ordered engrossed.

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

Representatives Kagi, Sawyer, Walsh and Senn spoke in favor of the passage of the bill.

Representatives Dent, DeBolt, Young, DeBolt (again) and Smith spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2621.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2621, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey,

Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hawkins, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie and Mr. Speaker. par Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Hickel, Holy, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Wilcox, Wilson, Young and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2621, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

There being no objection, the rules were suspended, and HOUSE BILL NO. 1918 was returned to second reading for the purpose of amendment.

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

### SECOND READING

**HOUSE BILL NO. 1918, by Representatives Shea, Orcutt, Hayes and Scott**

**Modifying provisions applicable to off-road, nonhighway, and wheeled all-terrain vehicles and their drivers.**

The bill was read the second time.

With the consent of the house, amendment (642) was withdrawn.

Representative Shea moved the adoption of amendment (646):

Beginning on page 4, line 24, strike all of sections 3 and 4 and insert the following:

"**Sec. 3.** RCW 46.09.442 and 2013 2nd sp.s. c 23 s 4 are each amended to read as follows:

(1) Any wheeled all-terrain vehicle operated within this state must display a metal tag to be affixed to the rear of the wheeled all-terrain vehicle. The initial metal tag must be issued with an original off-road vehicle registration and upon payment of the initial vehicle license fee under RCW 46.17.350(1)(s). The metal tag must be replaced every seven years at a cost of two dollars. Revenue from replacement metal tags must be deposited into the nonhighway and off-

road vehicle activities program account. The department must design the metal tag, which must:

(a) Be the same size as a motorcycle license plate;

(b) Have the words "RESTRICTED VEHICLE" listed at the top of the tag;

(c) Contain designated identification through a combination of letters and numbers;

(d) Leave space at the bottom left corner of the tag for an off-road tab issued under subsection (2) of this section; and

(e) Leave space at the bottom right corner of the tag for an on-road tab, when required, issued under subsection (3) of this section.

(2) Except as provided in subsection (5)(b) of this section, a person who operates a wheeled all-terrain vehicle must have a current and proper off-road vehicle registration, with the appropriate off-road tab, and pay the annual vehicle license fee as provided in RCW 46.17.350(1)(s), which must be deposited into the nonhighway and off-road vehicle activities program account. The off-road tab must be issued annually by the department upon payment of initial and renewal vehicle license fees under RCW 46.17.350(1)(s).

(3) Except as provided in subsection (5)(a) of this section, a person who operates a wheeled all-terrain vehicle upon a public roadway must have a current and proper on-road vehicle registration, with the appropriate on-road tab, which must be of a bright color that can be seen from a reasonable distance, and pay the annual vehicle license fee as provided in RCW 46.17.350(1)(r). The on-road tab must be issued annually by the department upon payment of initial and renewal vehicle license fees under RCW 46.17.350(1)(r). For purposes of this subsection, a special year tab issued pursuant to chapter 46.19 RCW to a person with a disability may be displayed on a wheeled all-terrain vehicle in lieu of an on-road tab.

(4) A wheeled all-terrain vehicle may not be registered for commercial use.

(5)(a) A wheeled all-terrain vehicle registration and a metal tag are not required under this chapter for a wheeled all-terrain vehicle that meets the definition in RCW 46.09.310(19), is owned by a resident of another state, and has a vehicle registration and metal tag or license plate issued in accordance with the laws of the other state allowing for on-road travel in that state. This exemption applies only to the extent that: (i) A similar exemption or privilege is granted under the laws of that state for wheeled all-terrain vehicles registered in Washington, and (ii) the other state has equipment requirements for on-road use that meet or exceed the requirements listed in RCW 46.09.457. The department may publish on its web site a list of states that meet the exemption requirements under this subsection.

(b) Off-road operation in Washington state of a wheeled all-terrain vehicle owned by a resident of another state and meeting the definition in RCW 46.09.310(19) is governed by RCW 46.09.420(4).

**Sec. 4.** RCW 46.09.457 and 2015 c 160 s 1 are each amended to read as follows:

(1) A person may operate a wheeled all-terrain vehicle upon any public roadway of this state, not including nonhighway roads and trails, subject to RCW 46.09.455 and the following equipment and declaration requirements:

(a) A person who operates a wheeled all-terrain vehicle must comply with the following equipment requirements:

(i) Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion upon a highway;

(ii) One tail lamp meeting the requirements of RCW 46.37.525 and used at all times when the vehicle is in motion upon a highway; however, a utility-type vehicle, as described under RCW 46.09.310, must have two tail lamps meeting the requirements of RCW 46.37.070(1) and to be used at all times when the vehicle is in motion upon a highway;

(iii) A stop lamp meeting the requirements of RCW 46.37.200;

(iv) Reflectors meeting the requirements of RCW 46.37.060;

(v) During hours of darkness, as defined in RCW 46.04.200, turn signals meeting the requirements of RCW 46.37.200. Outside of hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;

(vi) A mirror attached to either the right or left handlebar, which must be located to give the operator a complete view of the highway for a distance of at least two hundred feet to the rear of the vehicle; however, a utility-type vehicle, as described under RCW 46.09.310(19), must have two mirrors meeting the requirements of RCW 46.37.400;

(vii) A windshield meeting the requirements of RCW 46.37.430, unless the operator wears glasses, goggles, or a face shield while operating the vehicle, of a type conforming to rules adopted by the Washington state patrol;

(viii) A horn or warning device meeting the requirements of RCW 46.37.380;

(ix) Brakes in working order;

(x) A spark arrester and muffling device meeting the requirements of RCW 46.09.470; and

(xi) For utility-type vehicles, as described under RCW 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.

(b) A person who operates a wheeled all-terrain vehicle upon a public roadway must provide a declaration that includes the following:

(i) Documentation of a safety inspection to be completed by a licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop in the state of Washington that must outline the vehicle information and certify under oath that all wheeled all-terrain vehicle equipment as required under this section meets the requirements outlined in state and federal law. A person who makes a false statement regarding the inspection of equipment required under this section is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040;

(ii) Documentation that the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop did not charge more than fifty dollars per safety inspection and that the entire safety inspection fee is paid directly and only to the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop;

(iii) A statement that the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop is entitled to the full amount charged for the safety inspection;

(iv) A vehicle identification number verification that must be completed by a licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop in the state of Washington;

(v) A release, on a form to be supplied by the department, signed by the owner of the wheeled all-terrain vehicle and verified by the department, county auditor or other agent, or subagent appointed by the director that releases the state, counties, cities, and towns from any liability; and

(vi) A statement that outlines that the owner understands that the original wheeled all-terrain vehicle was not manufactured for on-road use and that it has been modified for use on public roadways.

(2) This section does not apply to emergency services vehicles, vehicles used for emergency management purposes, or vehicles used in the production of agricultural and timber products on and across lands owned, leased, or managed by the owner or operator of the wheeled all-terrain vehicle or the operator's employer.

**Sec. 5.** RCW 46.19.030 and 2014 c 124 s 4 are each amended to read as follows:

(1) The department shall design special license plates for persons with disabilities, parking placards, and year tabs displaying the international symbol of access.

(2) Special license plates for persons with disabilities must be displayed on the motor vehicle as standard issue license plates as described in RCW 46.16A.200.

(3) Parking placards must include both a serial number and the expiration date on the face of the placard. The expiration date and serial number must be of a sufficient size as to be easily visible from a distance of ten feet from where the placard is displayed.

(4) Parking placards must be displayed when the motor vehicle is parked by suspending it from the rearview mirror. In the absence of a rearview mirror, the parking placard must be displayed on the dashboard. The parking placard must be displayed in a manner that allows for the entire placard to be viewed through the vehicle windshield.

(5) Special year tabs for persons with disabilities must be displayed on license plates or metal tags issued pursuant to RCW 46.09.442, in a manner as defined by the department.

(6) Persons who have been issued special license plates for persons with disabilities, parking placards, or special license plates with a special year tab for persons with disabilities may park in places reserved for persons with physical disabilities."

Correct the title.

Representatives Shea and Clibborn spoke in favor of the adoption of the amendment.

Amendment (646) was adopted.

The bill was ordered engrossed.

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

Representatives Shea and Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1918.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1918, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stokesbary, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Bergquist, Klippert, Ryu, Stanford and Tarleton.

ENGROSSED HOUSE BILL NO. 1918, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Hudgins to preside.

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

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1250  
 HOUSE BILL NO. 1900  
 HOUSE BILL NO. 2296  
 HOUSE BILL NO. 2335  
 HOUSE BILL NO. 2391  
 HOUSE BILL NO. 2400  
 HOUSE BILL NO. 2433  
 HOUSE BILL NO. 2543  
 HOUSE BILL NO. 2557  
 HOUSE BILL NO. 2584  
 HOUSE BILL NO. 2587  
 HOUSE BILL NO. 2604  
 HOUSE BILL NO. 2808  
 HOUSE BILL NO. 2812  
 HOUSE BILL NO. 2849  
 HOUSE BILL NO. 2851  
 HOUSE BILL NO. 2856  
 HOUSE BILL NO. 2900  
 HOUSE BILL NO. 2928

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the third reading calendar:

HOUSE BILL NO. 1022  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1100  
 HOUSE BILL NO. 2046

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

There being no objection, the House adjourned until 10:00 a.m., February 11, 2016, the 32nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## THIRTY SECOND DAY

House Chamber, Olympia, Thursday, February 11, 2016

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Isabelle Rohrer and Connor Holtzclaw. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Greg Asimakoupoulos, Chaplain, Covenant Shores Retirement Community, Mercer Island, Washington.

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

**POINT OF PERSONAL PRIVILEGE**

Representative Haler: "This is a great day for science. In the city of Richland, which is about 10 miles from the doorstep of my home, we have a facility called the laser interferometer gravitational observatory, LIGO. They made the headlines in the Wall Street Journal today, about two months ago they announced tentatively that they detected gravitational waves. Now a gravitational wave is only one-one thousandth the size of a proton, these gravitational waves that they detected are 1.3 billion light years away from our planet. That is equivalent of looking at a human hair from our closest star. If you could see that. The project itself cost 1.1 billion dollars nationwide for the last forty years, but this is such a great exploration that in proving this, they proved that time and space can be warped and that opens the door for a lot of imagination of how you can travel through space eventually. And Einstein's theory seems inapplicable but it really is coming home today. And I want to congratulate the great scientists from Cal Tech, MIT, and the National Science Foundation, who operate the facility, and my seatmate and I toured the facility and they were predicting that they would in October detect gravitational waves and they did and I think they deserve great thanks from this body as well as from this state for showing that we are the center for science in this state. Thank you Madam Speaker."

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

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 2681 and the bill was placed on the second reading calendar.

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

**SECOND READING****HOUSE BILL NO. 2326, by Representatives Moeller and Appleton****Transferring regulatory authority over independent review organizations to the insurance commissioner.**

The bill was read the second time.

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

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

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2326.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2326, and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kuderer, Lytton, MacEwen, Magendanz, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Hawkins, Hickel, Holy, Klippert, Kristiansen, Manweller, McCaslin, Nealey, Schmick, Scott, Shea, Taylor, Van Werven, Young and Zeiger.

HOUSE BILL NO. 2326, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2458, by Representatives Parker, Cody, Riccelli, Holy and Tharinger**

**Concerning participation in the prescription drug donation program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2458 was substituted for House Bill No. 2458 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2458 was read the second time.

Representative Parker moved the adoption of amendment (662):

On page 3, after line 20, insert the following:

"Sec. 4. RCW 69.70.050 and 2013 c 260 s 5 are each amended to read as follows:

(1) Prescription drugs or supplies may be accepted and dispensed under this chapter if all of the following conditions are met:

(a) The prescription drug is in:

(i) Its original sealed and tamper evident packaging; or

(ii) An opened package if it contains single unit doses that remain intact;

(b) The prescription drug bears an expiration date that is more than six months after the date the prescription drug was donated;

(c) The prescription drug or supplies are inspected before the prescription drug or supplies are dispensed by a pharmacist employed by or under contract with the pharmacy, and the pharmacist determines that the prescription drug or supplies are not adulterated or misbranded;

(d) The prescription drug or supplies are prescribed by a practitioner for use by an eligible individual and are dispensed by a pharmacist; and

(e) Any other safety precautions established by the department have been satisfied.

(2)(a) If a person who donates prescription drugs or supplies to a pharmacy under this chapter receives a notice that the donated prescription drugs or supplies have been recalled, the person shall notify the pharmacy of the recall.

(b) If a pharmacy that receives and distributes donated prescription drugs to another pharmacy, pharmacist, or prescribing practitioner under this chapter receives notice that the donated prescription drugs or supplies have been recalled, the pharmacy shall notify the other pharmacy, pharmacist, or prescribing practitioner of the recall.

(c) If a person collecting or distributing donated prescription drugs or supplies under this chapter receives a recall notice from the drug manufacturer or the federal food and drug administration for donated prescription drugs or supplies, the person shall immediately remove all recalled medications from stock and comply with the instructions in the recall notice.

(3) Prescription drugs and supplies donated under this chapter may not be resold.

(4) Prescription drugs and supplies dispensed under this chapter shall not be eligible for reimbursement of the prescription drug or any related dispensing fees by any public or private health care payer.

(5) A prescription drug that can only be dispensed to a patient registered with the manufacturer of that drug, in accordance with the requirements established by the federal food and drug administration, may not be ~~((accepted or))~~ distributed under the program, unless the patient receiving the prescription drug is registered with the manufacturer at the time the drug is dispensed and the amount dispensed does not exceed the duration of the registration period."

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

On page 3, after line 36, insert the following:

"Sec. 5. RCW 69.70.070 and 2013 c 260 s 7 are each amended to read as follows:

(1) A drug manufacturer acting in good faith may not, in the absence of a finding of gross negligence, be subject to criminal prosecution or liability in tort or other civil action, for injury, death, or loss to person or property for matters relating to the donation, acceptance, or dispensing of ~~((a))~~ any drug manufactured by the drug manufacturer that is donated by any person under the program including, but not limited to ~~((:))~~:

(a) Liability for failure to transfer or communicate product or consumer information or the expiration date of the donated prescription drug; and

(b) Liability related to prescription drugs that can only be dispensed to a patient registered with the manufacturer of that drug, in accordance with the requirements established by the federal food and drug administration.

(2) Any person or entity, other than a drug manufacturer subject to subsection (1) of this section, acting in good faith in donating, accepting, or distributing prescription drugs under this chapter is immune from criminal prosecution, professional discipline, or civil liability of any kind for any injury, death, or loss to any person or property relating to such activities other than acts or omissions constituting gross negligence or willful or wanton misconduct.

(3) The immunity provided under subsection (1) of this section does not absolve a drug manufacturer of a criminal or civil liability that would have existed but for the donation, nor does such donation increase the liability of the drug manufacturer in such an action."

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

Correct the title.

Representatives Parker and Cody spoke in favor of the adoption of the amendment.

Amendment (662) was adopted.

The bill was ordered engrossed.

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

Representatives Parker and Jinkins spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2458.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2458, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2458, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2501, by Representatives Caldier, Jinkins, McBride, Moeller, Young, Rodne and Appleton**

**Concerning the communication of information to continue health services for confined persons.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2501 was substituted for House Bill No. 2501 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2501 was read the second time.

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

Representatives Caldier, Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2501.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2501, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta,

DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2501, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2541, by Representatives Frame, Rodne, Jinkins, Walkinshaw, Riccelli, Senn, Orwall, Muri, S. Hunt, Gregerson, Sawyer, Caldier, Goodman, Haler, Hansen, Kuderer, Appleton, Kilduff, Reykdal, Rossetti, Magendanz, Ormsby, Bergquist and Stanford**

**Providing for less restrictive involuntary treatment orders.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2541 was substituted for House Bill No. 2541 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2541 was read the second time.

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

Representatives Frame, Rodne, Jinkins and McCaslin spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2541.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2541, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride,

McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2541, having received the necessary constitutional majority, was declared passed.

#### **POINT OF PERSONAL PRIVILEGE**

Representative Tarleton congratulated Representative Frame on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

**HOUSE BILL NO. 2678, by Representatives Schmick, Cody and Van De Wege**

#### **Regulating nursing home facilities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2678 was substituted for House Bill No. 2678 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2678 was read the second time.

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

Representatives Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2678.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2678, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick,

Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

SUBSTITUTE HOUSE BILL NO. 2678, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2725, by Representatives Rossetti, Kirby, Appleton, Ortiz-Self and Jinkins**

**Addressing the authority of pharmacists to dispense prescription drugs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2725 was substituted for House Bill No. 2725 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2725 was read the second time.

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

Representatives Rossetti, Schmick, Riccelli, Blake and Young spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2725.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2725, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2725, having received the necessary constitutional majority, was declared passed.

### POINT OF PERSONAL PRIVILEGE

Representative Blake congratulated Representative Rossetti on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

**HOUSE BILL NO. 2805, by Representatives Reykdal, Griffey, Moeller, Van De Wege, Gregerson, Ormsby, Sawyer, Stokesbary, Tarleton, Fitzgibbon, Morris, Stanford, Pollet, Frame, Goodman and Bergquist**

**Requiring mandatory reporting of hazardous exposures for firefighters.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2805 was substituted for House Bill No. 2805 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2805 was read the second time.

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

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

Representative Manweller spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2805.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2805, and the bill passed the House by the following vote: Yeas, 80; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, MacEwen, McBride, McCaslin, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Shea, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dent, Dye, Hargrove, Klippert, Kretz, Kristiansen, Magendanz,

Manweller, McCabe, Nealey, Schmick, Scott, Short, Taylor and Young.

SUBSTITUTE HOUSE BILL NO. 2805, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2772, by Representatives Johnson and Bergquist**

**Concerning job order contracts by public hospital districts.**

The bill was read the second time.

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

Representatives Johnson and Tharinger spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2772.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2772, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2772, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2335, by Representatives Cody, Appleton and Jinkins**

**Addressing health care provider credentialing.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2335 was substituted for House Bill No. 2335 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2335 was read the second time.

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

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2335.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2335, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2335, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2465, by Representatives Robinson, Stambaugh, Wylie, Walsh, S. Hunt, Frame, Sawyer, Rossetti, Riccelli, Magendanz, Harris, Reykdal, Senn, Kagi, Lytton, Tharinger, Caldier, Stanford, Farrell, Cody, Kilduff, Peterson, Kuderer, Bergquist, Ormsby and Santos**

**Requiring private health insurers and the medicaid program to reimburse for a twelve-month supply of contraceptive drugs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2465 was substituted for House Bill No. 2465 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2465 was read the second time.

With the consent of the house, amendment (649) was withdrawn.

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

Representatives Robinson, Cody, Stambaugh and Hickel spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2465.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2465, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Klippert, McCaslin, Schmick, Shea and Taylor.

SUBSTITUTE HOUSE BILL NO. 2465, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2681, by Representatives Stambaugh, Manweller, Short, Kochmar, Wilson, Magendanz, Griffey, Riccelli, Cody and Robinson**

**Authorizing pharmacists to prescribe and dispense contraceptives.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2681 was substituted for House Bill No. 2681 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2681 was read the second time.

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

Representatives Stambaugh and Cody spoke in favor of the passage of the bill.

Representative Smith spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2681.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2681, and the bill passed the House by the following vote: Yeas, 67; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harmsworth, Hawkins, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, DeBolt, Dye, Haler, Hargrove, Harris, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, McCabe, McCaslin, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilson and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 2681, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

February 10, 2016

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5143,  
 SUBSTITUTE SENATE BILL NO. 5221,  
 SECOND ENGROSSED SENATE BILL NO. 5624,  
 SENATE BILL NO. 5689,  
 SENATE BILL NO. 6150,  
 SECOND SUBSTITUTE SENATE BILL NO. 6187,  
 SUBSTITUTE SENATE BILL NO. 6211,  
 SUBSTITUTE SENATE BILL NO. 6219,  
 SENATE BILL NO. 6245,  
 SUBSTITUTE SENATE BILL NO. 6290,  
 SENATE BILL NO. 6345,  
 SENATE BILL NO. 6371,  
 SENATE BILL NO. 6398,  
 SENATE BILL NO. 6443,  
 SUBSTITUTE SENATE BILL NO. 6449,  
 SUBSTITUTE SENATE BILL NO. 6464,  
 FOURTH ENGROSSED SENATE JOINT RESOLUTION  
 NO. 8204,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

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

#### THIRD READING

**SUBSTITUTE HOUSE BILL NO. 1718, by House Committee on Appropriations (originally sponsored by Representatives Ormsby, Kilduff, Sullivan, Hayes, Tharinger, MacEwen, Sawyer, Zeiger, Walsh, Rodne, Hudgins, Van De Wege, Appleton, Muri, Reykdal, Tarleton and Pollet)**

**Authorizing membership in the Washington public safety employees' retirement system for employees who provide nursing care to, or ensure the custody and safety of, offender, probationary, and patient populations in institutions and centers.**

The bill was read the third time.

Representatives Ormsby and Chandler spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Harris, Representative Johnson was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1718.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1718, and the bill passed the House by the following vote: Yeas, 78; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dye, Holy, Klippert, Kretz, Magendanz, Manweller, McCaslin, Nealey, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven and Vick.

Excused: Representative Johnson.

SUBSTITUTE HOUSE BILL NO. 1718, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1294, by Representatives Bergquist, Stambaugh, S. Hunt, Appleton, Riccelli, Walkinshaw, Ortiz-Self, Blake, Wylie, Fitzgibbon, Carlyle, Moscoso, Goodman, Tarleton, Stanford, Senn, Pettigrew, Orwall, Jinkins, Sawyer, Tharinger, Cody, Lytton, Farrell, Gregerson, Moeller, Gregory, Robinson, Takko, Pollet, Sullivan, McBride, Reykdal, Dunshee, Sells, Kagi, Springer, Van De Wege, Kilduff, Peterson, Hudgins and Fey**

**Enhancing youth voter registration.**

The bill was read the third time.

Representatives Bergquist and Stambaugh spoke in favor of the passage of the bill.

Representative Holy spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1294.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1294, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hawkins, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, Magendanz, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilcox, Wilson and Young.

Excused: Representative Johnson.

HOUSE BILL NO. 1294, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 1428, by House Committee on State Government (originally sponsored by Representatives Fitzgibbon, S. Hunt, Jinkins, Tarleton, Bergquist, Gregerson, Goodman and Pollet)**

**Concerning voter registration.**

The bill was read the third time.

Representatives Fitzgibbon and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1428.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1428, and the bill passed the House by the following vote: Yeas, 63; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hawkins, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, Manweller, McBride, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, McCabe, McCaslin, Orcutt, Pike, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilcox, Wilson and Young.

Excused: Representative Johnson.

SUBSTITUTE HOUSE BILL NO. 1428, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1560, by Representatives Hudgins, Ortiz-Self, Ryu, Moscoso, Reykdal, Gregerson, Peterson, Bergquist, Santos, McBride and Ormsby**

**Recognizing the thirty-first of March as Cesar Chavez Day.**

The bill was read the third time.

Representatives Hudgins, Holy and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1560.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1560, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen,

Hawkins, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, MacEwen, Magendanz, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Klippert, Kretz, Kristiansen, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Wilson and Young.

Excused: Representative Johnson.

HOUSE BILL NO. 1560, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1858, by Representatives Shea, S. Hunt, Taylor, G. Hunt, Reykdal, Condotta, Tharinger and McCaslin**

**Prohibiting the names of county auditors and the secretary of state from being included on ballot envelopes and in voters' pamphlets when running for reelection.**

The bill was read the third time.

Representatives Shea and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1858.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1858, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

HOUSE BILL NO. 1858, having received the necessary constitutional majority, was declared passed.

There being no objection, the rules were suspended, and HOUSE BILL NO. 1752 was returned to second reading for the purpose of amendment.

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

**SECOND READING**

**HOUSE BILL NO. 1752, by Representatives Hawkins and Takko**

**Addressing the qualifications for chief examiners.**

The bill was read the second time.

Representative Hawkins moved the adoption of amendment (591):

On page 1, line 19, after "citizens" strike "~~(of the county)~~" and insert "of the county or of an adjacent county"

Representatives Hawkins and Appleton spoke in favor of the adoption of the amendment.

Amendment (591) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1752.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1752, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick,

Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Scott, Shea, Taylor and Young.

Excused: Representative Johnson.

ENGROSSED HOUSE BILL NO. 1752, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2298, by Representatives Moeller, Sawyer, McBride, Appleton, Kirby, Jinkins and Tharinger**

**Addressing survivor benefits from the public employees' retirement system for survivors of members in registered domestic partnerships prior to December 2012.**

The bill was read the second time.

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

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

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2298.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2298, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Calder, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hawkins, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, MacEwen, Magendanz, McBride, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Klippert, Kretz, Kristiansen, Manweller, McCabe, McCaslin, Nealey, Orcutt, Parker, Rodne, Schmick, Scott, Shea, Short, Taylor, Van Werven, Vick, Wilson, Young and Zeiger.

Excused: Representative Johnson.

HOUSE BILL NO. 2298, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2648, by Representatives Fey, Muri, Kirby, Jinkins, Ryu, Cody, Kilduff, Pettigrew, Riccelli and Bergquist**

**Providing for an exemption from disclosure of certain financial, commercial, and proprietary information held by a city retirement board on behalf of its employees' retirement system.**

The bill was read the second time.

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

Representatives Fey and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2648.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2648, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representative Young.

Excused: Representative Johnson.

HOUSE BILL NO. 2648, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2663, by Representatives Springer and Kilduff**

**Implementing sunshine committee recommendations to repeal obsolete exemptions to public disclosure provisions.**

The bill was read the second time.

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

Representatives Springer and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2663.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2663, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

HOUSE BILL NO. 2663, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2773, by Representatives Klippert, Appleton, Haler, Hayes, Dent and Nealey**

#### **Repealing the warrant authority of coroners.**

The bill was read the second time.

Representative Shea moved the adoption of amendment (643):

On page 1, after line 17, insert the following:

"**NEW SECTION. Sec. 3.** The ability of the coroner to investigate and issue an arrest warrant for the sheriff or to perform other duties as authorized in RCW 36.24.010 is not affected by this act."

Correct the title.

Representatives Shea and Taylor spoke in favor of the adoption of the amendment.

Representative Jinkins spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 47 - YEAS; 49 - NAYS.

Amendment (643) was not adopted.

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

Representatives Klippert, Jinkins and Walsh spoke in favor of the passage of the bill.

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2773.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2773, and the bill passed the House by the following vote: Yeas, 87; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, DeBolt, Holy, McCaslin, Scott, Shea, Taylor, Wilcox and Young.

Excused: Representative Johnson.

HOUSE BILL NO. 2773, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2918, by Representatives Gregerson, Pike, Moscoso, Orwall, Robinson, Hudgins, Van De Wege, Appleton, Stanford and Goodman**

**Granting a city or town the authority to establish and operate a traffic school without county consent, control, or supervision.**

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2918.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2918, and the bill passed the House by the following vote: Yeas, 87; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, DeBolt, McCaslin, Scott, Shea, Taylor, Wilcox and Young.

Excused: Representative Johnson.

HOUSE BILL NO. 2918, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1322, by Representative Reykdal**

**Addressing membership in state retirement plans prior to attaining the normal retirement age in another plan.**

The bill was read the second time.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1322.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1322, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew,

Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

HOUSE BILL NO. 1322, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2296, by Representatives Rossetti, Orcutt, Blake and Tharinger**

**Concerning the taxing authority of public facilities districts.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2296 was substituted for House Bill No. 2296 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2296 was read the second time.

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

Representatives Rossetti, Orcutt, Riccelli and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2296.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2296, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

SUBSTITUTE HOUSE BILL NO. 2296, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2391, by Representatives McCabe, Appleton, Griffey, Tharinger, Springer, Peterson, McBride, Manweller, Johnson, Reykdal, Chandler, Fitzgibbon, Dent, Kochmar, Wilcox, Pike and Moscoso**

**Concerning county payroll draw days.**

The bill was read the second time.

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

Representatives McCabe and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2391.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2391, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

HOUSE BILL NO. 2391, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2543, by Representatives Stokesbary, Hickel, Stambaugh, Moscoso, Kochmar, Fitzgibbon, Ryu, Santos, Peterson, Walkinshaw, Frame, Fey, Muri, Van De Wege, Zeiger, Rossetti, Pettigrew and Stanford**

**Addressing civil service qualifications.**

The bill was read the second time.

With the consent of the house, amendment (657) was withdrawn.

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

Representatives Stokesbary and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2543.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2543, and the bill passed the House by the following vote: Yeas, 89; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, MacEwen, McCaslin, Orcutt, Scott, Shea and Taylor.

Excused: Representative Johnson.

HOUSE BILL NO. 2543, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2557, by Representatives S. Hunt and Reykdal**

**Addressing the return of unused shared leave.**

The bill was read the second time.

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

Representatives Hunt and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2557.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2557, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

HOUSE BILL NO. 2557, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2849, by Representatives Goodman, Springer, Stambaugh, Sullivan and Kilduff**

**Adding certain commissioned court marshals of city police departments to the definition of uniformed personnel for the purpose of public employees' collective bargaining.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2849 was substituted for House Bill No. 2849 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2849 was read the second time.

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

Representatives Goodman, Manweller and Kochmar spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2849.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2849, and the bill passed the House by the following vote: Yeas, 74; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris,

Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kristiansen, Kuderer, Lytton, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, DeBolt, Dent, Dye, Holy, Klippert, Kretz, MacEwen, Magendanz, McCaslin, Nealey, Orcutt, Parker, Rodne, Schmick, Scott, Shea, Short, Taylor, Van Werven, Vick and Young.

Excused: Representative Johnson.

SUBSTITUTE HOUSE BILL NO. 2849, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2808, by Representatives Jinkins and Kilduff**

**Amending the process for a person's immediate family member, guardian, or conservator to petition the court for the person's initial detention under the involuntary treatment act.**

The bill was read the second time.

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

Representatives Jinkins and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2808.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2808, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

HOUSE BILL NO. 2808, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

There being no objection, the rules were suspended, and ENGROSSED HOUSE BILL NO. 2086 was returned to second reading for the purpose of amendment.

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

### SECOND READING

**ENGROSSED HOUSE BILL NO. 2086, by Representatives McBride, Walkinshaw, Moscoso, Farrell, Riccelli, Ormsby, Ryu, Robinson and Pollet**

**Prohibiting certain limitations on the hosting of the homeless by religious organizations. (REVISED FOR ENGROSSED: Concerning the hosting of the homeless by religious organizations. )**

The bill was read the second time.

Representative McBride moved the adoption of amendment (641):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 6.** The legislature finds that residents in temporary encampments hosted by religious organizations are a particularly vulnerable population that do not have access to the same services as citizens with more stable housing. Residents in these encampments can be at increased risk of exploitation, theft, unsanitary living conditions, and physical harm. Therefore, it is the intent of the legislature that local municipalities have the authority and discretion to protect the health and safety of residents in temporary encampments hosted by religious organizations. Furthermore, the legislature finds and declares that tent encampments serve as a pathway for individuals experiencing homelessness to achieve financial stability, health, and permanent housing.

**Sec. 7.** RCW 36.01.290 and 2010 c 175 s 2 are each amended to read as follows:

(1) A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) A county may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; ~~((#))~~

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of the required permit applications;

(d) Limits a religious organization's availability to host a rotating, established tent encampment to fewer than eight months during any calendar year. However, a county may enact an ordinance or regulation that requires a three-month separation of time between established tent encampments;

(e) Limits a religious organization's hosting term to fewer than four months unless consented to by that religious organization for a specific instance;

(f) Limits the number of simultaneous religious organization hostings within the same municipality to one religious organization hosting during any given period of time. Simultaneous hostings by religious organizations may be prohibited if located within one thousand feet of other hosting religious organizations; or

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other church-sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance:

(i) No less than one space may be devoted to safe parking per twenty on-site parking spaces;

(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities;

(iii) The host religious organization must ensure that the county sheriff has completed sex offender checks of all vehicle residents and must act as managing agency to inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(3) A county must enact an ordinance or regulation or take any other action that requires a hosting religious organization and the managing agency, when the managing agency is not the hosting religious organization, to enter into a written agreement to protect the public health and safety of both the residents of the tent encampments and the residents of the county. At a minimum, the agreement must include information regarding: A tent encampment resident's right to seek public health and safety assistance, ability to access social services on site, ability to directly interact with the hosting religious organization, including the ability to express any concerns regarding the managing agency; a written code of conduct agreed to by the managing agency and hosting religious organization, as approved by the local jurisdiction; and the ability for the hosting religious organization to interact with residents of the tent encampment.

(4) Hosting religious organizations and tent encampment managing agencies are encouraged to work with the county to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180.

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

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless encampment. A "managing agency" may be the same entity as the sponsor.

(b) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(c) "Safe parking" means a number of parking spaces, parking area, and parking design approved by a designated traffic engineer or building officer from a county.

~~((4))~~ (6) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

**Sec. 8.** RCW 35.21.915 and 2010 c 175 s 3 are each amended to read as follows:

(1) A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) A city or town may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; ~~((c))~~

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of the required permit applications;

~~(d) Limits a religious organization's availability to host a rotating, established tent encampment to fewer than eight months during any calendar year. However, a city or town may enact an ordinance or regulation that requires a three-month separation of time between established tent encampments;~~

~~(e) Limits a religious organization's hosting term to fewer than four months unless consented to by that religious organization for a specific instance;~~

~~(f) Limits the number of simultaneous religious organization hostings within the same municipality to one religious organization hosting during any given period of time. Simultaneous hostings by religious organizations may be prohibited if located within one thousand feet of other hosting religious organizations; or~~

~~(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other church-sponsored uses and the parking available to support such uses during the hosting,~~

except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance:

(i) No less than one space may be devoted to safe parking per twenty on-site parking spaces;

(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities;

(iii) The host religious organization must ensure that the local law enforcement has completed sex offender checks of all vehicle residents and must act as managing agency to inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(3) A city or town must enact an ordinance or regulation or take any other action that requires a hosting religious organization and the managing agency, when the managing agency is not the hosting religious organization, to enter into a written agreement to protect the public health and safety of both the residents of the tent encampments and the residents of the city or town. At a minimum, the agreement must include information regarding: A tent encampment resident's right to seek public health and safety assistance, ability to access social services on site, ability to directly interact with the hosting religious organization, including the ability to express any concerns regarding the managing agency; a written code of conduct agreed to by the managing agency and hosting religious organization, as approved by the local jurisdiction; and the ability for the hosting religious organization to interact with residents of the tent encampment.

(4) Hosting religious organizations and tent encampment managing agencies are encouraged to work with the city or town to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180.

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

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless encampment. A "managing agency" may be the same entity as the sponsor.

(b) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(c) "Safe parking" means a number of parking spaces, parking area, and parking design approved by a designated traffic engineer or building officer from a city or town.

~~((4))~~ (6) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

**Sec. 9.** RCW 35A.21.360 and 2010 c 175 s 4 are each amended to read as follows:

(1) A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) A code city may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; ((€))

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of the required permit applications;

(d) Limits a religious organization's availability to host a rotating, established tent encampment to fewer than eight months during any calendar year. However, a code city may enact an ordinance or regulation that requires a three-month separation of time between established tent encampments;

(e) Limits a religious organization's hosting term to fewer than four months unless consented to by that religious organization for a specific instance;

(f) Limits the number of simultaneous religious organization hostings within the same municipality to one religious organization hosting during any given period of time. Simultaneous hostings by religious organizations may be prohibited if located within one thousand feet of other hosting religious organizations; or

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other church-sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance:

(i) No less than one space may be devoted to safe parking per twenty on-site parking spaces;

(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities;

(iii) The host religious organization must ensure that the local law enforcement has completed sex offender checks of all vehicle residents and must act as managing agency to inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(3) A code city must enact an ordinance or regulation or take any other action that requires a hosting religious organization and the managing agency, when the managing agency is not the hosting religious organization, to enter into a written agreement to protect the public health and safety of both the residents of the tent encampments and the residents of the code city. At a minimum, the agreement must include information regarding: A tent encampment resident's right to seek public health and safety assistance, ability to access social services on site, ability to directly interact with the hosting religious organization, including the ability to express any concerns regarding the managing agency; a written code of conduct agreed to by the managing agency and hosting religious organization, as approved by the local jurisdiction; and the ability for the hosting religious

organization to interact with residents of the tent encampment.

(4) Hosting religious organizations and tent encampment managing agencies are encouraged to work with the code city to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180.

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

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless encampment. A "managing agency" may be the same entity as the sponsor.

(b) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(c) "Safe parking" means a number of parking spaces, parking area, and parking design approved by a designated traffic engineer or building officer from a code city.

((4)) (6) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section."

Correct the title.

Representative McBride spoke in favor of the adoption of the amendment.

Representative Zeiger spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 50 - YEAS; 46 - NAYS.

Amendment (641) was adopted.

The bill was ordered engrossed.

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

Representatives McBride and Appleton spoke in favor of the passage of the bill.

Representative Zeiger spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Engrossed House Bill No. 2086.

## ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed House Bill No. 2086, and the bill passed the

House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, S. Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Nealey, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Wilcox, Wilson, Young and Zeiger.

Excused: Representative Johnson.

SECOND ENGROSSED HOUSE BILL NO. 2086, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2929, by Representatives Parker, Ormsby and Pollet**

**Concerning temporary homeless housing by religious organizations.**

The bill was read the second time.

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

Representatives Parker and Appleton spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2929.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2929, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary,

Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

HOUSE BILL NO. 2929, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2334, by Representatives Ryu, Sawyer, Walkinshaw, Peterson, Santos, Pollet, Wilson, Stokesbary and Van Werven**

**Concerning the excise taxation of martial arts.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2334 was substituted for House Bill No. 2334 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2334 was read the second time.

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

Representatives Ryu, Nealey, Pike, Dent and Kilduff spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2334.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2334, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

SUBSTITUTE HOUSE BILL NO. 2334, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2405, by Representatives Muri, Kilduff and Jinkins**

**Concerning the role of parties in cases related to certain notices and records.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2405 was substituted for House Bill No. 2405 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2405 was read the second time.

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

Representatives Muri and Jinkins spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2405.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2405, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Scott and Taylor.  
Excused: Representative Johnson.

SUBSTITUTE HOUSE BILL NO. 2405, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2400, by Representatives Fitzgibbon and Tarleton**

**Clarifying that the provisions of chapter 70.95 RCW do not apply to steel slag that is a product of production in the electric arc steel-making process and is managed as an item of commercial value and placed in commerce.**

The bill was read the second time.

Representative Fitzgibbon moved the adoption of amendment (612):

On page 1, line 11, after "to" strike "a specified construction"

On page 1, line 13, after "consumption," strike all material through "commodity" on line 14 and insert "provided that such steel slag material is not abandoned, discarded, or placed in the solid waste stream"

Representatives Fitzgibbon and Shea spoke in favor of the adoption of the amendment.

Amendment (612) was adopted.

The bill was ordered engrossed.

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

Representatives Fitzgibbon and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2400.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2400, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, S. Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

ENGROSSED HOUSE BILL NO. 2400, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2433, by Representatives Vick, Kirby and Goodman**

**Concerning certified public accountant firm mobility.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2433 was substituted for House Bill No. 2433 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2433 was read the second time.

Representative Vick moved the adoption of amendment (670):

On page 4, line 30, after "18.04.350(10)" insert "or (11)"

On page 4, line 31, after "RCW" strike "18.04.350(13)" and insert "18.04.350(14)"

On page 20, beginning on line 3, after "matters," strike all material through "prepared," on line 5 and insert "~~((the preparation of financial statements, written statements describing how such financial statements were prepared,))~~"

On page 20, line 18, after "(11)" insert "Nothing in this chapter prohibits any person or firm composed of persons not holding a license under this chapter from offering or rendering to the public the preparation of financial statements, or written statements describing how such financial statements were prepared, provided that persons, partnerships, limited liability companies, or corporations not holding a license who offer or render these services do not designate any written statement as a report as defined in RCW 18.04.025(21), do not issue any written statement that purports to express or disclaim an opinion on financial statements that have been audited, and do not issue any written statement that expresses assurance on financial statements that have been reviewed. The Board may prescribe, by rule, language for the written statement describing how such financial statements were prepared for use by persons not holding a license under this chapter.

(11)"

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

Representatives Vick and Kirby spoke in favor of the adoption of the amendment.

Amendment (670) was adopted.

The bill was ordered engrossed.

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

Representatives Vick and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2433.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2433, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, S. Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2433, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2587, by Representatives Rodne, Goodman and Orwall**

**Concerning the superior court judges' association.**

The bill was read the second time.

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

Representatives Rodne, Jinkins and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2587.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2587, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary,

Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

HOUSE BILL NO. 2587, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2851, by Representatives Frame, Magendanz, Bergquist, Hargrove, Pollet, Harris, Moscoso, Muri, S. Hunt, Pettigrew, Springer, Kagi, Kuderer, Clibborn, Sawyer, Cody, Stanford, Ormsby, Senn, Farrell, Hudgins, Moeller, Kochmar and Santos**

**Increasing compensation for school directors in districts enrolling twenty thousand or more students. Revised for 1st Substitute: Concerning compensation of school directors.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2851 was substituted for House Bill No. 2851 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2851 was read the second time.

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

Representatives Frame and Stambaugh spoke in favor of the passage of the bill.

Representative DeBolt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2851.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2851, and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Clibborn, Cody, Dunshee, Farrell, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hargrove, Harris, Hawkins, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, MacEwen, Magendanz, McBride, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Blake, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Fey, Griffey, Harmsworth, Hayes, Holy, Kretz, Kristiansen, Manweller, McCabe, McCaslin, Nealey, Orcutt, Pike, Rossetti,

Schmick, Scott, Shea, Short, Smith, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

Excused: Representative Johnson.

SUBSTITUTE HOUSE BILL NO. 2851, having received the necessary constitutional majority, was declared passed.

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

#### THIRD READING

**HOUSE BILL NO. 1022, by Representatives Appleton and Goodman**

**Prohibiting general power of attorney provisions in bail bond agreements.**

The bill was read the third time.

Representatives Appleton and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 1022.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1022, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

HOUSE BILL NO. 1022, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Democratic Caucus Chief of Staff Jamila Thomas to preside.

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

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2831, HOUSE BILL NO. 2368 and HOUSE BILL NO.2369 and the bills were referred to the Committee on Rules.

There being no objection, the Committee on Education was relieved of HOUSE BILL NO. 2837, and the bill was referred to the Committee on Rules.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the third reading calendar:

SUBSTITUTE HOUSE BILL NO. 1067  
 SUBSTITUTE HOUSE BILL NO. 1874

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1351  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1448  
 ENGROSSED HOUSE BILL NO. 1632  
 HOUSE BILL NO. 1645  
 HOUSE BILL NO. 1701  
 HOUSE BILL NO. 1915  
 HOUSE BILL NO. 1949  
 HOUSE BILL NO. 1983  
 SECOND SUBSTITUTE HOUSE BILL NO. 1999  
 HOUSE BILL NO. 2262  
 HOUSE BILL NO. 2274  
 HOUSE BILL NO. 2309  
 HOUSE BILL NO. 2340  
 HOUSE BILL NO. 2342  
 HOUSE BILL NO. 2355  
 HOUSE BILL NO. 2394  
 HOUSE BILL NO. 2430  
 HOUSE BILL NO. 2432  
 HOUSE BILL NO. 2436  
 HOUSE BILL NO. 2449  
 HOUSE BILL NO. 2450  
 HOUSE BILL NO. 2452  
 HOUSE BILL NO. 2496  
 HOUSE BILL NO. 2530  
 HOUSE BILL NO. 2540  
 HOUSE BILL NO. 2545

HOUSE BILL NO. 2565  
 HOUSE BILL NO. 2573  
 HOUSE BILL NO. 2575  
 HOUSE BILL NO. 2591  
 HOUSE BILL NO. 2615  
 HOUSE BILL NO. 2619  
 HOUSE BILL NO. 2623  
 HOUSE BILL NO. 2644  
 HOUSE BILL NO. 2647  
 HOUSE BILL NO. 2682  
 HOUSE BILL NO. 2716  
 HOUSE BILL NO. 2726  
 HOUSE BILL NO. 2730  
 HOUSE BILL NO. 2749  
 HOUSE BILL NO. 2765  
 HOUSE BILL NO. 2783  
 HOUSE BILL NO. 2791  
 HOUSE BILL NO. 2793  
 HOUSE BILL NO. 2807  
 HOUSE BILL NO. 2811  
 HOUSE BILL NO. 2838  
 HOUSE BILL NO. 2844  
 HOUSE BILL NO. 2852  
 HOUSE BILL NO. 2875  
 HOUSE BILL NO. 2877  
 HOUSE BILL NO. 2892  
 HOUSE BILL NO. 2895  
 HOUSE BILL NO. 2908  
 HOUSE BILL NO. 2968  
 HOUSE BILL NO. 2971  
 HOUSE BILL NO. 2973  
 HOUSE JOINT MEMORIAL NO. 4000  
 HOUSE JOINT MEMORIAL NO. 4010

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

There being no objection, the House adjourned until 10:00 a.m., February 12, 2016, the 33rd Day of the Regular Session.

FRANK CHOPP, Speaker  
 BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## THIRTY THIRD DAY

House Chamber, Olympia, Friday, February 12, 2016

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Robert Thomas and Madeline Patterson. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Trisha Ferguson, Capital Christian Center, Olympia, Washington.

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

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

#### INTRODUCTION & FIRST READING

HB 2982 by Representatives Jinkins and Fey

AN ACT Relating to eliminating the manufacturing machinery and equipment exemption for methanol manufactured in part from liquid natural gas or compressed natural gas; and amending RCW 82.08.02565 and 82.12.02565.

Referred to Committee on Finance.

HB 2983 by Representative Shea

AN ACT Relating to the excise taxation of personal and alcohol monitoring devices and services; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; and creating new sections.

Referred to Committee on Finance.

SB 5143 by Senators Becker, Bailey, Dammeier, Rivers, Frockt, Brown and Parlette

AN ACT Relating to providing information regarding childhood immunizations to expecting parents; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5221 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Benton and Roach)

AN ACT Relating to the disposition of tenant property placed upon the nearest public property; and amending RCW 59.18.312.

Referred to Committee on Judiciary.

2ESB 5624 by Senators Keiser, Honeyford and Conway

AN ACT Relating to financing essential public infrastructure; amending RCW 39.94.030, 43.155.020, 43.155.040, and 43.155.050; reenacting and amending RCW 39.94.040; adding a new section to chapter 43.155 RCW; adding a new chapter to Title 39 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Capital Budget.

SB 5689 by Senators Becker, Keiser, Dammeier, Frockt, Jayapal and McAuliffe

AN ACT Relating to containing the scope and costs of the diabetes epidemic in Washington; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care & Wellness.

SB 6150 by Senators Honeyford, McCoy, Sheldon, Parlette and Chase

AN ACT Relating to increasing the available term of water pollution control revolving fund program loans to reflect the 2014 amendments to the federal clean water act allowing such an increase; and amending RCW 90.50A.010, 90.50A.020, 90.50A.030, 90.50A.040, and 90.50A.050.

Referred to Committee on Capital Budget.

2SSB 6187 by Senate Committee on Ways & Means (originally sponsored by Senators Litzow, Ranker, Fraser and Sheldon)

AN ACT Relating to the authority of the pollution liability insurance agency; amending RCW 70.148.020, 70.148.900, 70.149.900, 82.23A.020, and 82.23A.902; reenacting and amending RCW 43.84.092; adding a new chapter to Title 70 RCW; creating a new section; repealing RCW 70.148.120, 70.148.130, 70.148.140, 70.148.150, 70.148.160, and 70.148.170; providing an effective date; and providing expiration dates.

Referred to Committee on Environment.

SSB 6211 by Senate Committee on Ways & Means (originally sponsored by Senators Dammeier, Rolfes, Fraser, Conway, McCoy, O'Ban, Litzow, Fain, Rivers, Becker, Darneille, McAuliffe, Habib, Chase and Benton)

AN ACT Relating to the exemption of property taxes for nonprofit homeownership development; amending RCW 84.36.805, 84.36.815, 84.36.820, 84.36.840, 84.36.845, and 84.36.855; adding a new section to chapter 84.36 RCW; and creating new sections.

Referred to Committee on Community Development, Housing & Tribal Affairs.

SSB 6219 by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Angel, Padden, Hewitt, O'Ban, Roach and Pearson)

AN ACT Relating to sentencing for vehicular homicide; and amending RCW 9.94A.515 and 9.94A.535.

Referred to Committee on Public Safety.

SB 6245 by Senators Litzow, Hill, Fain, Rolfes, McAuliffe and Mullet

AN ACT Relating to visual screening in schools; and amending RCW 28A.210.020.

Referred to Committee on Education.

SSB 6290 by Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Honeyford, Hobbs and Parlette)

AN ACT Relating to the apple commission; amending RCW 15.24.010, 15.24.020, 15.24.030, 15.24.035, 15.24.073, 15.24.080, 15.24.090, 15.24.100, 15.24.110, 15.24.120, and 15.24.900; and repealing RCW 15.24.033, 15.24.040, 15.24.060, 15.24.086, and 15.24.170.

Referred to Committee on Agriculture & Natural Resources.

SB 6345 by Senators Takko, Warnick and Hobbs

AN ACT Relating to merging the state department of agriculture's fruit and vegetable inspection districts and accounts; amending RCW 15.17.240 and 15.17.020; and repealing RCW 15.17.230 and 15.17.247.

Referred to Committee on Agriculture & Natural Resources.

SB 6371 by Senators Litzow, Mullet, Dammeier, Hargrove, Fain, Hobbs, Hill and McAuliffe

AN ACT Relating to the definition of agency for purposes of early learning programs; and amending RCW 43.215.010.

Referred to Committee on Early Learning & Human Services.

SB 6398 by Senators Hasegawa and Chase

AN ACT Relating to cultural foods; amending RCW 43.20.145; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 6449 by Senate Committee on Commerce & Labor (originally sponsored by Senators Hewitt and Conway)

AN ACT Relating to enhanced raffles; amending RCW 9.46.0323; and providing an expiration date.

Referred to Committee on Commerce & Gaming.

SSB 6464 by Senate Committee on Law & Justice (originally sponsored by Senator Padden)

AN ACT Relating to deadlines for final determinations and dispositions in agency adjudicative proceedings; and amending RCW 34.05.413, 34.05.534, 34.05.562, and 39.05.570.

Referred to Committee on Judiciary.

2ESJR 8204 by Senators Keiser, Honeyford and Conway

Amending the Constitution to allow the state to guarantee debt issued on behalf of a political subdivision for essential public infrastructure.

Referred to Committee on Capital Budget.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

### THIRD READING

There being no objection, the rules were suspended, and HOUSE BILL NO. 1067 was returned to second reading for the purpose of amendment.

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

### SECOND READING

**SUBSTITUTE HOUSE BILL NO. 1067, by House Committee on Judiciary (originally sponsored by Representatives Jinkins, Holy, Magendanz, Nealey, Goodman, Muri, Gregerson, Cody, Kilduff and Pollet)**

**Reauthorizing the medicaid fraud false claims act.**

The bill was read the second time.

Representative Jinkins moved the adoption of amendment (686):

On page 1, line 8, strike "2020" and insert "2023"  
On page 1, line 12, strike "2021" and insert "2024"

Representatives Jinkins and Rodne spoke in favor of the adoption of the amendment.

Amendment (686) was adopted.

The bill was ordered engrossed.

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

Representatives Jinkins and Rodne spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Harris, Representative Johnson was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1067.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1067, and the bill passed the House by the following vote: Yeas, 88; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Condotta, McCaslin, Schmick, Scott, Shea and Taylor.

Excused: Representative Johnson.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1067, having received the necessary constitutional majority, was declared passed.

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

**THIRD READING**

**SUBSTITUTE HOUSE BILL NO. 1874, by House Committee on Health Care & Wellness (originally sponsored by Representatives Tharinger, Cody and Riccelli)**

**Regarding the requirements of allopathic physician licensure.**

The bill was read the third time.

Representatives Tharinger and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1874.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1874, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

SUBSTITUTE HOUSE BILL NO. 1874, having received the necessary constitutional majority, was declared passed.

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

**SECOND READING**

**HOUSE BILL NO. 2340, by Representatives Schmick, Cody and Jinkins**

**Addressing the Washington state health insurance pool.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2340 was substituted for House Bill No. 2340 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2340 was read the second time.

Representative Schmick moved the adoption of amendment (658):

On page 7, line 37, after "that" insert "nonmedicare plans"

Representatives Schmick and Cody spoke in favor of the adoption of the amendment.

Amendment (658) was adopted.

The bill was ordered engrossed.

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

Representatives Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2340.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2340, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2340, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2432, by Representatives Riccelli, Harris, Cody, Caldier and Tarleton**

**Concerning substance abuse monitoring for licensed veterinarians, osteopathic physicians and surgeons, and osteopathic physician assistants.**

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2432.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2432, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Taylor and Young.

Excused: Representative Johnson.

HOUSE BILL NO. 2432, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2450, by Representatives Tharinger, Short, Cody, Schmick, Jinkins and Blake**

**Allowing critical access hospitals participating in the Washington rural health access preservation pilot to resume critical access hospital payment and licensure.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2450 was substituted for House Bill No. 2450 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2450 was read the second time.

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

Representatives Tharinger and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2450.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2450, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

SUBSTITUTE HOUSE BILL NO. 2450, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2452, by Representatives Riccelli, Harris, Cody, Johnson, Robinson, Senn, Clibborn, Jinkins and Ormsby**

#### **Creating the interstate medical licensure compact.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2452 was substituted for House Bill No. 2452 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2452 was read the second time.

Representative Hudgins moved the adoption of amendment (631):

On page 20, after line 14 insert the following:

"NEW SECTION. Sec. 28. Sections 1 through 27 of this act take effect when the secretary of the department of health has been notified of the amount of the annual member state assessment described in section 13 and the legislature has appropriated moneys for that assessment.

NEW SECTION. Sec. 29. The department of health must provide notice of the effective date of sections 1 through 27 of this act to affected parties, the chief of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department."

Correct the title.

Representative Hudgins spoke in favor of the adoption of the amendment.

Representatives Schmick and Cody spoke against the adoption of the amendment.

Amendment (631) was not adopted.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2452.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2452, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker. \par Voting nay: Representatives Condotta, Hudgins, McCaslin, Scott, Shea and Taylor.

Excused: Representative Johnson.

SUBSTITUTE HOUSE BILL NO. 2452, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2726, by Representatives Walkinshaw, Tharinger, Senn, Cody, Ortiz-Self, Magendanz and Goodman**

**Concerning the regulation of continuing care retirement communities.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2726 was substituted for House Bill No. 2726 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2726 was read the second time.

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

Representatives Walkinshaw and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2726.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2726, and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie and Mr. Speaker.

Voting nay: Representatives Chandler, Dye, Hargrove, Hickel, Holy, McCaslin, Scott, Shea, Stambaugh, Stokesbary, Taylor, Young and Zeiger.

Excused: Representative Johnson.

SECOND SUBSTITUTE HOUSE BILL NO. 2726, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2730, by Representatives Peterson, Walkinshaw, Ortiz-Self, Bergquist, Kagi, Gregerson, Kilduff, Frame and Pollet**

**Concerning the prescription drug monitoring program. Revised for 1st Substitute: Concerning the prescription monitoring program.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2730 was substituted for House Bill No. 2730 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2730 was read the second time.

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

Representatives Peterson, Schmick and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2730.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2730, and the bill passed the House by the following vote: Yeas, 80; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hargrove, Harris, Hawkins, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, DeBolt, Griffey, Harmsworth, Hayes, Hickel, Holy, Kristiansen, McCaslin, Pike, Scott, Shea, Taylor, Van Werven, Wilcox and Young.

Excused: Representative Johnson.

SUBSTITUTE HOUSE BILL NO. 2730, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative McBride to preside.

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

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading suspension calendar:

HOUSE BILL NO. 2300  
 HOUSE BILL NO. 2359  
 HOUSE BILL NO. 2435  
 HOUSE BILL NO. 2507  
 HOUSE BILL NO. 2522  
 HOUSE BILL NO. 2526  
 HOUSE BILL NO. 2671  
 HOUSE BILL NO. 2744  
 HOUSE BILL NO. 2936

The Speaker (Representative McBride presiding) called upon Representative Moeller to preside.

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

### SECOND READING

**SECOND SUBSTITUTE HOUSE BILL NO. 1999, by House Committee on Appropriations (originally sponsored by Representatives Carlyle, Kagi, Lytton, Walsh, Sawyer, Pettigrew, Ortiz-Self, Dent, Parker, Caldier, Goodman and Jinkins)**

**Coordinating services and programs for foster youth in order to improve educational outcomes.**

The bill was read the second time.

There being no objection, Fourth Substitute House Bill No. 1999 was substituted for Second Substitute House Bill No. 1999 and the fourth substitute bill was placed on the second reading calendar.

FOURTH SUBSTITUTE HOUSE BILL NO. 1999 was read the second time.

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

Representatives Senn and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Fourth Substitute House Bill No. 1999.

### ROLL CALL

The Clerk called the roll on the final passage of Fourth Substitute House Bill No. 1999, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon,

Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweiler, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin and Taylor.

Excused: Representative Johnson.

FOURTH SUBSTITUTE HOUSE BILL NO. 1999, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2394, by Representatives Walsh, Senn, Kagi, Moscoso, Kilduff, Kochmar, Dent, Holy, Sawyer, Jinkins, Tharinger, Magendanz, Fey, Tarleton, Zeiger, Sells, McBride, Bergquist, Pollet, Santos, S. Hunt and Goodman**

**Creating the parent to parent program for individuals with developmental disabilities.**

The bill was read the second time.

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

Representatives Walsh, Senn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2394.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2394, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweiler, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick,

Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Scott, Shea and Taylor.

Excused: Representative Johnson.

HOUSE BILL NO. 2394, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2449, by Representatives Orwall, Magendanz, Kagi, Santos, Senn, Peterson, Appleton, Moscoso, Goodman, Jinkins, Walkinshaw, Stanford, Clibborn, Sells, Fitzgibbon, Kilduff, Ryu, Bergquist, Pollet and S. Hunt**

**Providing court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2449 was substituted for House Bill No. 2449 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2449 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2449.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2449, and the bill passed the House by the following vote: Yeas, 86; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Dye, Holy, Kretz, McCaslin, Schmick, Scott, Shea, Short and Taylor.

Excused: Representative Johnson.

SECOND SUBSTITUTE HOUSE BILL NO. 2449, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2591, by Representatives Hargrove, Kagi, Walsh, Dent, Caldier, Senn, Frame, Muri, Zeiger, McBride, Ormsby and Gregerson**

**Notifying foster parents of dependency hearings and their opportunity to be heard in those hearings.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2591 was substituted for House Bill No. 2591 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2591 was read the second time.

Representative Hargrove moved the adoption of amendment (682):

On page 2, at the beginning of line 14, strike "parents." and insert "parent that is not directly related to the child's well-being."

Representatives Hargrove and Senn spoke in favor of the adoption of the amendment.

Amendment (682) was adopted.

The bill was ordered engrossed.

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

Representatives Hargrove and Senn spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2591.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2591, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt,

Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2591, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2615, by Representatives Pollet, Haler, Moscoso, Appleton, Fitzgibbon, Gregerson, Ormsby, Ortiz-Self, Lytton, Riccelli, Ryu, Reykdal, Cody, Tarleton, Frame, Van De Wege, Stanford and Goodman**

**Improving student success at community and technical colleges by considering benefits of full-time faculty and staff.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2615 was substituted for House Bill No. 2615 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2615 was read the second time.

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

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

Representatives Zeiger, Scott, Caldier and Parker spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2615.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2615, and the bill passed the House by the following vote: Yeas, 50; Nays, 46; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

Excused: Representative Johnson.

SUBSTITUTE HOUSE BILL NO. 2615, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2716, by Representatives Senn, Walsh, Kagi, Walkinshaw, McCabe, Ortiz-Self, Bergquist, Stanford, Gregerson, Ormsby and Goodman**

**Concerning working connections child care eligibility for vulnerable children.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2716 was substituted for House Bill No. 2716 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2716 was read the second time.

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

Representatives Senn, Walsh, Scott and Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2716.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2716, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Magendanz, Shea, Taylor and Van Werven.

Excused: Representative Johnson.

SUBSTITUTE HOUSE BILL NO. 2716, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2749, by Representatives Kagi and Ormsby**

**Extending dates concerning measuring performance and performance-based contracting of the child welfare system.**

The bill was read the second time.

Representative Kagi moved the adoption of amendment (693):

On page 3, after line 4, insert the following:

"Sec. 2. RCW 74.13.370 and 2012 c 205 s 9 are each amended to read as follows:

(1) Based upon the recommendations of the child welfare transformation design committee, including the two sets of outcomes developed by the committee under RCW 74.13.368(4)(b), the Washington state institute for public policy is to conduct a review of measurable effects achieved by the supervising agencies and compare those measurable effects with the existing services offered by the state. The report on the measurable effects shall be provided to the governor and the legislature no later than April 1, (~~2018~~) 2023.

(2) No later than December 1, 2014, the Washington state institute for public policy shall provide the legislature and the governor an initial report on the department's conversion to the use of performance-based contracts as provided in RCW 74.13B.020 and 74.13B.030. No later than June 30, 2016, the Washington state institute for public policy shall provide the governor and the legislature with a second report on the extent to which the use of performance-based contracting has resulted in:

(a) Increased use of evidence-based, research-based, and promising practices; and

(b) Improvements in outcomes for children, including child safety, child permanency, including reunification, and child well-being.

(3) The department and network administrators shall respond to the Washington institute for public policy's request for data and other information with which to complete these reports in a timely manner.

(4) The Washington state institute for public policy must consult with a university-based child welfare research entity to evaluate performance-based contracting."

Correct the title.

Representatives Kagi and Walsh spoke in favor of the adoption of the amendment.

Amendment (693) was adopted.

The bill was ordered engrossed.

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

Representatives Kagi and Walsh spoke in favor of the passage of the bill.

Representative Scott spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2749.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2749, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Holy, McCaslin, Scott, Shea, Taylor and Young.

Excused: Representative Johnson.

ENGROSSED HOUSE BILL NO. 2749, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2895, by Representative MacEwen**

**Concerning alien victims of certain qualifying criminal activity. Revised for 1st Substitute: Enhancing crime victim participation in the criminal justice system process.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2895 was substituted for House Bill No. 2895 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2895 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2895.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2895, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea, Taylor and Young.

Excused: Representative Johnson.

SUBSTITUTE HOUSE BILL NO. 2895, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2807, by Representatives Dye, Moscoso, Schmick, Fey and Tarleton**

**Concerning heavy haul industrial corridors.**

The bill was read the second time.

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

Representatives Dye, Clibborn, Orcutt, Fey, Wilcox and Pollet spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2807.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2807, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

HOUSE BILL NO. 2807, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative Wilcox congratulated Representative Dye on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

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

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 2640 and the bill was placed on the second reading suspension calendar.

#### RESOLUTION

**HOUSE RESOLUTION NO. 2016-4661, by Representatives Chopp, Kristiansen, Appleton, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, S. Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger**

WHEREAS, As citizens of this country we are eternally indebted to the men and women who courageously serve in

our military, who sacrifice everything in order to protect our liberties; and

WHEREAS, The families of these service men and women also serve our country by bravely supporting their husbands, wives, fathers, mothers, sisters, and brothers; and

WHEREAS, A child who loses a mother or father while that parent is serving their country is a special child who will endure deep pain throughout their lives in the absence of their mother or father; and

WHEREAS, These children deserve gratitude, much like the parents they lost, for their service and sacrifice; and

WHEREAS, The Gold Star Child Program works to recognize, support, and empower American children who have a parent who died while serving in the United States military; and

WHEREAS, The program's slogan, "Military kids serve too!" reminds people that these children deserve respect and support; and

WHEREAS, Seattle Seahawks wide receiver and Pacific Northwest native, Jermaine Kearse, created the 15 to 1: Jermaine Kearse Foundation in 2015 to support and inspire youth in military families; and

WHEREAS, As a former youth in a military family, Mr. Kearse understands the adversity facing youth who grow up in a military family; and

WHEREAS, The 15 to 1: Jermaine Kearse Foundation's mission is to provide access to engaging experiences that serve to ignite the passions and enhance the development of youth in our military communities; and

WHEREAS, With the support of the 15 to 1: Jermaine Kearse Foundation, six Gold Star children, each with a guest of their choice, were able to attend the final Seahawks home game on December 27, 2015; and

WHEREAS, Jermaine Kearse was the Seahawks' nominee for the 2015 Salute to Service Award, which is presented by the NFL and USAA to a league member who demonstrates an exemplary commitment to honoring and supporting the military community;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the 15 to 1: Jermaine Kearse Foundation, thanks to whom the state of Washington is able to honor the service of military children; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the 15 to 1: Jermaine Kearse Foundation and the Gold Star Children.

The Speaker (Representative Moeller presiding) stated the question before the House to be adoption of House Resolution No. 4661.

HOUSE RESOLUTION NO. 4661 was adopted.

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

## SECOND READING

**HOUSE BILL NO. 2309, by Representatives Smith, Stanford, Griffey, Haler, Wilcox, Tharinger and Moscoso**

**Increasing the available term of water pollution control revolving fund program loans to reflect the 2014 amendments to the federal clean water act allowing such an increase.**

The bill was read the second time.

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

Representatives Smith and Stanford spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2309.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2309, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jenkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Johnson.

HOUSE BILL NO. 2309, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2430, by Representatives Stanford, Lytton, Tarleton and Fitzgibbon**

**Preserving water resources for an array of water supply needs, including irrigated agriculture, fish and wildlife habitat, and municipal use, by updating water conservation standards for appliances.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2430 was substituted for House Bill No. 2430 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2430 was read the second time.

Representative Stanford moved the adoption of amendment (691):

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds that:

(1) Water is a finite resource, yet clean and plentiful water is essential to both healthy communities and ecosystems. Making better use of our existing water supplies will help ensure that more water remains available for agriculture, instream flows and fish, homes and businesses, and for other socially productive purposes;

(2) Plumbing fixtures, including faucets, showerheads, toilets, and urinals, are a major year-round source of water use;

(3) Water-efficient plumbing fixtures perform as well or better than standard models and save money on water and sewer bills for the state's families, businesses, schools, and local governments;

(4) Besides saving water and reducing a customer's costs, water efficiency offers other benefits:

(a) Substantial energy savings from more efficient faucets and showerheads;

(b) Less wastewater that requires collection, treatment, and disposal; and

(c) Less pollution from treated wastewater in our streams and waterways;

(5) Current Washington codes adopt nationally recognized performance and water efficiency standards by which plumbing fixtures and fitting efficiencies are measured. While Washington has not updated its water conservation standards since 1993, the current state building and plumbing codes do include standards that apply to defined types of plumbing fixtures "high efficiency toilet," "dual flush toilet," and "single flush toilet"; and

(6) The state building code council adopts and maintains the state building code and accordingly requires standards in terms of performance and nationally accepted standards. The state building code council regularly reviews updated versions of the model codes that comprise the state building code, and adopts and amends the state building code in a manner that is consistent with the state's interests as prescribed by law.

**Sec. 2.** RCW 90.54.180 and 2007 c 445 s 9 are each amended to read as follows:

Consistent with the fundamentals of water resource policy set forth in this chapter, state and local governments, individuals, corporations, groups and other entities shall be encouraged to carry out water use efficiency and conservation programs and practices consistent with the following:

(1) Water efficiency and conservation programs should utilize an appropriate mix of economic incentives, cost share programs, regulatory programs, and technical and public information efforts. Programs which encourage voluntary participation are preferred. Programs should also consider the water efficiency standards established in RCW 19.27.170 and should prioritize gaps that are not covered by state efficiency standards or rules and that possess substantial potential for water conservation achievements.

(2) Increased water use efficiency and reclaimed water should receive consideration as a potential source of water

in state and local water resource planning processes. In determining the cost-effectiveness of alternative water sources, consideration should be given to the benefits of conservation, waste water recycling, and impoundment of waters. Where reclaimed water is a feasible replacement source of water, it shall be used by state agencies and state facilities for nonpotable water uses in lieu of the use of potable water. For purposes of this requirement, feasible replacement source means (a) the reclaimed water is of adequate quality and quantity for the proposed use; (b) the proposed use is approved by the departments of ecology and health; (c) the reclaimed water can be reliably supplied by a local public agency or public water system; and (d) the cost of the reclaimed water is reasonable relative to the costs of conservation or other potentially available supplies of potable water, after taking into account all costs and benefits, including environmental costs and benefits.

(3) In determining the cost-effectiveness of alternative water sources, full consideration should be given to the benefits of storage which can reduce the damage to stream banks and property, increase the utilization of land, provide water for municipal, industrial, agricultural, and other beneficial uses, provide for the generation of electric power from renewable resources, and improve streamflow regimes for fishery and other instream uses.

(4) Entities receiving state financial assistance for construction of water source expansion or acquisition of new sources shall develop, and implement if cost-effective, a water use efficiency and conservation element of a water supply plan pursuant to RCW 43.20.230(1).

(5) State programs to improve water use efficiency should focus on those areas of the state in which water is overappropriated; areas that experience diminished streamflows or aquifer levels; regional areas that the governor has identified as high priority for investments in improved water quality and quantity, including the Spokane river, the Columbia river basin, and the Puget Sound; areas most likely to be affected by global warming; and areas where projected water needs, including those for instream flows, exceed available supplies.

(6) Existing and future generations of citizens of the state of Washington should be made aware of the importance of the state's water resources and the need for wise and efficient use and development of this vital resource. In order to increase this awareness, state agencies should integrate public information programs on increasing water use efficiency into existing public information efforts. This effort shall be coordinated with other levels of government, including local governments and Indian tribes.

**Sec. 3.** RCW 19.27.170 and 1991 c 347 s 16 are each amended to read as follows:

(1) The state building code council shall adopt rules under chapter 34.05 RCW, not later than during the 2018 code adoption period and to become effective by no later than July 1, 2019, that implement and incorporate the water conservation performance standards in this subsection and subsections (4) and (5) of this section. These standards shall apply to all new construction and all remodeling involving replacement of plumbing fixtures in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water.

(2) ~~((The legislature recognizes that a phasing in approach to these new standards is appropriate. Therefore, standards in subsection (4) of this section shall take effect on July 1, 1990. The standards in subsection (5) of this section shall take effect July 1, 1993.))~~ By July 1, 2018, all fixtures, fittings, and toilets sold, offered for sale, or distributed in the state shall meet the requirements of subsection (4) of this section, except the following:

- (a) Toilets used by children in day care facilities;
- (b) Toilets used in bariatric applications;
- (c) Toilets used in a correctional facility as defined in RCW 72.09.015 and juvenile confinement facilities pursuant to RCW 13.04.030; and
- (d) Toilets used in any state hospital established under RCW 72.23.020, any psychiatric unit of a hospital licensed under chapter 70.41 RCW, any licensed service provider licensed under chapter 71.24 RCW, or any evaluation and treatment facility as defined in RCW 71.05.020.

(3)(a) No individual, public or private corporation, firm, political subdivision, government agency, or other legal entity may, for purposes of use in this state, distribute, sell, offer for sale, import, install, or approve for installation any plumbing fixtures unless the fixtures meet the standards as provided for in this section.

(b) If a retailer is able to show proof that a product prohibited for sale under this subsection was in stock and physically in the retail location before the effective date of this section, that retail location may sell that product until it is depleted, or until January 1, 2019.

(4)(a) Standards for water use efficiency effective by no later than July 1, ~~((1990))~~ 2019.

~~((#))~~ (i) Standards for waterclosets. The ~~((guideline))~~ requirement for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

Tank-type toilets .....	<del>((3.5))</del> 1.28 gpf.
Flushometer( <del>-valve</del> ) nontank toilets ....	<del>((3.5))</del> 1.6 gpf.
<del>((Flushometer tank toilets-.....</del>	3.5 gpf.
Electromechanical hydraulic toilets .....	3.5 gpf.))

~~((#))~~ (ii) Standard for urinals. The ~~((guideline))~~ requirement for maximum water use allowed for any urinal is ~~((3.0))~~ 0.5 gallons per flush.

~~((#))~~ (iii) Standard for showerheads. The guideline for maximum water use allowed for any showerhead is ~~((3.0))~~ 2.5 gallons per minute.

~~((#))~~ (iv) Standard for faucets. The ~~((guideline))~~ requirement for maximum water use allowed in gallons per minute (gpm) for any of the following faucets and replacement aerators is the following:

<del>((Bathroom))</del> Lavatory faucets .....	<del>((3.0))</del> 1.2 gpm.
Public lavatory faucets other than metered .....	<del>((3.0))</del> 0.5 gpm.
Kitchen faucets .....	<del>((3.0))</del> 2.2 gpm.
Replacement aerators .....	<del>((3.0))</del> 2.2 gpm.

~~((#))~~ (v) Except where designed and installed for use by ~~((the physically handicapped))~~ individuals with disabilities, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing). Metered faucets must deliver a maximum of 0.26 gallons per cycle.

~~((#))~~ (vi) No urinal or watercloset that operates on a continuous flow or continuous flush basis shall be permitted.

(b) The water efficiency standards adopted pursuant to this subsection (4) do not apply to alternative technologies that do not rely on water flushing in order to function, including incineration toilets or composting toilets.

(5) Standards for water use efficiency effective July 1, ~~((1993))~~ 2022.

~~((#))~~ Standards for waterclosets. The ~~((guideline))~~ requirement for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

<del>((Tank type toilets-.....</del>	1.6 gpf.))
Flushometer( <del>-tank</del> ) toilets .....	<del>((1.6))</del> 1.28 gpf.
<del>((Electromechanical hydraulic toilets-....</del>	1.6 gpf.

(b) Standards for urinals. The guideline for maximum water use allowed for any urinal is 1.0 gallons per flush.

(e) Standards for showerheads. The guideline for maximum water use allowed for any showerhead is 2.5 gallons per minute.

(d) Standards for faucets. The guideline for maximum water use allowed in gallons per minute for any of the following faucets and replacement aerators is the following:

Bathroom faucets .....	2.5 gpm.
Lavatory faucets .....	2.5 gpm.
Kitchen faucets .....	2.5 gpm.
Replacement aerators .....	2.5 gpm.

(e) Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by water pressure when unattended (self closing).

(f) No urinal or watercloset that operates on a continuous flow or continuous basis shall be permitted.)

(6) The building code council shall ~~((establish methods and procedures for testing and identifying fixtures that meet the standards established in subsection (5) of this section. The council shall use the testing standards designated as American national standards, written under American national standards institute procedures or other widely recognized national testing standards. The council shall either review test results from independent testing laboratories that are submitted by manufacturers of plumbing fixtures or accept data submitted to and evaluated by the international association of plumbing and mechanical officials. The council shall publish and widely distribute a current list of fixtures that meet the standards established in subsection (5) of this section.~~

(7) The building code council shall adopt rules for marking and labeling fixtures meeting the standards established in subsection (5) of this section.

(8) This section shall not apply to fixtures installed before July 28, 1991, that are removed and relocated to

~~another room or area of the same building after July 28, 1991, nor shall it apply to fixtures, as determined by the council, that in order to perform a specialized function, cannot meet the standards specified in this section)) recognize conformity assessment bodies conforming to ISO/IEC 17065 requirements for bodies certifying products, processes, and services for the testing and listing of fixtures and fittings as adopted in the state building code and the standards as established in subsections (1), (4), and (5) of this section.~~

~~((9))~~ (7) The water conservation performance standards shall supersede all local government codes. After ~~(July 1, 1990)~~ the rule effective date established in subsection (1) of this section, cities, towns, and counties shall not amend the code revisions and standards established under subsection (4) or (5) of this section."

Correct the title.

Representatives Stanford and Buys spoke in favor of the adoption of the amendment.

Amendment (691) was adopted.

The bill was ordered engrossed.

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

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

Representative Buys spoke against the passage of the bill.

### **MOTION**

On motion of Representative Harris, Representative MacEwen was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2430.

### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2430, and the bill passed the House by the following vote: Yeas, 50; Nays, 45; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, S. Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy,

Klippert, Kochmar, Kretz, Kristiansen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

Excused: Representatives Johnson and MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2430, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2575, by Representatives Farrell, Fitzgibbon, Peterson, Walkinshaw, Frame, McBride, Stanford, Jinkins, Ormsby, Gregerson, Senn, Pollet and Tharinger**

**Continuing state efforts to increase oil transportation safety.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2575 was substituted for House Bill No. 2575 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2575 was read the second time.

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

Representatives Farrell and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2575.

### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2575, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler and Taylor.

Excused: Representatives Johnson and MacEwen.

SUBSTITUTE HOUSE BILL NO. 2575, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1645, by Representatives Pollet, Harris, Carlyle, Cody, Johnson, Tharinger, Robinson, Lytton, Kagi, Ryu, S. Hunt, Farrell, Moscoso, Riccelli, McBride and Jinkins**

**Concerning youth substance use prevention associated with tobacco and drug delivery e-cigarettes and vapor products.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1645 was substituted for House Bill No. 1645 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1645 was read the second time.

Representative Cody moved the adoption of amendment (685):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 4.** (1) The legislature finds that the availability and use of nicotine vapor inhalation products, such as e-cigarettes, e-devices, and vape pens, have increased dramatically in recent years, and that the use of such products has become commonplace in this state on the part of both adults and youth. The low cost of e-cigarettes and nicotine liquids for vapor products, as compared to cigarettes, is a key factor with respect to the popularity of such products. Despite the increasing popularity of vapor products and the resultant rapid expansion of the vapor products market, commerce in such products is wholly unregulated at the state level and is not subject to the legal requirements regarding youth access, public health disclosures, licensing, or taxation, applicable to commerce in cigarettes and other tobacco products.

(2) The potential public health risks posed by vapor products are many-faceted, and include nicotine addiction, liquid nicotine poisoning, the potential inhalation of carcinogens and toxic substances, and the adverse effects of nicotine on adolescent brain development. When exposed to heat, the nicotine solutions used in vapor products can generate a range of chemical byproducts that may have adverse health consequences when inhaled. The specific chemistry of the liquid nicotine solutions used in vapor products is not standardized and neither manufacturers nor retailers are required to disclose the chemical contents of the solutions. Consumers, therefore, have no way of determining exactly what substances they are inhaling or what the health consequences of such inhalation might be.

(3) When absorbed through the skin liquid nicotine may be toxic to both adults and children. In Washington, poison center calls related to vapor products have increased from

two in 2010 to one hundred forty-four in the first nine months of 2014, ninety-seven of which involved children. Of the calls involving children, eighty-four percent were one to three years old. However, due to the current lack of regulation, vapor product manufacturers, distributors, and retailers are not subject to labeling and advertising requirements or other regulations designed to provide consumers with product safety warnings or other health-related information.

(4) The current easy access to vapor products is particularly problematic with respect to teenagers. A study conducted by the Centers for Disease Control and Prevention (CDC) reported that in 2013 more than a quarter of a million youth who had never smoked a cigarette had used vapor products. The CDC also noted that in 2011 this number was seventy-nine thousand, which increased to more than two hundred sixty-three thousand in 2013, thus reflecting a more than threefold increase in the number of youth using vapor products during this three-year period. Such statistics underscore the urgent need for the creation of a comprehensive regulatory framework governing commerce in vapor products, especially with respect to restricting access to such products by children and teenagers.

(5) It is well-understood that the ability to make rational decisions regarding risky behaviors such as smoking cigarettes and drinking alcohol is less developed in teenagers as compared to adults, and our legal system has traditionally responded by protecting teenagers from such risks through the restriction or prohibition of teen involvement in such activities. As is the case with commerce in cigarettes and alcohol, the vapor products market requires regulatory oversight that focuses upon preventing children and teenagers from accessing and using products that can cause addiction and other adverse health consequences.

(6) In order to ensure that youth access to vapor products is subject to comprehensive regulatory controls, it is imperative that the statutory framework for the regulation of vapor products includes a prohibition on the shipment or transportation of vapor products purchased at retail through the internet. Simply requiring motor carrier delivery companies to verify the age of the customer at the time of delivery is not an option, insofar as the United States supreme court has ruled that such state-imposed age verification procedures are preempted by federal laws regulating the services that may be provided by motor carriers. Furthermore, allowing consumers to make vapor products purchases via the internet would make it all but impossible to ensure that vapor products purchased by state residents meet state legal standards regarding child-resistant packaging and public health disclosure requirements. Accordingly, a complete ban on internet sales is the least restrictive, and most practical, means of preventing minors from making illegal purchases and ensuring that vapor products meet state packaging and product disclosure standards.

(7) Although it is clear that commerce in vapor products should be subject to stringent regulatory controls, the development of a regulatory framework must be tempered by an awareness of the potential for creating an illegal black market in vapor products. If regulatory measures related to licensing and taxation unduly restrict the development of the market, and thus cause extreme increases in retail prices,

then the stage will be set for the emergence of a black market similar to that experienced by the cigarette industry.

(8) The legislature finds, therefore, that this act is necessary to protect the public health, safety, and welfare by preventing youth from having access to addictive vapor products, ensuring that consumers have accurate information about potentially dangerous products, and protecting the public from nicotine poisoning.

**Sec. 5.** RCW 26.28.080 and 2013 c 47 s 1 are each amended to read as follows:

(1) ~~((Every))~~ A person who sells or gives, or permits to be sold or given, to ~~((any))~~ a person under the age of eighteen years any cigar, cigarette, cigarette paper or wrapper, tobacco in any form, or a vapor product is guilty of a gross misdemeanor.

(2) ~~It ~~((shall be no))~~ is not a~~ defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) For the purposes of this section, "vapor product" ~~((means a noncombustible tobacco derived product containing nicotine that employs a mechanical heating element, battery, or circuit, regardless of shape or size, that can be used to heat a liquid nicotine solution contained in cartridges. Vapor product does not include any product that is regulated by the United States food and drug administration under chapter V of the federal food, drug, and cosmetic act))~~ has the same meaning as provided in RCW 70.155.010.

**Sec. 6.** RCW 28A.210.310 and 1997 c 9 s 1 are each amended to read as follows:

(1) To protect children in the public schools of this state from exposure to the addictive substance of nicotine, each school district board of directors ~~((shall))~~ must have a written policy mandating a prohibition on the use of all tobacco products and vapor products on public school property, in school-owned and other approved vehicles used to transport students to and from school or school activities, and at school-sponsored or school-approved activities.

(2) The policy in subsection (1) of this section ~~((shall))~~ must include, but not be limited to, a requirement that students and school personnel be notified of the prohibition, the posting of signs prohibiting the use of tobacco products and vapor products, sanctions for students and school personnel who violate the policy, and a requirement that school district personnel enforce the prohibition. Enforcement policies adopted in the school board policy ~~((shall be))~~ are in addition to the enforcement provisions in RCW 70.160.070.

(3) For purposes of this section, "vapor product" means any: (a) Device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; (b) cartridge or container of a solution or substance intended to be used with or in such a device or to refill such a device; or (c) solution or substance intended for use in such a device, including, but not limited to, concentrated nicotine. "Vapor product" includes any electronic cigarettes, electronic nicotine delivery systems, electronic cigars, electronic cigarillos, electronic pipes, vape pens, or similar products or devices, as well as any parts that can be used to build such products or devices. "Vapor product" does not include any drug, device, or combination

product approved for sale by the United States food and drug administration that is marketed and sold for such approved purpose.

**Sec. 7.** RCW 70.155.010 and 2009 c 278 s 1 are each amended to read as follows:

The definitions ~~((set forth))~~ in this section and RCW 82.24.010 ~~((shall apply to this chapter. In addition, for the purposes of this chapter, unless otherwise required by the context))~~ apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the Washington state liquor ~~((control))~~ and cannabis board.

(2) "Concentrated nicotine" means any solution or substance with a nicotine concentration greater than ten milligrams per milliliter.

(3) "Department" means the department of health.

(4) "Distributor" means: (a) Any person who sells vapor products to persons other than ultimate consumers; or (b) any person who meets the definition of distributor under RCW 82.26.010.

(5) "Internet" means any computer network, telephonic network, or other electronic network.

~~((3))~~ (6) "Manufacturer" means any person, including but not limited to a repacker or relabeler, who manufactures, fabricates, assembles, processes, or labels a vapor product or who imports a finished vapor product for sale or distribution into the United States.

(7) "Minor" refers to an individual who is less than eighteen years old.

~~((4))~~ (8) "Packaging" means a pack, box, carton, wrapping, or container of any kind in which a vapor product is sold or offered for sale to a consumer.

(9) "Person" means any natural person, partnership, firm, joint stock company, corporation, or other legal entity, including an employee of any such entity.

(10) "Retailer" means any person engaged in the business of selling tobacco products or vapor products to ultimate consumers.

(11) "Sale" means any transfer, exchange, or barter, in any manner or by any means, for consideration, and includes all sales made by any person. "Sale" includes a gift by a person engaged in the business of selling tobacco products or vapor products for advertising, promoting, or as a means of evading the provisions of this chapter.

(12) "Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes.

~~((5))~~ (13) "Sampling" means the distribution of samples to members of the public.

~~((6))~~ (14) "Tobacco product" means a product that contains tobacco and is intended for human use, including ~~((any product))~~ "cigarettes" defined in RCW 82.24.010~~((2))~~ or "tobacco products" defined in RCW 82.26.010~~((4))~~, except that for the purposes of RCW 70.155.140 only, "tobacco product" does not include cigars defined in RCW 82.26.010 as to which one thousand units weigh more than three pounds.

(15) "Vapor product" means any: (a) Device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; (b) cartridge or container of a solution or substance intended to be used with or in such a device or to

refill such a device; or (c) solution or substance intended for use in such a device, including, but not limited to, concentrated nicotine. "Vapor product" includes any electronic cigarettes, electronic nicotine delivery systems, electronic cigars, electronic cigarillos, electronic pipes, vape pens, or similar products or devices, as well as any parts that can be used to build such products or devices. "Vapor product" does not include any drug, device, or combination product approved for sale by the United States food and drug administration that is marketed and sold for such approved purpose.

**Sec. 8.** RCW 70.155.020 and 1993 c 507 s 3 are each amended to read as follows:

A person who holds a license issued under RCW ~~((82.24.520 or 82.24.530 shall))~~ 82.24.510, 82.26.150, or section 23 of this act must:

(1) Display the license or a copy in a prominent location at the outlet for which the license is issued; and

(2)(a) Display a sign concerning the prohibition of tobacco product and vapor product sales to minors.

(b) Such sign ~~((shall))~~ must:

~~((a))~~ (i) Be posted so that it is clearly visible to anyone purchasing tobacco products or vapor products from the licensee;

~~((b))~~ (ii) Be designed and produced by the department of health to read: "THE SALE OF TOBACCO PRODUCTS AND VAPOR PRODUCTS TO PERSONS UNDER AGE 18 IS STRICTLY PROHIBITED BY STATE LAW. IF YOU ARE UNDER 18, YOU COULD BE PENALIZED FOR PURCHASING A TOBACCO PRODUCT OR A VAPOR PRODUCT; PHOTO ID REQUIRED"; and

~~((c))~~ (iii) Be provided free of charge by the ~~((liquor control))~~ board.

**NEW SECTION. Sec. 9.** A new section is added to chapter 70.155 RCW to read as follows:

A person who holds a license issued under chapter 82.24 or 82.26 RCW or section 23 of this act must conduct the business and maintain the premises in compliance with Titles 9 and 9A RCW and chapter 69.50 RCW.

**Sec. 10.** RCW 70.155.030 and 1994 c 202 s 1 are each amended to read as follows:

Unless preempted by federal law, no person ~~((shall))~~ may sell or permit to be sold any tobacco product or vapor product through any device that mechanically dispenses tobacco products or vapor products unless the device is located fully within premises from which minors are prohibited or in industrial worksites where minors are not employed and not less than ten feet from all entrance or exit ways to and from each premises. The board ~~((shall))~~ must adopt rules that allow an exception to the requirement that a device be located not less than ten feet from all entrance or exit ways to and from a premises if it is architecturally impractical for the device to be located not less than ten feet from all entrance and exit ways.

**Sec. 11.** RCW 70.155.050 and 2006 c 14 s 3 are each amended to read as follows:

(1) Unless preempted by federal law, no person may engage in the business of sampling tobacco products or vapor products.

(2) ~~((A violation of this section is a misdemeanor.))~~ No person may offer a tasting of vapor products to the general public unless:

(a) The person is a licensed retailer under section 23 of this act;

(b) The tastings are offered only within the licensed premises operated by the licensee and the products tasted are not removed from within the licensed premises by the customer; and

(c) Entry into the licensed premises is restricted to persons eighteen years of age or older.

(3) A violation of this section is a misdemeanor.

**Sec. 12.** RCW 70.155.070 and 1993 c 507 s 8 are each amended to read as follows:

No person ~~((shall))~~ may give or distribute vapor products, cigarettes, or other tobacco products to a person by a coupon if such coupon is redeemed in any manner that does not require an in-person transaction in a retail store.

**Sec. 13.** RCW 70.155.140 and 2009 c 278 s 2 are each amended to read as follows:

(1) A person may not:

(a) Ship or transport, or cause to be shipped or transported, any tobacco product or vapor product ordered or purchased by mail or through the internet to anyone in this state other than a licensed wholesaler, distributor, or retailer; or

(b) With knowledge or reason to know of the violation, provide substantial assistance to a person who is in violation of this section.

(2) This section does not prohibit shipping, selling, or transporting, or causing to be sold, shipped, or transported, concentrated nicotine ordered or purchased by mail or through the internet to a person who:

(a) Is engaged in business in this state;

(b) Has a documented commercial or industrial need for concentrated nicotine that is not related to the sale, distribution, or manufacture of vapor products; and

(c) Receives a waiver from the board.

(3)(a) A person who knowingly violates subsection (1) of this section is guilty of a class C felony, except that the maximum fine that may be imposed is five thousand dollars.

(b) In addition to or in lieu of any other civil or criminal remedy provided by law, a person who has violated subsection (1) of this section is subject to a civil penalty of up to five thousand dollars for each violation. The attorney general, acting in the name of the state, may seek recovery of the penalty in a civil action in superior court. For purposes of this subsection, each shipment or transport of tobacco products or vapor products constitutes a separate violation.

~~((3))~~ (4) The attorney general may seek an injunction in superior court to restrain a threatened or actual violation of subsection (1) of this section and to compel compliance with subsection (1) of this section.

~~((4))~~ (5) Any violation of subsection (1) of this section is not reasonable in relation to the development and preservation of business and is an unfair and deceptive act or practice and an unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020. Standing to bring an action to enforce RCW 19.86.020 for violation of subsection (1) of this section lies solely with the attorney general. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

~~((5))~~ (6)(a) In any action brought under this section, the state is entitled to recover, in addition to other relief, the

costs of investigation, expert witness fees, costs of the action, and reasonable attorneys' fees.

(b) If a court determines that a person has violated subsection (1) of this section, the court (~~(shall)~~ **must** order any profits, gain, gross receipts, or other benefit from the violation to be disgorged and paid to the state treasurer for deposit in the general fund.

~~((6))~~ (7) Unless otherwise expressly provided, the penalties or remedies, or both, under this section are in addition to any other penalties and remedies available under any other law of this state.

**NEW SECTION. Sec. 14.** A new section is added to chapter 70.155 RCW to read as follows:

(1) The packaging for a vapor product must have a label disclosing the amount of nicotine in milligrams per milliliter of liquid along with the total volume of the liquid contents of the product in milliliters. The manufacturer and the distributor of a vapor product are each responsible for such labeling and may not market, distribute, or offer for sale a vapor product that does not meet this labeling requirement. The board must specify by rule the uniform testing methodology that must be used by manufacturers and distributors in determining the nicotine content of a vapor product for the purposes of this required disclosure. If the federal government adopts or requires a different testing methodology or standard, the federal methodology or standard preempts board rules adopted under this subsection (1). The board and the department may utilize revenues derived from licensing fees to conduct vapor product testing in order to verify the accuracy of a nicotine content disclosure. The board must adopt rules regarding the penalties to be imposed upon a manufacturer or distributor for a violation of this subsection (1).

(2) In addition to the labeling required under subsection (1) of this section, and subject to the provisions of this section, the board, in consultation with the department, must adopt rules regarding vapor product labeling and advertising disclosure requirements. These rules must address requirements regarding product health and safety warnings and the disclosure of the ingredients contained in vapor products that are advertised or offered for sale in this state.

(3) Prior to the adoption of the rules required under this section, the board and the department must jointly conduct a study that includes:

(a) The identification of the chemicals and substances commonly found in the liquids contained in vapor products;

(b) The identification of the chemicals and substances contained in the vapors or aerosols emitted from vapor products;

(c) The determination of whether any of the chemicals or substances contained within, or emitted from, vapor products contain toxins or carcinogens, or otherwise pose a risk to public health and safety; and

(d) Any other matter relating to potential health risks posed by the use of vapor products, as determined by the board and the department.

(4) In conducting the study, the board and the department must consult with the following:

(a) Scientists, physicians, researchers, academics, or other professionals with expertise relevant to the understanding of the design, operation, and/or health effects of vapor products;

(b) Public health professionals and organizations;

(c) Vapor product manufacturers, distributors, and/or retailers;

(d) Governmental representatives; and

(e) Other individuals or entities with relevant expertise, as determined by the board and the department.

(5) Upon completion of the study, and prior to the adoption of the rules authorized under this section, the board must prepare a written report regarding the results of the study and containing findings and recommendations regarding vapor product labeling and advertising requirements. The report must be submitted to the governor and the appropriate committees of the legislature not later than December 1, 2016.

**NEW SECTION. Sec. 15.** A new section is added to chapter 70.155 RCW to read as follows:

(1) Unless preempted by federal law, the board is authorized to promulgate rules regulating the chemical composition of the liquids contained in vapor products, including substances included for flavoring purposes. In developing such rules the board must consult with the department.

(2) Upon request by the board or the department, either the manufacture or the distributor of a vapor product must provide the board with a list of all substances, and their relative proportions, contained in the liquid contents of the product.

(3) The board may prohibit the sale of vapor products that contain or emit chemicals or substances, other than nicotine, that pose a substantial threat to public health and safety.

**NEW SECTION. Sec. 16.** A new section is added to chapter 70.155 RCW to read as follows:

(1) No person may offer a tobacco product or a vapor product for sale in an open, unsecured display that is accessible to the public without the intervention of a store employee.

(2) This section does not apply to a person licensed under RCW 82.24.520, 82.24.530, 82.26.160, 82.26.170, or section 23 of this act if access to the licensed premises is restricted to individuals who are eighteen years of age or older.

**NEW SECTION. Sec. 17.** A new section is added to chapter 70.155 RCW to read as follows:

(1) Unless preempted by federal law, any substance intended for use in a vapor product that is sold at retail in this state must satisfy the child-resistant effectiveness standards under 16 C.F.R. Sec. 1700, the poison prevention packaging act, as it existed on the effective date of this section, or such subsequent date as may be provided by the board by rule, consistent with the purposes of this section.

(2) A substance contained in a cartridge sold, marketed, or intended for use in a vapor product that is prefilled and sealed by the manufacturer, and not intended to be opened by the consumer, is exempt from subsection (1) of this section.

(3) A manufacturer that knowingly sells or distributes a substance intended for use in a vapor product that does not satisfy the requirements of this section is guilty of a class C felony.

(4) The provisions of this section are null and void and of no force and effect, upon the effective date of final

regulations issued by the United States food and drug administration or from any other federal agency, where such regulations mandate child-resistant effectiveness standards for liquid nicotine containers.

**NEW SECTION. Sec. 18.** A new section is added to chapter 70.155 RCW to read as follows:

A person may not sell, offer for sale, or possess with intent to sell or offer for sale any vapor product within the state that contains a substance that increases the absorption of nicotine as determined by the board in consultation with the department.

**Sec. 19.** RCW 70.155.080 and 2002 c 175 s 47 are each amended to read as follows:

(1) A person under the age of eighteen who purchases or attempts to purchase, possesses, or obtains or attempts to obtain cigarettes ~~((#))~~, tobacco products, or vapor products commits a class 3 civil infraction under chapter 7.80 RCW and is subject to a fine as set out in chapter 7.80 RCW or participation in up to four hours of community restitution, or both. The court may also require participation in a ~~((smoking))~~ cessation program. This provision does not apply if a person under the age of eighteen, with parental authorization, is participating in a controlled purchase as part of a ~~((liquor control))~~ board, law enforcement, or local health department activity.

(2) Municipal and district courts within the state have jurisdiction for enforcement of this section.

**Sec. 20.** RCW 70.155.090 and 2006 c 14 s 4 are each amended to read as follows:

(1) Where there may be a question of a person's right to purchase or obtain tobacco products or vapor products by reason of age, the retailer or agent thereof ~~((shall))~~ must require the purchaser to present any one of the following officially issued identification that shows the purchaser's age and bears his or her signature and photograph: (a) ~~((Liquor control authority card of identification of a state or province of Canada; (b)))~~ Driver's license, instruction permit, or identification card of a state or province of Canada; ~~((#))~~ (b) "identocard" issued by the Washington state department of licensing under chapter 46.20 RCW; ~~((#))~~ (c) United States military identification; ~~((#))~~ (d) passport; ~~((#))~~ (e) enrollment card, issued by the governing authority of a federally recognized Indian tribe located in Washington, that incorporates security features comparable to those implemented by the department of licensing for Washington drivers' licenses. At least ninety days prior to implementation of an enrollment card under this subsection, the appropriate tribal authority ~~((shall))~~ must give notice to the board. The board ~~((shall))~~ must publish and communicate to licensees regarding the implementation of each new enrollment card; or ~~((#))~~ (f) merchant marine identification card issued by the United States coast guard.

(2) It is a defense to a prosecution under RCW 26.28.080 that the person making a sale reasonably relied on any of the officially issued identification as defined in subsection (1) of this section. The ~~((liquor control))~~ board ~~((shall))~~ must waive the suspension or revocation of a license if the licensee clearly establishes that he or she acted in good faith to prevent violations and a violation occurred despite the licensee's exercise of due diligence.

**Sec. 21.** RCW 70.155.100 and 2006 c 14 s 5 are each amended to read as follows:

(1) The ~~((liquor control))~~ board may suspend or revoke a retailer's license issued under RCW 82.24.510(1)(b), 82.26.150(1)(b), or section 23(1)(b) of this act held by a business at any location, or may impose a monetary penalty as set forth in subsection (2) of this section, if the ~~((liquor control))~~ board finds that the licensee has violated RCW 26.28.080, 70.155.020 ~~((, 70.155.030, 70.155.040, 70.155.050, 70.155.070, or 70.155.090))~~ through 70.155.070, 70.155.090, sections 6 and 12 through 15 of this act, or 21 C.F.R. Sec. 1140.14 as it exists on the effective date of this section.

(2) The sanctions that the ~~((liquor control))~~ board may impose against a person licensed under RCW ~~((82.24.530))~~ 82.24.510(1)(b), 82.26.150(1)(b), or section 23(1)(b) of this act based upon one or more findings under subsection (1) of this section may not exceed the following:

(a) For violations of RCW 26.28.080 ~~((#))~~, 70.155.020, sections 12, 14, and 15 of this act, or 21 C.F.R. Sec. 1140.14, and for violations of RCW 70.155.040 occurring on the licensed premises:

(i) A monetary penalty of ~~((one))~~ two hundred dollars for the first violation within any ~~((two))~~ three-year period;

(ii) A monetary penalty of ~~((three))~~ six hundred dollars for the second violation within any ~~((two))~~ three-year period;

(iii) A monetary penalty of ~~((one))~~ two thousand dollars and suspension of the license for a period of six months for the third violation within any ~~((two))~~ three-year period;

(iv) A monetary penalty of ~~((one))~~ three thousand ~~((five hundred))~~ dollars and suspension of the license for a period of twelve months for the fourth violation within any ~~((two))~~ three-year period;

(v) Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any ~~((two))~~ three-year period;

(b) For violations of section 6 of this act, suspension or revocation of the license:

(c) For violations of RCW 70.155.030, a monetary penalty in the amount of ~~((one))~~ two hundred dollars for each day upon which such violation occurred;

~~((#))~~ For violations of RCW 70.155.040 occurring on the licensed premises:

(i) A monetary penalty of one hundred dollars for the first violation within any two year period;

(ii) A monetary penalty of three hundred dollars for the second violation within any two year period;

(iii) A monetary penalty of one thousand dollars and suspension of the license for a period of six months for the third violation within any two year period;

(iv) A monetary penalty of one thousand five hundred dollars and suspension of the license for a period of twelve months for the fourth violation within any two year period;

~~((#))~~ Revocation of the license with no possibility of reinstatement for a period of five years for the fifth or more violation within any two year period;

(d) For violations of RCW 70.155.050 or section 13 of this act, a monetary penalty in the amount of ~~((three))~~ six hundred dollars for each violation;

(e) For violations of RCW 70.155.070, a monetary penalty in the amount of ~~((one))~~ two thousand dollars for each violation.

(3) The ~~((liquor control))~~ board may impose a monetary penalty upon any person other than a licensed cigarette,

tobacco product, or vapor product retailer if the ~~((liquor control))~~ board finds that the person has violated RCW 26.28.080, 70.155.020~~((, 70.155.030, 70.155.040, 70.155.050, 70.155.070, or 70.155.090))~~ through 70.155.070, 70.155.090, or sections 12 through 15 of this act.

(4) The monetary penalty that the ~~((liquor control))~~ board may impose based upon one or more findings under subsection (3) of this section may not exceed the following:

(a) For violations of RCW 26.28.080 ~~((or 70.155.020, fifty)), 70.155.020, or sections 12, 14, and 15 of this act, one hundred~~ dollars for the first violation and ~~((one)) two~~ hundred dollars for each subsequent violation;

(b) For violations of RCW 70.155.030, ~~((one)) two~~ hundred dollars for each day upon which such violation occurred;

(c) For violations of RCW 70.155.040, ~~((one)) two~~ hundred dollars for each violation;

(d) For violations of RCW 70.155.050 or section 13 of this act, ~~((three)) six~~ hundred dollars for each violation;

(e) For violations of RCW 70.155.070, ~~((one)) two~~ thousand dollars for each violation.

(5) The ~~((liquor control))~~ board may develop and offer a class for retail clerks and use this class in lieu of a monetary penalty for the clerk's first violation.

(6) The ~~((liquor control))~~ board may issue a cease and desist order to any person who is found by the ~~((liquor control))~~ board to have violated or intending to violate the provisions of this chapter, RCW 26.28.080 ~~((or)), 82.24.500, 82.26.190, or section 23 of this act~~, requiring such person to cease specified conduct that is in violation. The issuance of a cease and desist order ~~((shall)) does~~ not preclude the imposition of other sanctions authorized by this statute or any other provision of law.

(7) The ~~((liquor control))~~ board may seek injunctive relief to enforce the provisions of RCW 26.28.080 ~~((or)), 82.24.500, 82.26.190, section 23 of this act~~, or this chapter. The ~~((liquor control))~~ board may initiate legal action to collect civil penalties imposed under this chapter if the same have not been paid within thirty days after imposition of such penalties. In any action filed by the ~~((liquor control))~~ board under this chapter, the court may, in addition to any other relief, award the ~~((liquor control))~~ board reasonable attorneys' fees and costs.

(8) All proceedings under subsections (1) through (6) of this section ~~((shall)) must~~ be conducted in accordance with chapter 34.05 RCW.

(9) The ~~((liquor control))~~ board may reduce or waive either the penalties or the suspension or revocation of a license, or both, as set forth in this chapter where the elements of proof are inadequate or where there are mitigating circumstances. Mitigating circumstances may include, but are not limited to, an exercise of due diligence by a retailer. Further, the board may exceed penalties set forth in this chapter based on aggravating circumstances.

**Sec. 22.** RCW 70.155.110 and 1993 c 507 s 12 are each amended to read as follows:

(1) The ~~((liquor control))~~ board ~~((shall)) must~~, in addition to the board's other powers and authorities, have the authority to enforce the provisions of this chapter and RCW 26.28.080~~((4) and)), 82.24.500, 82.26.190, and section 23 of this act~~. The ~~((liquor control))~~ board ~~((shall have)) has~~ full

power to revoke or suspend the license of any retailer ~~((or)), distributor, or wholesaler~~ in accordance with the provisions of RCW 70.155.100.

(2) The ~~((liquor control))~~ board and the board's ~~((authorized agents)) enforcement officers~~ or employees ~~((shall))~~ have full power and authority to enter any place of business where tobacco products or vapor products are sold for the purpose of enforcing the provisions of this chapter.

(3) For the purpose of enforcing the provisions of this chapter and RCW 26.28.080~~((4) and)), 82.24.500, 82.26.190, and section 23 of this act~~, a peace officer or enforcement officer of the ~~((liquor control))~~ board who has reasonable grounds to believe a person observed by the officer purchasing, attempting to purchase, or in possession of tobacco products or vapor products is under the age of eighteen years of age, may detain such person for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. Further, tobacco products or vapor products possessed by persons under the age of eighteen years of age are considered contraband and may be seized by a peace officer or enforcement officer of the ~~((liquor control))~~ board.

(4) The ~~((liquor control))~~ board may work with local county health departments or districts and local law enforcement agencies to conduct random, unannounced~~((s))~~ inspections to assure compliance.

**Sec. 23.** RCW 70.155.120 and 1993 c 507 s 13 are each amended to read as follows:

(1) The youth tobacco and vapor products prevention account is created in the state treasury. All fees collected pursuant to RCW 82.24.520 ~~((and)), 82.24.530, 82.26.160, 82.26.170, section 23 of this act, and section 24 of this act~~ and funds collected by the ~~((liquor control))~~ board from the imposition of monetary penalties ~~((and samplers' fees shall))~~ under this chapter must be deposited into this account, except that ten percent of all such fees and penalties ~~((shall)) must~~ be deposited in the state general fund.

(2) Moneys appropriated from the youth tobacco and vapor products prevention account to the department ~~((of health shall)) must~~ be used by the department ~~((of health))~~ for implementation of this chapter, including collection and reporting of data regarding enforcement and the extent to which access to tobacco products and vapor products by youth has been reduced.

(3) The department ~~((of health shall)) must~~ enter into interagency agreements with the ~~((liquor control))~~ board to pay the costs incurred, up to thirty percent of available funds, in carrying out its cigarette, tobacco product, and vapor product enforcement responsibilities under this chapter and chapters 82.24 and 82.26 RCW. Such agreements ~~((shall)) must~~ set forth standards of enforcement, consistent with the funding available, so as to reduce the extent to which tobacco products and vapor products are available to individuals under the age of eighteen. The agreements ~~((shall)) must~~ also set forth requirements for data reporting by the ~~((liquor control))~~ board regarding its enforcement activities.

(4) The department ~~((of health)), the board,~~ and the department of revenue ~~((shall)) must~~ enter into an interagency agreement for payment of the cost of administering the tobacco ~~((retailer)) and vapor product~~ licensing system and for the provision of quarterly

documentation of tobacco and vapor product wholesaler, retailer, and vending machine names and locations.

(5) The department ~~((of health shall))~~ must, within up to seventy percent of available funds, provide grants to local health departments or other local community agencies to develop and implement coordinated tobacco and vapor product intervention strategies to prevent and reduce ~~((tobacco))~~ use by youth.

(6) Three percent of available funds must be provided to public institutions of higher education with postgraduate schools of public health and accredited by the council on education for public health, for the purpose of supporting research and graduate fellowships pertaining to prevention, education, and health effects related to the use of nicotine and vapor products by youth and adults.

(7) Funds from the account created under this section may be used by the board and department to conduct vapor product content testing authorized under section 11 of this act.

**Sec. 24.** RCW 70.155.130 and 1993 c 507 s 14 are each amended to read as follows:

(1) This chapter preempts political subdivisions from adopting or enforcing requirements for the licensure and regulation of tobacco product promotions and sales within retail stores, except that political subdivisions that have adopted ordinances prohibiting sampling by January 1, 1993, may continue to enforce these ordinances. No political subdivision may:

~~((1))~~ (a) Impose fees or license requirements on retail businesses for possessing or selling cigarettes or tobacco products, other than general business taxes or license fees not primarily levied on tobacco products; or

~~((2))~~ (b) Regulate or prohibit activities covered by RCW 70.155.020 through 70.155.080. This chapter does not otherwise preempt political subdivisions from adopting ordinances regulating the sale, purchase, use, or promotion of tobacco products not inconsistent with chapter 507, Laws of 1993.

(2) This chapter does not preempt political subdivisions from adopting ordinances regulating the sale, purchase, use, or promotion of vapor products, provided such ordinances are consistent with the provisions of this chapter and the administrative rules adopted by the board, and do not have the effect of prohibiting the sale, purchase, promotion, or reasonable use of vapor products. Any such ordinances must not create regulatory provisions that are more restrictive than those imposed on the commercial sale or personal use of tobacco products.

**NEW SECTION. Sec. 25.** A new section is added to chapter 70.155 RCW to read as follows:

The board, in consultation with the department, may adopt rules to implement and enforce the requirements of this chapter.

**NEW SECTION. Sec. 26.** A new section is added to chapter 70.155 RCW to read as follows:

(1) The licenses issuable by the board under this chapter are as follows:

- (a) A vapor product distributor's license; and
- (b) A vapor product retailer's license.

(2) Application for the licenses must be made through the business licensing system under chapter 19.02 RCW. The board may adopt rules regarding the regulation of the

licenses. The board may refuse to issue any license under this chapter if the board has reasonable cause to believe that the applicant has willfully withheld information requested for the purpose of determining the eligibility of the applicant to receive a license, or if the board has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. In addition, for the purpose of reviewing an application for a distributor's license or retailer's license and for considering the denial, suspension, or revocation of any such license, the board may consider criminal conduct of the applicant, including an administrative violation history record with the board and a criminal history record information check within the previous five years, in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions, and the provisions of RCW 9.95.240 and chapter 9.96A RCW do not apply to such cases. The board may, in its discretion, issue or refuse to issue the distributor's license or retailer's license, subject to the provisions of section 30 of this act.

(3) No person may qualify for a distributor's license or a retailer's license under this section without first undergoing a criminal background check. The background check must be performed by the board and must disclose any criminal conduct within the previous five years in any state, tribal, or federal jurisdiction in the United States, its territories, or possessions. If the applicant or licensee also has a license issued under chapter 66.24, 82.24, or 82.26 RCW, the background check done under the authority of chapter 66.24, 82.24, or 82.26 RCW satisfies the requirements of this subsection.

(4) Each license issued under this chapter expires on the business license expiration date. The license must be continued annually if the licensee has paid the required fee and complied with all the provisions of this chapter and the rules of the board adopted pursuant to this chapter.

(5) Each license and any other evidence of the license required under this chapter must be exhibited in each place of business for which it is issued and in the manner required for the display of a business license.

(6) License issuances and renewals are subject to board authority and the rules adopted under the board including, but not limited to, rights of cities, towns, county legislative authorities, the public, churches, schools, and public institutions that object to or prevent issuance of licenses.

**NEW SECTION. Sec. 27.** A new section is added to chapter 70.155 RCW to read as follows:

(1)(a) No person may engage in or conduct business as a distributor or retailer in this state without a valid license issued under this chapter, except as otherwise provided by law. Any person who sells vapor products to persons other than ultimate consumers or who meets the definition of "distributor" under this chapter must obtain a distributor's license under this chapter. Any person who sells vapor products to ultimate consumers must obtain a retailer's license under this chapter.

(b) A violation of this subsection (1) is punishable as a class C felony according to chapter 9A.20 RCW.

(2) No person engaged in or conducting business as a distributor or retailer in this state may refuse to allow the enforcement officers of the board, on demand, to make full inspection of any place of business or vehicle where any of the vapor products regulated under this chapter are sold,

stored, transported, or handled, or otherwise hinder or prevent such inspection. A person who violates this subsection (2) is guilty of a gross misdemeanor.

(3) Any person licensed under this chapter as a distributor, and any person licensed under this chapter as a retailer, may not operate in any other capacity unless the additional appropriate license is first secured, except as otherwise provided by law. A violation of this subsection (3) is a misdemeanor.

(4) The penalties provided in this section are in addition to any other penalties provided by law for violating the provisions of this chapter or the rules adopted under this chapter.

**NEW SECTION. Sec. 28.** A new section is added to chapter 70.155 RCW to read as follows:

A fee of six hundred fifty dollars must accompany each vapor product distributor's license application or license renewal application under section 23 of this act. If a distributor sells or intends to sell vapor products at two or more places of business, whether established or temporary, a separate license with a license fee of one hundred fifteen dollars is required for each additional place of business.

**NEW SECTION. Sec. 29.** A new section is added to chapter 70.155 RCW to read as follows:

A fee of two hundred fifty dollars must accompany each vapor product retailer's license application or license renewal application under section 23 of this act. A separate license is required for each separate location at which the retailer operates.

**Sec. 30.** RCW 82.24.530 and 2012 2nd sp.s. c 4 s 12 are each amended to read as follows:

A fee of (~~ninety-three~~) two hundred fifty dollars must accompany each retailer's license application or license renewal application. A separate license is required for each separate location at which the retailer operates. A fee of thirty additional dollars for each vending machine must accompany each application or renewal for a license issued to a retail dealer operating a cigarette vending machine. An additional fee of ninety-three dollars (~~shall~~) must accompany each application or renewal for a license issued to a retail dealer operating a cigarette-making machine.

**Sec. 31.** RCW 82.26.170 and 2005 c 180 s 13 are each amended to read as follows:

(1) A fee of (~~ninety-three dollars shall~~) two hundred fifty dollars must accompany each retailer's license application or license renewal application. A separate license is required for each separate location at which the retailer operates.

(2) The fee imposed under subsection (1) of this section does not apply to any person applying for a retailer's license or for renewal of a retailer's license if the person has a valid retailer's license under RCW 82.24.510 for the place of business associated with the retailer's license application or renewal application.

**NEW SECTION. Sec. 32.** A new section is added to chapter 70.155 RCW to read as follows:

(1) Every vapor product retailer licensed under section 23 of this act must procure itemized invoices of all vapor products purchased. The invoices must show the seller's name and address, the date of purchase, and all prices and discounts.

(2) The retailer must keep at each retail outlet copies of complete, accurate, and legible invoices for that retail outlet or place of business. All invoices required to be kept under this section must be preserved for five years from the date of purchase.

(3) At any time during usual business hours the department, board, or its duly authorized agents or employees may enter any retail outlet without a search warrant, and inspect the premises for invoices required to be kept under this section and the vapor products contained in the retail outlet, to determine whether or not all the provisions of this chapter are being fully complied with. If the department, board, or any of its agents or employees are denied free access or are hindered or interfered with in making the inspection, the registration certificate issued under RCW 82.32.030 of the retailer at the premises is subject to revocation by the department, and any licenses issued under this chapter or chapter 82.26 or 82.24 RCW are subject to suspension or revocation by the board.

**NEW SECTION. Sec. 33.** A new section is added to chapter 70.155 RCW to read as follows:

(1) The board must enforce this chapter. The board may adopt, amend, and repeal rules necessary to enforce this chapter.

(2) The department may adopt, amend, and repeal rules necessary to administer this chapter. The board may revoke or suspend the distributor's or retailer's license of any distributor or retailer of vapor products in the state upon sufficient cause showing a violation of this chapter or upon the failure of the licensee to comply with any of the rules adopted under it.

(3) A license may not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the board. The board, upon finding that the licensee has failed to comply with any provision of this chapter or of any rule adopted under it, must, in the case of the first offense, suspend the license or licenses of the licensee for a period of not less than thirty consecutive business days, and in the case of a second or further offense, suspend the license or licenses for a period of not less than ninety consecutive business days but not more than twelve months, and in the event the board finds the licensee has been guilty of willful and persistent violations, it may revoke the license or licenses.

(4) Any licenses issued under chapter 82.24 or 82.26 RCW to a person whose license or licenses have been suspended or revoked under this section must also be suspended or revoked during the period of suspension or revocation under this section.

(5) Any person whose license or licenses have been revoked under this section may reapply to the board at the expiration of one year of the license or licenses. The license or licenses may be approved by the board if it appears to the satisfaction of the board that the licensee will comply with the provisions of this chapter and the rules adopted under it.

(6) A person whose license has been suspended or revoked may not sell vapor products, tobacco products, or cigarettes or permit vapor products, tobacco products, or cigarettes to be sold during the period of suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form.

(7) Any determination and order by the board, and any order of suspension or revocation by the board of the license or licenses issued under this chapter, or refusal to reinstate a license or licenses after revocation is reviewable by an appeal to the superior court of Thurston county. The superior court must review the order or ruling of the board and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the board.

(8) If the board makes an initial decision to deny a license or renewal, or suspend or revoke a license, the applicant may request a hearing subject to the applicable provisions under Title 34 RCW.

**NEW SECTION. Sec. 34.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 35.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION. Sec. 36.** This act takes effect October 1, 2016."

Correct the title.

Representative Harris moved the adoption of amendment (710) to amendment (685):

On page 18, line 33 of the striking amendment, after "products" insert "except that a city, county, or town may adopt an ordinance prohibiting the sale of vapor products within five hundred feet of a school"

Representatives Harris and Hurst spoke in favor of the adoption of the amendment to the amendment.

Amendment (710) to amendment (685) was adopted.

Representatives Cody and Condotta spoke in favor of the adoption of the amendment as amended.

Amendment (685), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Hurst and Harris spoke in favor of the passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1645.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1645, and the bill passed the House by the following vote: Yeas, 59; Nays, 36; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harris, Hawkins, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Nealey, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Smith, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie and Mr. Speaker. par Voting nay: Representatives Buys, Caldier, Chandler, Condotta, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Hayes, Hickel, Holy, Kretz, Kristiansen, Magendanz, Manweller, McCabe, McCaslin, Muri, Orcutt, Parker, Pike, Rodne, Scott, Shea, Short, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Wilcox, Wilson, Young and Zeiger.

Excused: Representatives Johnson and MacEwen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1645, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1915, by Representatives S. Hunt, Harris, MacEwen, Walkinshaw, Sells, Goodman, Moscoso, Reykdal, Robinson, Kilduff, Fitzgibbon, Hayes, Hudgins, Tarleton, Appleton, Ormsby, Pollet and Bergquist**

**Protecting taxpayers by providing for accountability and transparency in government contracting.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1915 was substituted for House Bill No. 1915 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1915 was read the second time.

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

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

Representative Holy spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1915.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1915, and the bill passed the House by the following vote: Yeas, 52; Nays, 43; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hayes, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hickel, Holy, Klippert, Kochmar, Kretz, Kristiansen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilson, Young and Zeiger.

Excused: Representatives Johnson and MacEwen.

SUBSTITUTE HOUSE BILL NO. 1915, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1915.

Representative Harris, 17th District

### SECOND READING

**HOUSE BILL NO. 2623, by Representatives Van Werven, Bergquist, Holy and Muri**

**Concerning recounts of statewide advisory measures.**

The bill was read the second time.

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

Representatives Van Werven, Hunt and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2623.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2623, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representatives Johnson and MacEwen.

HOUSE BILL NO. 2623, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2844, by Representatives Ormsby, Sells, Frame, Gregerson, Moscoso, Bergquist, Jinkins, Cody, Peterson, Robinson, Farrell, Riccelli, Sawyer, Pollet, Reykdal, Kilduff, Stanford, Walkinshaw, McBride and Santos**

**Adding training on public works and prevailing wage requirements to responsible bidder criteria.**

The bill was read the second time.

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

Representatives Ormsby and Sells spoke in favor of the passage of the bill.

Representative Manweller spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2844.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2844, and the bill passed the House by the following vote: Yeas, 50; Nays, 45; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn,

Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Klippert, Kochmar, Kretz, Kristiansen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

Excused: Representatives Johnson and MacEwen.

HOUSE BILL NO. 2844, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2852, by Representatives Hudgins, S. Hunt and Stanford**

**Establishing standards for election data and reporting.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2852 was substituted for House Bill No. 2852 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2852 was read the second time.

With the consent of the house, amendment (692) was withdrawn.

Representative Hudgins moved the adoption of amendment (701):

On page 2, after line 31, insert the following:

"**NEW SECTION. Sec. 3.** A new section is added to chapter 29A.60 RCW to read as follows:

Every odd-numbered year, the secretary of state must conduct and publish a statewide survey of voted ballot rejection rates and the reasons for those rejections by county auditors and canvassing boards. The secretary of state must collect data from reconciliation reports and county auditors in order to compare county and statewide averages for rates of rejected ballots and reasons for those ballots being rejected. The data collected must include rejection rates and reasons for rejection of voted ballots for all elections. The survey must include an analysis of current practices by county auditors and canvassing boards in the acceptance and rejection of ballots, and include recommendations for improvements that minimize rejections in those practices, with a goal of statewide standardization where applicable. The results must also be analyzed and compared with available national data and recognized best practices. The secretary of state's recommendations and reports must be made available to the public."

Correct the title.

Representatives Hudgins and Holy spoke in favor of the adoption of the amendment.

Amendment (701) was adopted.

The bill was ordered engrossed.

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

Representatives Hudgins and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2852.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2852, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jenkins, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys and Klippert.

Excused: Representatives Johnson and MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2852, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2973, by Representative Orcutt**

**Concerning performance oversight of the state transportation system.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2973 was substituted for House Bill No. 2973 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2973 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2973.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2973, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives Johnson and MacEwen.

SUBSTITUTE HOUSE BILL NO. 2973, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2274, by Representatives Harmsworth, Bergquist, Hayes, Morris, Moscoso, Pollet, Vick, Wilson, Van Werven and Haler**

**Concerning the filing of abandoned vehicle reports of sale. Revised for 1st Substitute: Concerning the filing of vehicle reports of sale.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2274 was substituted for House Bill No. 2274 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2274 was read the second time.

Representative Harmsworth moved the adoption of amendment (689):

On page 15, beginning on line 1, after "(25)" strike all material through "transferee." on line 7 and insert "Bring an action or initiate an arbitration proceeding on a claim for any amounts related to a transfer of sale of a vehicle when:

(a) The licensee has been informed or reasonably should know that the department of licensing transfer of sale form was filed in accordance with RCW 46.12.650 (1) through (3);

(b) The licensee has been informed or reasonably should know that the transfer of the vehicle either (i) was not made pursuant to a legal transfer or (ii) was not voluntarily accepted by the person designated as the purchaser/transferee; and

(c) Prior to the commencement of the action or arbitration, the licensee has received from the putative transferee a copy of a police report referencing that the transfer of sale of the vehicle either (i) was not made pursuant to a legal transfer or (ii) was not voluntarily accepted by the person designated as the purchaser/transferee."

Representatives Harmsworth and Clibborn spoke in favor of the adoption of the amendment.

Amendment (689) was adopted.

The bill was ordered engrossed.

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

Representatives Harmsworth and Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2274.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2274, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives Johnson and MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2274, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2262, by Representatives Bergquist, Muri, Gregerson and Pettigrew**

**Creating Washington tennis special license plates.**

The bill was read the second time.

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

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

Representative McCaslin spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2262.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2262, and the bill passed the House by the following vote: Yeas, 83; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stokesbary, Sullivan, Tarleton, Tharinger, Van Werven, Vick, Walkinshaw, Walsh, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, DeBolt, Holy, McCaslin, Sawyer, Scott, Shea, Stanford, Taylor, Van De Wege and Wilcox.

Excused: Representatives Johnson and MacEwen.

HOUSE BILL NO. 2262, having received the necessary constitutional majority, was declared passed.

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

**THIRD READING**

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1100 was returned to second reading for the purpose of amendment.

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

**SECOND READING**

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1100, by House Committee on Technology & Economic**

**Development (originally sponsored by Representatives Morris, S. Hunt, Hudgins, Ormsby and Fey)****Creating new appliance efficiency standards.**

The bill was read the second time.

With the consent of the house, amendment (589) was withdrawn.

Representative Morris moved the adoption of amendment (680):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.260.020 and 2009 c 565 s 18 and 2009 c 501 s 1 are each reenacted and amended to read as follows:

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

(1) "Automatic commercial ice cube machine" means a factory-made assembly, not necessarily shipped in one package, consisting of a condensing unit and ice-making section operating as an integrated unit with means for making and harvesting ice cubes. It may also include integrated components for storing or dispensing ice, or both.

(2) "Bottle-type water dispenser" means a water dispenser that uses a bottle or reservoir as the source of potable water.

(3) "Commercial hot food holding cabinet" means a heated, fully enclosed compartment, with one or more solid or partial glass doors, that is designed to maintain the temperature of hot food that has been cooked in a separate appliance. "Commercial hot food holding cabinet" does not include heated glass merchandising cabinets, drawer warmers, or cook and hold appliances.

(4)(a) "Commercial refrigerators and freezers" means refrigerators, freezers, or refrigerator-freezers designed for use by commercial or institutional facilities for the purpose of storing or merchandising food products, beverages, or ice at specified temperatures that: (i) Incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single cabinet; and (ii) may be configured with either solid or transparent doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through cabinet.

(b) "Commercial refrigerators and freezers" does not include: (i) Products with 85 cubic feet or more of internal volume; (ii) walk-in refrigerators or freezers; (iii) consumer products that are federally regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv) products without doors; or (v) freezers specifically designed for ice cream.

(5) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.

(6) "Cook and hold appliance" means a multiple mode appliance intended for cooking food that may be used to hold the temperature of the food that has been cooked in the same appliance.

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

(8) "Drawer warmer" means an appliance that consists of one or more heated drawers and that is designed to hold

hot food that has been cooked in a separate appliance at a specified temperature.

(9) "Heated glass merchandising cabinet" means an appliance with a heated cabinet constructed of glass or clear plastic doors which, with seventy percent or more clear area, is designed to display and maintain the temperature of hot food that has been cooked in a separate appliance.

(10) "Hot water dispenser" means a small electric water heater that has a measured storage volume of no greater than one gallon.

(11) "Mini-tank electric water heater" means a small electric water heater that has a measured storage volume of more than one gallon and a rated storage volume of less than twenty gallons.

(12) "Pass-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on both the front and rear of the unit.

(13) "Point-of-use water dispenser" means a water dispenser that uses a pressurized water utility connection as the source of potable water.

(14) "Pool heater" means an appliance designed for heating nonpotable water contained at atmospheric pressure for swimming pools, spas, hot tubs, and similar applications.

(15) "Portable electric spa" means a factory-built electric spa or hot tub, supplied with equipment for heating and circulating water.

(16) "Reach-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors or lids, but does not include roll-in or roll-through cabinets or pass-through cabinets.

(17) "Residential pool pump" means a pump used to circulate and filter pool water in order to maintain clarity and sanitation.

(18)(a) "Roll-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the unit.

(b) "Roll-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on two sides of the cabinet that allow wheeled racks of product to be rolled through the unit.

(19) "Showerhead" means a device through which water is discharged for a shower bath.

(20) "Showerhead tub spout diverter combination" means a group of plumbing fittings sold as a matched set and consisting of a control valve, a tub spout diverter, and a showerhead.

(21) "State-regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications, has an inner reflective coating on the outer bulb to direct the light, an E26 medium screw base, a rated voltage or voltage range that lies at least partially within 115 to 130 volts, and falls into one of the following categories:

(a) A bulged reflector or elliptical reflector bulb shape and which has a diameter which equals or exceeds 2.25 inches; or

(b) A reflector, parabolic aluminized reflector, or similar bulb shape and which has a diameter of 2.25 to 2.75 inches.

(22) "Tub spout diverter" means a device designed to stop the flow of water into a bathtub and to divert it so that the water discharges through a showerhead.

(23) "Wine chillers designed and sold for use by an individual" means refrigerators designed and sold for the cooling and storage of wine by an individual.

(24) "À la carte charger" means a battery charger that is individually packaged without batteries. "À la carte charger" includes those with multivoltage or multiport capabilities.

(25) "Battery analyzer" means a device:

(a) Used to analyze and report a battery's performance and overall condition;

(b) Capable of being programmed and performing service functions to restore capability in deficient batteries; and

(c) Not intended or marketed to be used on a daily basis for the purpose of charging batteries.

(26) "Battery backup" or "uninterruptible power supply charger" means a small battery charger system that is voltage and frequency dependent and designed to provide power to an end-use product in the event of a power outage, and includes an uninterruptible power supply charger as defined in IEC 62040-3 ed.2.0 (March 2011). The output of the voltage and frequency dependent uninterruptible power supply charger is dependent on changes in AC input voltage and frequency and is not intended to provide additional corrective functions, such as those relating to the use of tapped transformers.

(27) "Battery charger systems" means a battery charger coupled with its batteries or battery chargers coupled with their batteries, which together are referred to as battery charger systems, including all rechargeable batteries or devices incorporating a rechargeable battery and the chargers used with them. Battery charger systems include, but are not limited to:

(a) Electronic devices with a battery that are normally charged with AC line voltage or DC input voltage through an internal or external power supply and a dedicated battery charger;

(b) The battery and battery charger components of devices that are designed to run on battery power during part or all of their operations;

(c) Dedicated battery systems primarily designed for electrical or emergency backup; and

(d) Devices whose primary function is to charge batteries, along with the batteries they are designed to charge. These units include chargers for power tool batteries and chargers for automotive, AA, AAA, C, D, or 9 V rechargeable batteries, as well as chargers for batteries used in larger industrial motive equipment and à la carte chargers.

(28) "Consumer product" means any article that when operated consumes energy including articles that to any significant extent are distributed in commerce for personal use or consumption by individuals. "Consumer product" does not include an automobile as defined in 49 U.S.C. Sec. 32901(a)(3).

(29) "Illuminated exit sign" means:

(a) A sign that is designed to be permanently fixed in place to identify an exit, including those products that are a combination illuminated exit sign and emergency egress lighting; and

(b) A sign that: (i) Consists of an electrically powered integral light source that illuminates the legend "EXIT" and any directional indicators; and (ii) provides contrast between the legend, any directional indicators, and the background.

(30) "Large battery charger system" means a battery charger system, other than a battery charger system for golf carts, with a rated input power of more than two kilowatts.

(31) "Small battery charger system" means a battery charger system with a rated input power of two kilowatts or less.

**Sec. 2.** RCW 19.260.030 and 2009 c 501 s 2 are each amended to read as follows:

(1) This chapter applies to the following types of new products sold, offered for sale, or installed in the state:

- (a) Automatic commercial ice cube machines;
- (b) Commercial refrigerators and freezers;
- (c) State-regulated incandescent reflector lamps;
- (d) Wine chillers designed and sold for use by an individual;
- (e) Hot water dispensers and mini-tank electric water heaters;
- (f) Bottle-type water dispensers and point-of-use water dispensers;
- (g) Pool heaters, residential pool pumps, and portable electric spas;
- (h) Tub spout diverters; ~~(and)~~
- (i) Commercial hot food holding cabinets; and
- (j) Battery charger systems, except those:

(i) Used to charge a motor vehicle that is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a nonelectrical source of power designed to charge batteries and components thereof, including autoettes or electric personal assistive mobility devices, golf carts, and low-speed vehicles, as those vehicles are defined in division 1 of the California vehicle code in effect as of the effective date of this section;

(ii) That are classified as class II or class III devices for human use under the federal food, drug, and cosmetic act as of the effective date of this section and require United States food and drug administration listing and approval as a medical device;

(iii) Used to charge a battery or batteries in an illuminated exit sign;

(iv) With input that is three phase of line-to-line three hundred volts root mean square or more and is designed for a stationary power application;

(v) That are battery analyzers;

(vi) That are voltage independent or voltage and frequency independent uninterruptible power supplies as defined by the international electrotechnical commission 62040-3 ed.2.0 as of the effective date of this section; or

(vii) Used to charge larger industrial motive equipment such as fork lifts, burden carriers, or person carriers.

(2) This chapter applies equally to products whether they are sold, offered for sale, or installed as stand-alone products or as components of other products.

(3) This chapter does not apply to:

(a) New products manufactured in the state and sold outside the state;

(b) New products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state;

(c) Products installed in mobile manufactured homes at the time of construction; or

(d) Products designed expressly for installation and use in recreational vehicles.

**Sec. 3.** RCW 19.260.040 and 2009 c 501 s 3 are each amended to read as follows:

The minimum efficiency standards specified in this section apply to the types of new products set forth in RCW 19.260.030.

(1)(a) Automatic commercial ice cube machines must have daily energy use and daily water use no greater than the applicable values in the following table:

Equipment type	Type of cooling	Harvest rate (lbs. ice/24 hrs.)	Maximum energy use (kWh/100 lbs.)	Maximum condenser water use (gallons/100 lbs. ice)
Ice-making head	water	<500	7.80 - .0055H	200 - .022H
		>=500 & <1436	5.58 - .0011H	200 - .022H
Ice-making head	air	>=1436	4.0	200 - .022H
		450	10.26 - .0086H	Not applicable
Remote condensing but not remote compressor	air	>=450	6.89 - .0011H	Not applicable
		<1000	8.85 - .0038	Not applicable
Remote condensing and remote compressor	air	>=1000	5.10	Not applicable
		<934	8.85 - .0038H	Not applicable
Self-contained models	water	>=934	5.3	Not applicable
		<200	11.40 - .0190H	191 - .0315H
		>=200	7.60	191 - .0315H

Self-contained models	air	<175	18.0 - .0469H	Not applicable
		>=175	9.80	Not applicable

Where H= harvest rate in pounds per twenty-four hours which must be reported within 5% of the tested value. "Maximum water use" applies only to water used for the condenser.

(b) For purposes of this section, automatic commercial ice cube machines shall be tested in accordance with the ARI 810-2003 test method as published by the air-conditioning and refrigeration institute. Ice-making heads include all automatic commercial ice cube machines that are not split system ice makers or self-contained models as defined in ARI 810-2003.

(2)(a) Commercial refrigerators and freezers must meet the applicable requirements listed in the following table:

Equipment Type	Doors	Maximum Daily Energy Consumption (kWh)
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators	Solid	0.10V+ 2.04
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are "pulldown" refrigerators	Transparent	0.12V+ 3.34
	Transparent	.126V+ 3.51
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are freezers	Solid	0.40V+ 1.38
Reach-in cabinets that are refrigerator-freezers with an AV of 5.19 or higher	Transparent	0.75V+ 4.10
	Solid	0.27AV - 0.71

kWh= kilowatt-hours

V= total volume (ft<sup>3</sup>)

AV= adjusted volume= H:\DATA\2016 JOURNAL\Journal2016\LegDay033\1.63 x freezer volume (ft<sup>3</sup>).doc+ refrigerator volume (ft<sup>3</sup>)

(b) For purposes of this section, "pulldown" designates products designed to take a fully stocked refrigerator with beverages at 90 degrees Fahrenheit and cool those beverages to a stable temperature of 38 degrees Fahrenheit within 12 hours or less. Daily energy consumption shall be measured in accordance with the American national standards institute/American society of heating, refrigerating and air-conditioning engineers test method 117-2002, except that the back-loading doors of pass-through and roll-through refrigerators and freezers must remain closed throughout the test, and except that the controls of all appliances must be adjusted to obtain the following product temperatures.

Product or compartment type	Integrated average product temperature in degrees Fahrenheit
Refrigerator	38± 2
Freezer	0± 2

(3)(a) The lamp electrical power input of state-regulated incandescent reflector lamps shall meet the minimum average lamp efficacy requirements for federally regulated incandescent reflector lamps specified in 42 U.S.C. Sec. 6295(i)(1)(A)-(B).

(b) The following types of incandescent lamps are exempt from these requirements:

(i) Lamps rated at fifty watts or less of the following types: BR 30, ER 30, BR 40, and ER 40;

(ii) Lamps rated at sixty-five watts of the following types: BR 30, BR 40, and ER 40; and

(iii) R 20 lamps of forty-five watts or less.

(4)(a) Wine chillers designed and sold for use by an individual must meet requirements specified in the California Code of Regulations, Title 20, section 1605.3 in effect as of July 26, 2009.

(b) Wine chillers designed and sold for use by an individual shall be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of July 26, 2009.

(5)(a) The standby energy consumption of bottle-type water dispensers, and point-of-use water dispensers, dispensing both hot and cold water, manufactured on or after January 1, 2010, shall not exceed 1.2 kWh/day.

(b) The test method for water dispensers shall be the environmental protection agency energy star program requirements for bottled water coolers version 1.1.

(6)(a) The standby energy consumption of hot water dispensers and mini-tank electric water heaters manufactured on or after January 1, 2010, shall be not greater than 35 watts.

(b) This subsection does not apply to any water heater:

(i) That is within the scope of 42 U.S.C. Sec. 6292(a)(4) or 6311(1);

(ii) That has a rated storage volume of less than 20 gallons; and

(iii) For which there is no federal test method applicable to that type of water heater.

(c) Hot water dispensers shall be tested in accordance with the method specified in the California Code of

Regulations, Title 20, section 1604 in effect as of July 26, 2009.

(d) Mini-tank electric water heaters shall be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of July 26, 2009.

(7) The following standards are established for pool heaters, residential pool pumps, and portable electric spas:

(a) Natural gas pool heaters shall not be equipped with constant burning pilots.

(b) Residential pool pump motors manufactured on or after January 1, 2010, must meet requirements specified in the California Code of Regulations, Title 20, section 1605.3 in effect as of July 26, 2009.

(c) Portable electric spas manufactured on or after January 1, 2010, must meet requirements specified in the California Code of Regulations, Title 20, section 1605.3 in effect as of July 26, 2009.

(d) Portable electric spas must be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of July 26, 2009.

(8)(a) The leakage rate of tub spout diverters shall be no greater than the applicable requirements shown in the following table:

Appliance	Testing Conditions	Maximum Leakage Rate Effective
		January 1, 2009
Tub spout diverters	When new	0.01 gpm
	After 15,000 cycles of diverting	0.05 gpm

(b) Showerhead tub spout diverter combinations shall meet both the federal standard for showerheads established pursuant to 42 U.S.C. Sec. 6291 et seq. and the standard for tub spout diverters specified in this section.

(9)(a) The idle energy rate of commercial hot food holding cabinets manufactured on or after January 1, 2010, shall be no greater than 40 watts per cubic foot of measured interior volume.

(b) The idle energy rate of commercial hot food holding cabinets shall be determined using ANSI/ASTM F2140-01 standard test method for the performance of hot food holding cabinets (test for idle energy rate dry test). Commercial hot food holding cabinet interior volume shall be calculated using straight line segments following the gross interior dimensions of the appliance and using the following equation: Interior height x interior width x interior depth. Interior volume shall not account for racks, air plenums, or other interior parts.

(10) The following standards are established for battery charger systems:

(a) Large battery charger systems and small battery charger systems manufactured on or after January 1, 2018, must meet requirements specified in the California Code of Regulations, Title 20, section 1605 in effect as of the effective date of this section.

(b) Battery backup and uninterruptible power supplies that are not consumer products manufactured on or after January 1, 2018, must meet requirements specified in the

California Code of Regulations, Title 20, section 1605 in effect as of the effective date of this section.

(c) Large battery charger systems and small battery charger systems must be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of the effective date of this section.

**Sec. 4.** RCW 19.260.050 and 2009 c 501 s 4 are each amended to read as follows:

(1) No new commercial refrigerator or freezer or state-regulated incandescent reflector lamp manufactured on or after January 1, 2007, may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040. No new automatic commercial ice cube machine manufactured on or after January 1, 2008, may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.

(2) On or after January 1, 2008, no new commercial refrigerator or freezer or state-regulated incandescent reflector lamp manufactured on or after January 1, 2007, may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040. On or after January 1, 2009, no new automatic commercial ice cube machine manufactured on or after January 1, 2008, may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.

(3) Standards for state-regulated incandescent reflector lamps are effective on the dates specified in subsections (1) and (2) of this section.

(4) The following products, if manufactured on or after January 1, 2010, may not be sold or offered in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040:

- (a) Wine chillers designed and sold for use by an individual;
- (b) Hot water dispensers and mini-tank electric water heaters;
- (c) Bottle-type water dispensers and point-of-use water dispensers;
- (d) Pool heaters, residential pool pumps, and portable electric spas;
- (e) Tub spout diverters; and
- (f) Commercial hot food holding cabinets.

(5) The following products, if manufactured on or after January 1, 2010, may not be installed for compensation in the state on or after January 1, 2011, unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040:

- (a) Wine chillers designed and sold for use by an individual;
- (b) Hot water dispensers and mini-tank electric water heaters;
- (c) Bottle-type water dispensers and point-of-use water dispensers;
- (d) Pool heaters, residential pool pumps, and portable electric spas;
- (e) Tub spout diverters; and
- (f) Commercial hot food holding cabinets.

(6)(a) Large and small battery charger systems, if manufactured on or after January 1, 2018, may not be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.

(b) Battery backup and uninterruptible power supplies that are not consumer products, if manufactured on or after January 1, 2018, may not be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.

(7) Large and small battery charger systems, if manufactured on or after January 1, 2018, may not be installed for compensation in the state on or after January 1, 2019, unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040."

Correct the title.

Representative Morris spoke in favor of the adoption of the amendment.

Amendment (680) was adopted.

The bill was ordered engrossed.

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

Representatives Morris and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1100.

### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1100, and the bill passed the House by the following vote: Yeas, 55; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Holy, Klippert, Kretz, Kristiansen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

Excused: Representatives Johnson and MacEwen.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1100, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 2017, by House Committee on Transportation (originally sponsored by Representatives Klippert, Cody, Blake, Dent, Hayes, Fagan and Kretz)**

**Creating Washington farmers and ranchers special license plates.**

The bill was read the third time.

Representatives Klippert, Clibborn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2017.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2017, and the bill passed the House by the following vote: Yeas, 91; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives DeBolt, Sawyer, Stanford and Taylor.

Excused: Representatives Johnson and MacEwen.

SUBSTITUTE HOUSE BILL NO. 2017, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 1830, by House Committee on Transportation (originally sponsored by Representative Muri)**

**Creating Washington state wrestling special license plates.**

The bill was read the third time.

Representatives Muri and Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1830.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1830, and the bill passed the House by the following vote: Yeas, 91; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives DeBolt, Sawyer, Stanford and Taylor.

Excused: Representatives Johnson and MacEwen.

SUBSTITUTE HOUSE BILL NO. 1830, having received the necessary constitutional majority, was declared passed.

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

### SECOND READING

**HOUSE BILL NO. 2610, by Representatives Riccelli, Ormsby, S. Hunt and Gregerson**

**Concerning county commissioner elections.**

The bill was read the second time.

With the consent of the house, amendment (623) was withdrawn.

Representative Hunt moved the adoption of amendment (654):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 5.** A new section is added to chapter 36.32 RCW to read as follows:

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

(1) "District" means a geographic land area within county boundaries and designated in a county redistricting plan, as provided in section 5 of this act.

(2) "District elections" means a candidate from each district is elected in a general election by the voters of the district in which the candidate resides.

(3) "District nominations" means a candidate from each district is nominated in a primary election by the voters of the district in which the candidate resides.

(4) "Major political party" has the same meaning as in RCW 29A.04.086.

**NEW SECTION. Sec. 6.** A new section is added to chapter 36.32 RCW to read as follows:

(1)(a) By January 31, 2017, any noncharter county with a population of two hundred sixty-five thousand or more must establish a redistricting committee, in accordance with section 4 of this act, to divide the county into five commissioner districts. The five commissioner districts established by the redistricting committee must be designated as districts numbered one, two, three, four, and five. Any districting plan adopted by the redistricting committee must designate the initial terms of office for each of the five county commissioner positions, as provided in RCW 36.32.030(2).

(b) Beginning in 2018, district elections for all county commissioners of a noncharter county with a population of two hundred sixty-five thousand or more must be held in accordance with any districting plan adopted by a redistricting committee that is established in accordance with (a) of this subsection.

(2) By April 30th of each year ending in one, any noncharter county with a population of two hundred sixty-five thousand or more must establish a redistricting committee in accordance with section 4 of this act. The redistricting committee must review and adjust as necessary the boundaries of the county's five commissioner districts.

**NEW SECTION. Sec. 7.** A new section is added to chapter 36.32 RCW to read as follows:

(1) Upon the approval of a majority of registered voters in the county, any noncharter county with a population of less than two hundred sixty-five thousand may choose to hold both district nominations and district elections for the office of county commissioner. Each commissioner must reside in a separate commissioner district and be nominated and elected by the voters of the district in which he or she resides.

(2)(a) Upon a petition of county voters equal to at least ten percent of the voters voting at the last county general election, a ballot proposition must be submitted to the voters of the county authorizing district nominations and district elections for the office of county commissioner. At least twenty percent of the signatures on the petition must come from each of the existing commissioner districts.

(b) A petition requesting district nominations and district elections of county commissioners must be submitted to the county auditor for verification of signatures. Within thirty days after submission of the petition, the auditor must determine and certify whether the petition contains the requisite number of valid signatures, and then forward the petition to the board of county commissioners. If the petition has been signed by the requisite number of county voters, the board of county commissioners must submit the proposition to the voters for their approval or rejection at the next general election held at least sixty days after the proposition has been certified by the auditor.

(3) Within fifteen days after a proposition submitted to county voters under this section is approved, the county must establish a redistricting committee in accordance with section 4 of this act. The redistricting committee shall divide the county into three or five commissioner districts, depending on whether the county has three or five commissioner positions. Beginning in the even-numbered year following the adoption of a redistricting plan by the committee, nominations and elections of county commissioners must be held in accordance with the adopted districting plan.

(4) By April 30th of each year ending in one, any noncharter county with a population of less than two hundred sixty-five thousand that has chosen to hold district nominations and district elections for the office of county commissioner must establish a redistricting committee in accordance with section 4 of this act. The redistricting committee must review and adjust as necessary the boundaries of the county's commissioner districts.

**NEW SECTION. Sec. 8.** A new section is added to chapter 36.32 RCW to read as follows:

(1) County redistricting committees established under this chapter must have five members appointed in accordance with this subsection. The two major political parties in the county shall each appoint two members to the committee. A fifth member must be appointed to the redistricting committee by an affirmative vote of at least three of the four committee members appointed by political parties. The fifth appointed member shall serve as chair of the redistricting committee.

(2) A vacancy on a redistricting committee must be filled in the same manner as the initial appointment within fifteen days after the vacancy occurs.

(3) No person may serve on a redistricting committee who:

(a) Is not a registered voter of the state at the time of appointment;

(b) Is not a resident of the county;

(c) Is or within one year before appointment was a consultant for or had a contract with the county, or had been hired to lobby the county commission; or

(d) Is or within two years before appointment was an elected official or elected legislative, county, or state party officer.

(4) Members of a redistricting committee may not:

(a) Campaign for elective office while a member of the committee;

(b) Actively participate in or contribute to any political campaign of any candidate for county, state, or federal elective office while a member of the committee; or

(c) Hold or campaign for a seat as a county commissioner for two years after the date the redistricting committee concludes its duties under this chapter.

(5) Before serving on a county redistricting committee, every person must take and subscribe an oath to faithfully perform the duties of the office.

**NEW SECTION. Sec. 9.** A new section is added to chapter 36.32 RCW to read as follows:

(1) Within thirty days after a redistricting committee is established under this chapter, the committee must appoint by an affirmative vote of at least four of its five members a districting master. The districting master must be qualified

by education, training, and experience to draw a districting plan for the county. The districting master is not required to be a county resident. If a redistricting committee does not appoint a districting master within thirty days, the county auditor must appoint a districting master within the next thirty days.

(2) No more than forty-five days after the appointment of a districting master to a redistricting committee, the districting master must prepare and submit to the redistricting committee a proposed districting plan dividing the county into three or five commissioner districts, depending on whether the county has three or five commissioner positions.

(a) Within five days after the districting plan is submitted, the redistricting committee must publish the draft plan and provide an opportunity for public comment.

(b) Within ten days of publishing the draft plan, the redistricting committee:

(i) Must hold at least one public hearing and accept public comments on the plan; and

(ii) May adopt the districting plan; or

(iii) May, by an affirmative vote of at least four of the five committee members, adopt an amended districting plan.

(c) If the redistricting committee does not approve and adopt the original or an amended districting plan within fifteen days after it is submitted by the districting master, the districting plan as submitted must be deemed approved and adopted.

(d) The redistricting committee must promptly file the adopted districting plan with the county auditor. The districting plan is effective upon filing.

(e) County commissioner elections pursuant to the districting plan filed with the county auditor must begin in the next even-numbered year.

(3) Each commissioner district established by a redistricting committee under this section must comprise as nearly as possible either one-third or one-fifth of the population of the county, depending on whether the county has three or five commissioner positions. The boundaries of commissioner districts must:

(a) Correspond as nearly as practicable to election precinct boundaries; and

(b) Create districts with compact, contiguous territory containing geographic units, natural communities, and approximately equal populations.

(4) Upon filing of the adopted districting plan with the county auditor, the redistricting committee is dissolved until such time as a new redistricting committee is established as provided in sections 2 and 3 of this act and RCW 36.32.0552.

**Sec. 10.** RCW 36.32.030 and 2015 c 53 s 63 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section or RCW 36.32.0554, the terms of office of county commissioners shall be four years and shall extend until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280(=PROVIDED; That)). The terms of office of county commissioners shall be staggered so that:

(a) In a county with a three-member board of county commissioners, either one or two commissioners are elected at a general election held in ((an)) each even-numbered year; or

(b) In a county with a five-member board of county commissioners, either two or three commissioners are elected at a general election held in each even-numbered year.

(2)(a) Until January 1, 2019, the term of any county commissioner in a noncharter county with a population of two hundred sixty-five thousand or more elected to office after January 1, 2016, expires on January 1, 2019.

(b) At a general election held in 2018, any noncharter county with a population of two hundred sixty-five thousand or more must elect five county commissioners in accordance with a districting plan adopted under section 5 of this act. The five county commissioners shall begin their terms of office on January 1, 2019, and as designated in the districting plan: Two of the county commissioners shall serve terms of two years, and three of the county commissioners shall serve terms of four years. The districts in which commissioners will serve initial terms of two years and the districts in which commissioners will serve initial terms of four years must be identified in the adopted districting plan. All successive county commissioners elected to office shall serve staggered terms of four years, with either two or three commissioners elected in each even-numbered year.

**Sec. 11.** RCW 36.32.050 and 2009 c 549 s 4063 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section or this chapter, county commissioners shall be elected by the qualified voters of the county and the person receiving the highest number of votes for the office of commissioner for the district in which he or she resides shall be declared duly elected from that district.

(2) In any noncharter county with a population of two hundred sixty-five thousand or more, or in any county that has approved a proposition to hold district nominations and district elections under section 3 of this act, county commissioners must be elected by the qualified electors of the commissioner district in which he or she resides. The person receiving the highest number of votes at a general election for the office of commissioner for the district in which he or she resides must be declared duly elected from that district.

**Sec. 12.** RCW 36.32.020 and 1982 c 226 s 4 are each amended to read as follows:

(1) Except as provided otherwise in subsection (2) of this section or this chapter, the board of county commissioners of each county shall divide their county into three commissioner districts ((so that each district shall comprise)), each comprising as nearly as possible one-third of the population of the county((- PROVIDED, That the), Territory comprised in any voting precincts of such districts ((shall)) must remain compact, and ((shall)) may not be divided by the lines of said districts.

((However,)) (2) The commissioners of any county composed entirely of islands and with a population of less than thirty-five thousand may divide their county into three commissioner districts without regard to population, except that if any single island is included in more than one district, the districts on such island ((shall)) must comprise, as nearly as possible, equal populations.

(3) The lines of ((the)) commissioner districts ((shall)) established in accordance with this section may not be changed ((oftener)) more often than once in four years and

only when a full board of commissioners is present. The districts ((shall)) must be designated as districts numbered one, two and three.

**Sec. 13.** RCW 36.32.010 and 1990 c 252 s 1 are each amended to read as follows:

There is established in each county in this state a board of county commissioners. Except as provided ((in RCW 36.32.055 and 36.32.0552)) otherwise in this chapter, each board of county commissioners shall consist of three qualified electors, two of whom shall constitute a quorum to do business.

**Sec. 14.** RCW 36.32.055 and 1990 c 252 s 2 are each amended to read as follows:

(1) The board of commissioners of any noncharter county with a population of ((three hundred)) less than two hundred sixty-five thousand ((or more)) may cause a ballot proposition to be submitted at a general election to the voters of the county authorizing the board of commissioners to be increased to five members.

(2) As an alternative procedure, a ballot proposition shall be submitted to the voters of ((a noncharter)) the county authorizing the board of commissioners to be increased to five members, upon petition of the county voters equal to at least ten percent of the voters voting at the last county general election. At least twenty percent of the signatures on the petition shall come from each of the existing commissioner districts.

(3) Any petition requesting that such an election be held shall be submitted to the county auditor for verification of the signatures thereon. Within no more than thirty days after the submission of the petition, the auditor shall determine if the petition contains the requisite number of valid signatures. The auditor shall certify whether or not the petition has been signed by the requisite number of county voters and forward such petition to the board of county commissioners. If the petition has been signed by the requisite number of county voters, the board of county commissioners shall submit such a proposition to the voters for their approval or rejection at the next general election held at least sixty days after the proposition has been certified by the auditor.

**Sec. 15.** RCW 36.32.0552 and 1990 c 252 s 3 are each amended to read as follows:

(1) If ((the)) a ballot proposition submitted to the voters of a noncharter county with a population of less than two hundred sixty-five thousand, as provided in RCW 36.32.055, receives majority voter approval, the size of the board of county commissioners shall be increased to five members as provided in this section.

(2) The two newly created county commissioner positions shall be filled at elections to be held in the next even-numbered year.

(3)(a) Within fifteen days after a proposition submitted to county voters under this section is certified as approved, the county shall((- as provided in this section, be divided)) establish a redistricting committee, in accordance with section 4 of this act, to divide the county into five commissioner districts, so that each district shall comprise as nearly as possible one-fifth of the population of the county. ((No two members of the existing board of county commissioners may, at the time of the designation of such districts, permanently reside in one of the five districts. The

division of the county into five districts shall be accomplished as follows:

(1) ~~The board of county commissioners shall, by the second Monday of March of the year following the election, adopt a resolution creating the districts;~~

(2) ~~If by the second Tuesday of March of the year following the election the board of county commissioners has failed to create the districts, the prosecuting attorney of the county shall petition the superior court of the county to appoint a referee to designate the five commissioner districts. The referee shall designate such districts by no later than June 1st of the year following the election. The two commissioner districts within which no existing member of the board of county commissioners permanently resides shall be designated as districts four and five.)~~

(b) By April 30th of each year ending in one, the county must establish a redistricting committee in accordance with section 4 of this act. The redistricting committee must review and adjust as necessary the boundaries of the county's five commissioner districts.

**Sec. 16.** RCW 36.32.0556 and 1990 c 252 s 5 are each amended to read as follows:

~~((The commissioners in a five member board of county commissioners shall be elected to four year staggered terms. Each commissioner shall reside in a separate commissioner district. Each commissioner shall be nominated from a separate commissioner district by the voters of that district. Each shall be elected by the voters of the entire county.))~~ Three members of a five-member board of commissioners shall constitute a quorum to do business.

**Sec. 17.** RCW 29A.76.010 and 2011 c 349 s 26 are each amended to read as follows:

(1) It is the responsibility of each county, municipal corporation, and special purpose district with a governing body comprised of internal director, council, or commissioner districts not based on statutorily required land ownership criteria to periodically redistrict its governmental unit, based on population information from the most recent federal decennial census.

(2) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each municipal corporation, county, and district charged with redistricting under this section.

(3) Except as otherwise provided in chapter . . . , Laws of 2016 (this act), no later than eight months after its receipt of federal decennial census data, the governing body of the municipal corporation, county, or district shall prepare a plan for redistricting its internal or director districts.

(4) The plan shall be consistent with the following criteria:

(a) Each internal director, council, or commissioner district shall be as nearly equal in population as possible to each and every other such district comprising the municipal corporation, county, or special purpose district.

(b) Each district shall be as compact as possible.

(c) Each district shall consist of geographically contiguous area.

(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.

(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, county, or district, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(5) During the adoption of its plan, the municipal corporation, county, or district shall ensure that full and reasonable public notice of its actions is provided. ~~((The municipal corporation, county, or district shall hold at least one public hearing on the redistricting plan at least one week before adoption of the plan))~~ Before adopting the plan, the municipal corporation, county, or district must publish the draft plan and, within ten days, hold at least one public hearing on the draft plan.

(6)(a) Any registered voter residing in an area affected by the redistricting plan may request review of the adopted local plan by the superior court of the county in which he or she resides, within fifteen days of the plan's adoption. Any request for review must specify the reason or reasons alleged why the local plan is not consistent with the applicable redistricting criteria. The municipal corporation, county, or district may be joined as respondent. The superior court shall thereupon review the challenged plan for compliance with the applicable redistricting criteria set out in subsection (4) of this section.

(b) If the superior court finds the plan to be consistent with the requirements of this section, the plan shall take effect immediately.

(c) If the superior court determines the plan does not meet the requirements of this section, in whole or in part, it shall remand the plan for further or corrective action within a specified and reasonable time period.

(d) If the superior court finds that any request for review is frivolous or has been filed solely for purposes of harassment or delay, it may impose appropriate sanctions on the party requesting review, including payment of attorneys' fees and costs to the respondent municipal corporation, county, or district."

Correct the title.

Representative Shea moved the adoption of amendment (681) to amendment (654):

On page 3, line 29 of the striking amendment, after "within" strike "one year" and insert "two years"

On page 3, beginning on line 30 of the striking amendment, after "been" strike "hired to lobby the county commission" and insert "a registered lobbyist that lobbies the county commission"

On page 3, line 37 of the striking amendment, after "county" strike ", state, or federal"

On page 5, line 15 of the striking amendment, after "units" strike ", natural communities,"

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the amendment.

Representative Hunt spoke against the adoption of the amendment to the amendment.

Amendment (681) was not adopted.

Representative Riccelli moved the adoption of amendment (717) to amendment (654):

On page 3, line 29 of the striking amendment, after "within" strike "one year" and insert "two years"

On page 3, beginning on line 30 of the striking amendment, after "been" strike "hired to lobby the county commission" and insert "a registered lobbyist that lobbies the county commission"

On page 3, line 37 of the striking amendment, after "county" strike ", state, or federal"

Representatives Riccelli and Shea spoke in favor of the adoption of the amendment to the amendment.

Amendment (717) was adopted.

Representative Hunt spoke in favor of the adoption of the amendment as amended.

Representative Wilcox spoke against the adoption of the amendment as amended.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 50 - YEAS; 44 - NAYS.

Amendment (654), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Riccelli, Riccelli (again) and Hunt spoke in favor of the passage of the bill.

Representatives Holy, Wilcox, Orcutt, Shea, Stokesbary and Griffey spoke against the passage of the bill.

#### **MOTION**

On motion of Representative Harris, Representatives DeBolt and Walsh were excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2610.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2610, and the bill passed the House by the following vote: Yeas, 50; Nays, 43; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton,

McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Klippert, Kochmar, Kretz, Kristiansen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Wilcox, Wilson, Young and Zeiger.

Excused: Representatives DeBolt, Johnson, MacEwen and Walsh.

ENGROSSED HOUSE BILL NO. 2610, having received the necessary constitutional majority, was declared passed.

**ENGROSSED HOUSE BILL NO. 1632, by Representatives Goodman, Klippert, Orwall, Hayes, Jinkins and Wylie**

#### **Concerning domestic violence.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1632 was substituted for Engrossed House Bill No. 1632 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1632 was read the second time.

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

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1632.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1632, and the bill passed the House by the following vote: Yeas, 91; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet,

Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Shea and Taylor.

Excused: Representatives DeBolt, Johnson, MacEwen and Walsh.

SUBSTITUTE HOUSE BILL NO. 1632, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2804, by Representatives Haler, Clibborn, Moscoso, Stambaugh, Sawyer, Kochmar, Hickel, Zeiger, Ortiz-Self, Sells, Fitzgibbon, Farrell, Reykdal, Springer, Orwall, Muri, Santos, Pettigrew, Ormsby, Goodman, Stokesbary, Kilduff, Orcutt, Fey, Tarleton, Hayes, McBride, Morris, Stanford, Pollet, Frame and Bergquist**

**Including highway workers employed on a transportation project by a contractor in the tuition and fee exemption for children and surviving spouses of highway workers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2804 was substituted for House Bill No. 2804 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2804 was read the second time.

Representative Haler moved the adoption of amendment (677):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.380 and 2015 c 46 s 1 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College shall exempt the following students from the payment of all tuition fees and services and activities fees:

(1) Children of any law enforcement officer as defined in chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24 RCW, highway worker, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full-time or volunteer fire department in this state, or was a highway worker while either employed by a general contractor or subcontractor, on a transportation project or employed by a transportation agency: PROVIDED, That such persons may receive the exemption only if they begin their course of study at a state-supported college or university within ten years of their graduation from high school; and

(2) Surviving spouses of any law enforcement officer as defined in chapter 41.26 RCW, firefighter as defined in

chapter 41.26 or 41.24 RCW, highway worker, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full-time or volunteer fire department in this state, or was a highway worker while either employed by a general contractor or subcontractor, on a transportation project or employed by a transportation agency.

(3) The governing boards of the state universities, the regional universities, and The Evergreen State College shall report to the education data center on the annual cost of tuition fees and services and activities fees waived for surviving spouses and children under this section. The education data center shall consolidate the reports of the waived fees and annually report to the appropriate fiscal and policy committees of the legislature.

(4) As used in this section, "transportation agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government in this state, and any agency, department, or division of state government, having as its primary function the construction and maintenance of the highways and roads within the state of Washington. Such an agency, department, or division is distinguished from a transit agency having as one of its functions the highway maintenance, including but not limited to the state department of transportation. A transportation agency under this section does not include a government contractor."

Correct the title.

Representatives Haler and Hansen spoke in favor of the adoption of the amendment.

Amendment (677) was adopted.

The bill was ordered engrossed.

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

Representatives Haler, Hansen, Manweller and Stambaugh spoke in favor of the passage of the bill.

Representatives Hargrove, Hargrove (again) and Klippert spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2804.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2804, and the bill passed the House by the following vote: Yeas, 68; Nays, 25; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kristiansen,

Kuderer, Lytton, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Dye, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Klippert, Kretz, Magendanz, McCaslin, Nealey, Pike, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilson and Young.

Excused: Representatives DeBolt, Johnson, MacEwen and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2804, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2970, by Representatives McCabe and Appleton**

**Concerning voyeurism.**

The bill was read the second time.

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

Representatives McCabe and Appleton spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2970.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2970, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, S. Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives DeBolt, Johnson, MacEwen and Walsh.

HOUSE BILL NO. 2970, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Goodman to preside.

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

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1290  
 HOUSE BILL NO. 1438  
 HOUSE BILL NO. 1441  
 HOUSE BILL NO. 1528  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1713  
 SUBSTITUTE HOUSE BILL NO. 1725  
 HOUSE BILL NO. 2280  
 HOUSE BILL NO. 2287  
 HOUSE BILL NO. 2341  
 HOUSE BILL NO. 2360  
 HOUSE BILL NO. 2362  
 HOUSE BILL NO. 2368  
 HOUSE BILL NO. 2381  
 HOUSE BILL NO. 2384  
 HOUSE BILL NO. 2398  
 HOUSE BILL NO. 2410  
 HOUSE BILL NO. 2429  
 HOUSE BILL NO. 2439  
 HOUSE BILL NO. 2477  
 HOUSE BILL NO. 2483  
 HOUSE BILL NO. 2518  
 HOUSE BILL NO. 2519  
 HOUSE BILL NO. 2583  
 HOUSE BILL NO. 2652  
 HOUSE BILL NO. 2659  
 HOUSE BILL NO. 2708  
 HOUSE BILL NO. 2758  
 HOUSE BILL NO. 2764  
 HOUSE BILL NO. 2769  
 HOUSE BILL NO. 2770  
 HOUSE BILL NO. 2775  
 HOUSE BILL NO. 2778  
 HOUSE BILL NO. 2799  
 HOUSE BILL NO. 2800  
 HOUSE BILL NO. 2802  
 HOUSE BILL NO. 2823  
 HOUSE BILL NO. 2825  
 HOUSE BILL NO. 2831  
 HOUSE BILL NO. 2834  
 HOUSE BILL NO. 2886  
 HOUSE BILL NO. 2933  
 HOUSE BILL NO. 2938  
 HOUSE BILL NO. 2955  
 HOUSE BILL NO. 2959  
 HOUSE BILL NO. 2976

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the third reading calendar:

HOUSE BILL NO. 1590  
SUBSTITUTE HOUSE BILL NO. 1966  
HOUSE BILL NO. 1990  
ENGROSSED HOUSE BILL NO. 2033  
HOUSE CONCURRENT RESOLUTION NO. 4401

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

There being no objection, the House adjourned until 9:00 a.m., February 15, 2016, the 36th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - REGULAR SESSION****THIRTY SIXTH DAY**

House Chamber, Olympia, Monday, February 15, 2016

The House was called to order at 9:00 a.m. by the Speaker (Representative Orwall presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Washington Youth Academy. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Richmond Johnson, Mt. Zion Missionary Baptist Church, Bremerton, Washington.

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

**POINT OF PERSONAL PRIVILEGE**

Representative Kilduff: "Thank you Madam Speaker. I rise today with great gratitude for the very special guests that we have within our midst today and up on the rostrum. First and foremost, we have some Gold Star Children. Six children with us today. For those of you who may not know they are children who have suffered the loss of a parent in service of our U. S. military, defending our country. Those are parents and soldiers who are our truths and heroes, parents and soldiers who gave the ultimate sacrifice, parents and soldiers who stood to safeguard our liberties.

So Chloe, Bryan, Brendan, Noel, Odessa and Joey, from the bottom of my heart, thank you for the sacrifice that your families have made, that your parents have made and that you continue to make.

Madam Speaker, I would also like to recognize another special guest, very well known to this body, to this state, number 15, Jermaine Kearse with the Seattle Seahawks. Mr. Kearse, you may not know beyond his Seahawks fame, is somebody who lived in a military family right on Joint Base Lewis McChord in the 28<sup>th</sup> legislative district and in addition to being an outstanding champion on the field he is a true champion off the field. A champion for the Gold Star Children and a champion for all military children in our state. So with that Madam Speaker, I thank you for the opportunity to recognize our very special guests and once again thank all of you for your commitment to our community, Mr. Kearse, and to these wonderful children for the sacrifices your families have made. Thank you Madam Speaker."

**POINT OF PERSONAL PRIVILEGE**

Representative Stambaugh: "Thank you Madam Speaker. I rise today with great appreciation for all of the individuals you are sharing the rostrum with. First the Gold Star Children, you are inspiring to every single one of the

members here on the floor. We just appreciate you for the sacrifice and the strength you have and you share with your families and you communities.

We also want to thank Jermaine Kearse for being here and for the inspiration that you provide to so many of us here in Washington, both young and old. I was a University of Washington Husky, getting to watch you on the field, it was truly an honor.

To have young people raising their abilities to the forefront for all of the state to be able to watch and rally behind, I know that you have people who are cheering for you in every step and walk you take both on and off the field, and these young Gold Star Children are also there and I know that as you carry each of us with you on and off the field, particularly these young kids, and I just appreciate your work on behalf of our community, on behalf of Pierce County being that the 25<sup>th</sup> is in Pierce County, and just on behalf of all young people inspired and aspiring to do great things with their lives. So, from the bottom of my heart, I just thank the Gold Star Children for your dedication and Jermaine Kearse for your dedication to our community. Thank you."

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Moeller presiding) introduced Jermaine Kearse and Gold Star Kids to the Chamber and asked the members to acknowledge them.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2016-4662, by Representatives Chopp, Kristiansen, Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, S. Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger**

WHEREAS, Washington is the only state named for an American president, George Washington, the father of our

country, and as such, Washingtonians hold the presidency and presidents in especially high regard; and

WHEREAS, Both February 22nd, the actual birthday of President George Washington, and February 12th, the actual birthday of President Abraham Lincoln, were kept and observed until 1971 as the anniversaries of the births of these two great American presidents; and

WHEREAS, Washington State and the nation have set aside the third Monday of every February to celebrate George Washington's and Abraham Lincoln's birthdays, as both of these presidents were born in February; and

WHEREAS, George Washington led the Revolutionary Army with courage and fortitude and, then serving as the first President of the United States, defined the office and remained ever mindful of his actions and the ramifications carried by his deeds; and

WHEREAS, Abraham Lincoln, the sixteenth president of the United States, architect of the Emancipation Proclamation, and driving force behind the destruction of slavery, preserved the Union in the midst of a terrible civil war which threatened to tear our nation apart; and

WHEREAS, Although George Washington was unanimously elected to the presidency, he gave himself the simple title of "Mr. President," choosing to be a citizen rather than a king; and

WHEREAS, Although Abraham Lincoln gained the distinction of being a great statesman with impeccable morals, he never lost sight of his humble beginnings or the values he shared with the common man; and

WHEREAS, We reflect on all forty-three presidents who guided the country through the obstacles of their day, thereby lifting up the whole nation and leading us all toward a more perfect union; and

WHEREAS, We recognize the first ladies of our nation, who have not only provided citizens with role models who exemplify what it means to be an American, but have also served as symbols of strength in times of adversity; and

WHEREAS, We recognize the efforts made by the presidents and first ladies to uphold liberty and freedom in the face of tyranny and injustice and reflect on our nation's de facto motto, *E pluribus unum*, which means "Out of many, one;"

NOW, THEREFORE, BE IT RESOLVED, That on this fifteenth day of February 2016, the House of Representatives honor the first and sixteenth presidents of the United States for their immeasurable contributions to, and noble sacrifices for, the causes of liberty, equality, and justice.

Representative Rossetti moved adoption of HOUSE RESOLUTION NO. 4662

Representatives Rossetti and Parker spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4662 was adopted.

The Speaker (Representative Orwall presiding) called upon Representative Moeller to preside.

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

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading suspension calendar:

HOUSE BILL NO. 2300  
HOUSE BILL NO. 2359  
HOUSE BILL NO. 2435  
HOUSE BILL NO. 2507  
HOUSE BILL NO. 2522  
HOUSE BILL NO. 2526  
HOUSE BILL NO. 2671  
HOUSE BILL NO. 2744  
HOUSE BILL NO. 2936

#### MESSAGES FROM THE SENATE

February 12, 2016

MR. SPEAKER:

The Senate has passed:

SECOND ENGROSSED SENATE BILL NO. 5251,  
SENATE BILL NO. 5270,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5561,  
SENATE BILL NO. 5605,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5694,  
SUBSTITUTE SENATE BILL NO. 5767,  
SENATE BILL NO. 6162,  
SENATE BILL NO. 6202,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6203,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6206,  
SENATE BILL NO. 6220,  
SENATE BILL NO. 6282,  
SUBSTITUTE SENATE BILL NO. 6285,  
SENATE BILL NO. 6291,  
SUBSTITUTE SENATE BILL NO. 6341,  
SUBSTITUTE SENATE BILL NO. 6342,  
SENATE BILL NO. 6400,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6528,  
ENGROSSED SENATE BILL NO. 6620,  
SENATE BILL NO. 6626,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

February 15, 2016

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5206,  
SENATE BILL NO. 5277,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO.  
5575,  
SUBSTITUTE SENATE BILL NO. 5583,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5635,  
SENATE BILL NO. 6156,  
SENATE BILL NO. 6178,  
SUBSTITUTE SENATE BILL NO. 6210,  
SUBSTITUTE SENATE BILL NO. 6254,  
SUBSTITUTE SENATE BILL NO. 6261,  
SENATE BILL NO. 6262,  
SUBSTITUTE SENATE BILL NO. 6267,  
SUBSTITUTE SENATE BILL NO. 6295,  
SENATE BILL NO. 6343,  
SENATE BILL NO. 6401,  
SUBSTITUTE SENATE BILL NO. 6463,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6470,  
SUBSTITUTE SENATE BILL NO. 6483,  
SUBSTITUTE SENATE BILL NO. 6558,  
SENATE JOINT MEMORIAL NO. 8019,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

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

### INTRODUCTION & FIRST READING

HB 2984 by Representatives Senn, Nealey and Reykdal

AN ACT Relating to local government financing.

Referred to Committee on Local Government.

HB 2984 by Representatives Senn, Nealey and Reykdal

AN ACT Relating to local government financing.

Referred to Committee on Local Government.

2ESB 5251 by Senators Honeyford and Keiser

AN ACT Relating to transferring public water system financial assistance activities from the public works board and the department of commerce to the department of health; and amending RCW 70.119A.170.

Referred to Committee on General Government & Information Technology.

2ESB 5251 by Senators Honeyford and Keiser

AN ACT Relating to transferring public water system financial assistance activities from the public works board and the department of commerce to the department of health; and amending RCW 70.119A.170.

Referred to Committee on General Government & Information Technology.

SB 5270 by Senators Roach, Liias and Benton

AN ACT Relating to sunseting a nonoperating advisory board reporting to the state patrol; amending RCW 13.60.110; creating a new section; and repealing RCW 13.60.120.

Referred to Committee on Public Safety.

SB 5270 by Senators Roach, Liias and Benton

AN ACT Relating to sunseting a nonoperating advisory board reporting to the state patrol; amending RCW 13.60.110; creating a new section; and repealing RCW 13.60.120.

Referred to Committee on Public Safety.

ESSB 5561 by Senate Committee on Ways & Means (originally sponsored by Senators Bailey, Kohl-Welles, Frockt, Honeyford, Hewitt, Rolfes, McAuliffe and Angel)

AN ACT Relating to veteran survivor tuition waiver eligibility; and amending RCW 28B.15.621.

Referred to Committee on Higher Education.

ESSB 5561 by Senate Committee on Ways & Means (originally sponsored by Senators Bailey, Kohl-Welles, Frockt, Honeyford, Hewitt, Rolfes, McAuliffe and Angel)

AN ACT Relating to veteran survivor tuition waiver eligibility; and amending RCW 28B.15.621.

Referred to Committee on Higher Education.

SB 5605 by Senators Darneille, Jayapal, Kohl-Welles and McAuliffe

AN ACT Relating to arrest of sixteen and seventeen year olds for domestic violence assault; and reenacting and amending RCW 10.31.100.

Referred to Committee on Early Learning & Human Services.

SB 5605 by Senators Darneille, Jayapal, Kohl-Welles and McAuliffe

AN ACT Relating to arrest of sixteen and seventeen year olds for domestic violence assault; and reenacting and amending RCW 10.31.100.

Referred to Committee on Early Learning & Human Services.

ESSB 5694 by Senate Committee on Government Operations & Security (originally sponsored by Senators Padden, Baumgartner and Billig)

AN ACT Relating to assessments for nuisance abatement in cities and towns; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Local Government.

ESSB 5694 by Senate Committee on Government Operations & Security (originally sponsored by Senators Padden, Baumgartner and Billig)

AN ACT Relating to assessments for nuisance abatement in cities and towns; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Local Government.

SSB 5767 by Senate Committee on Government Operations & Security (originally sponsored by Senators Cleveland, Benton, Honeyford and Fraser)

AN ACT Relating to local government treasury practices and procedures; and amending RCW 36.29.190 and 39.72.010.

Referred to Committee on Local Government.

SSB 5767 by Senate Committee on Government Operations & Security (originally sponsored by Senators Cleveland, Benton, Honeyford and Fraser)

AN ACT Relating to local government treasury practices and procedures; and amending RCW 36.29.190 and 39.72.010.

Referred to Committee on Local Government.

SB 6162 by Senators Honeyford, Rolfes, Chase, Parlette, Pearson, Roach and Fraser

AN ACT Relating to the expiration date of the invasive species council and account; and amending RCW 79A.25.310 and 79A.25.370.

Referred to Committee on Agriculture & Natural Resources.

SB 6162 by Senators Honeyford, Rolfes, Chase, Parlette, Pearson, Roach and Fraser

AN ACT Relating to the expiration date of the invasive species council and account; and amending RCW 79A.25.310 and 79A.25.370.

Referred to Committee on Agriculture & Natural Resources.

SB 6202 by Senators Hobbs, Angel, Roach, Bailey, Conway, Rivers, Rolfes, McCoy, McAuliffe and Benton

AN ACT Relating to the enforcement of employment rights arising from state active duty service by a member of the national guard; and amending RCW 73.16.061.

Referred to Committee on Community Development, Housing & Tribal Affairs.

SB 6202 by Senators Hobbs, Angel, Roach, Bailey, Conway, Rivers, Rolfes, McCoy, McAuliffe and Benton

AN ACT Relating to the enforcement of employment rights arising from state active duty service by a member of the national guard; and amending RCW 73.16.061.

Referred to Committee on Community Development, Housing & Tribal Affairs.

ESSB 6203 by Senate Committee on Health Care (originally sponsored by Senators Parlette, Becker, Keiser and Conway)

AN ACT Relating to updating statutes relating to the practice of pharmacy including the practice of pharmacy in long-term care settings; amending RCW 18.64.011, 69.50.308, 74.42.230, 69.41.032, 69.41.042, 69.41.044, 69.41.055, 69.41.220, 18.64.245, and 18.64.500; reenacting and amending RCW 69.41.010 and 69.41.030; adding new sections to chapter 18.64 RCW; and adding a new section to chapter 69.41 RCW.

Referred to Committee on Health Care & Wellness.

ESSB 6203 by Senate Committee on Health Care (originally sponsored by Senators Parlette, Becker, Keiser and Conway)

AN ACT Relating to updating statutes relating to the practice of pharmacy including the practice of pharmacy in long-term care settings; amending RCW 18.64.011, 69.50.308, 74.42.230, 69.41.032, 69.41.042, 69.41.044, 69.41.055, 69.41.220, 18.64.245, and 18.64.500; reenacting and amending RCW 69.41.010 and 69.41.030; adding new sections to chapter 18.64 RCW; and adding a new section to chapter 69.41 RCW.

Referred to Committee on Health Care & Wellness.

ESSB 6206 by Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Hasegawa, Takko, Chase, Schoesler and Sheldon)

AN ACT Relating to authorizing the growing of industrial hemp; adding a new chapter to Title 15 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Gaming.

ESSB 6206 by Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Hasegawa, Takko, Chase, Schoesler and Sheldon)

AN ACT Relating to authorizing the growing of industrial hemp; adding a new chapter to Title 15 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Gaming.

SB 6220 by Senators Brown, Angel, Braun, Hewitt, Roach, Parlette and Sheldon

AN ACT Relating to promoting economic development by maximizing the use of federal economic development funding opportunities; and amending RCW 43.330.040 and 43.330.050.

Referred to Committee on Technology & Economic Development.

SB 6220 by Senators Brown, Angel, Braun, Hewitt, Roach, Parlette and Sheldon

AN ACT Relating to promoting economic development by maximizing the use of federal economic development funding opportunities; and amending RCW 43.330.040 and 43.330.050.

Referred to Committee on Technology & Economic Development.

SB 6282 by Senators Benton, Hasegawa, Mullet and Angel

AN ACT Relating to the mortgage lending fraud prosecution account; amending RCW 43.320.140 and 36.22.181; and providing expiration dates.

Referred to Committee on Business & Financial Services.

SB 6282 by Senators Benton, Hasegawa, Mullet and Angel

AN ACT Relating to the mortgage lending fraud prosecution account; amending RCW 43.320.140 and 36.22.181; and providing expiration dates.

Referred to Committee on Business & Financial Services.

SSB 6285 by Senate Committee on Ways & Means (originally sponsored by Senators Fain, Hobbs and Roach)

AN ACT Relating to the operating and reserve accounts of the horse racing commission; amending RCW 67.16.280; reenacting and amending RCW 43.79A.040 and 43.84.092; adding a new section to chapter 67.16 RCW; and providing an effective date.

Referred to Committee on Commerce & Gaming.

SSB 6285 by Senate Committee on Ways & Means (originally sponsored by Senators Fain, Hobbs and Roach)

AN ACT Relating to the operating and reserve accounts of the horse racing commission; amending RCW 67.16.280; reenacting and amending RCW 43.79A.040 and 43.84.092; adding a new section to chapter 67.16 RCW; and providing an effective date.

Referred to Committee on Commerce & Gaming.

SB 6291 by Senators Braun, Becker, Angel, Rivers, Sheldon and Liias

AN ACT Relating to using weighted grade point averages for accelerated courses; amending RCW 28A.230.125; and creating a new section.

Referred to Committee on Education.

SB 6291 by Senators Braun, Becker, Angel, Rivers, Sheldon and Liias

AN ACT Relating to using weighted grade point averages for accelerated courses; amending RCW 28A.230.125; and creating a new section.

Referred to Committee on Education.

SSB 6341 by Senate Committee on Commerce & Labor (originally sponsored by Senators Rivers and Conway)

AN ACT Relating to the provision of personal services and promotional items by cannabis producers and processors; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Commerce & Gaming.

SSB 6341 by Senate Committee on Commerce & Labor (originally sponsored by Senators Rivers and Conway)

AN ACT Relating to the provision of personal services and promotional items by cannabis producers and processors; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Commerce & Gaming.

SSB 6342 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Miloscia and Hobbs)

AN ACT Relating to private activity bond allocation; and amending RCW 39.86.120, 39.86.140, and 39.86.190.

Referred to Committee on Community Development, Housing & Tribal Affairs.

SSB 6342 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Miloscia and Hobbs)

AN ACT Relating to private activity bond allocation; and amending RCW 39.86.120, 39.86.140, and 39.86.190.

Referred to Committee on Community Development, Housing & Tribal Affairs.

SB 6400 by Senators Hewitt, Hargrove and Warnick

AN ACT Relating to the technical changes that clarify fish and wildlife enforcement laws; amending RCW 77.15.370, 77.15.400, and 77.15.420; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

SB 6400 by Senators Hewitt, Hargrove and Warnick

AN ACT Relating to the technical changes that clarify fish and wildlife enforcement laws; amending RCW 77.15.370, 77.15.400, and 77.15.420; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

ESSB 6528 by Senate Committee on Trade & Economic Development (originally sponsored by Senators Brown, Sheldon, Dammeier, Parlette, Schoesler, Warnick, Honeyford, Braun, Angel, Hewitt, Miloscia, O'Ban, Becker, Rivers and Rolfes)

AN ACT Relating to promoting economic development through protection of information technology resources; amending RCW 43.105.054; reenacting and amending RCW 43.105.020; and creating new sections.

Referred to Committee on Technology & Economic Development.

ESSB 6528 by Senate Committee on Trade & Economic Development (originally sponsored by Senators Brown, Sheldon, Dammeier, Parlette, Schoesler, Warnick, Honeyford, Braun, Angel, Hewitt, Miloscia, O'Ban, Becker, Rivers and Rolfes)

AN ACT Relating to promoting economic development through protection of information technology resources; amending RCW 43.105.054; reenacting and amending RCW 43.105.020; and creating new sections.

Referred to Committee on Technology & Economic Development.

ESB 6620 by Senators McAuliffe, Dammeier, Rolfes, Litzow, Billig, Keiser and Conway

AN ACT Relating to a statewide plan for funding cost-effective methods for school safety; adding a new section to chapter 28A.300 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

ESB 6620 by Senators McAuliffe, Dammeier, Rolfes, Litzow, Billig, Keiser and Conway

AN ACT Relating to a statewide plan for funding cost-effective methods for school safety; adding a new section to chapter 28A.300 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

SB 6626 by Senators Bailey, Frockt, Baumgartner, Liias and McAuliffe

AN ACT Relating to creating a work group on accelerated baccalaureate degree programs; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

SB 6626 by Senators Bailey, Frockt, Baumgartner, Liias and McAuliffe

AN ACT Relating to creating a work group on accelerated baccalaureate degree programs; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

**SECOND READING****HOUSE BILL NO. 1983, by Representatives Pollet, Zeiger, S. Hunt, Haler and Bergquist**

**Creating the TEACH pilot project of financial assistance for teachers taking basic skills and content tests for teacher certification programs.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1983 was substituted for House Bill No. 1983 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1983 was read the second time.

Representative Pollet moved the adoption of amendment (694):

On page 2, line 30, after "office" insert "of student financial assistance"

Representative Pollet spoke in favor of the adoption of the amendment.

Amendment (694) was adopted.

The bill was ordered engrossed.

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

Representatives Pollet and Magendanz spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1983.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1983, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, Magendanz, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Schmick, Scott, Shea, Short, Smith, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox and Wilson.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1983, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2360, by Representatives Lytton, Magendanz, Sullivan, Reykdal, Rossetti, Santos and Chandler**

**Eliminating the quality education council.**

The bill was read the second time.

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

Representatives Lytton and Magendanz spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2360.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2360, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2360, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2381, by Representatives Ortiz-Self, Kilduff, Walsh, Peterson, Gregerson, Cody, Caldier, Jinkins, Reykdal, Frame, Stanford, Sells, McBride, Bergquist and Pollet**

**Establishing a legislative task force on school counselors, psychologists, and social workers. Revised for 1st Substitute: Convening a task force on school counselors, psychologists, and social workers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2381 was substituted for House Bill No. 2381 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2381 was read the second time.

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

Representatives Ortiz-Self and Magendanz spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2381.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2381, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey,

Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, Magendanz, McBride, McCabe, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Kretz, Kristiansen, MacEwen, Manweller, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Stambaugh, Taylor, Van Werven, Vick, Wilcox, Wilson, Young and Zeiger.

SUBSTITUTE HOUSE BILL NO. 2381, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2429, by Representatives Caldier, Reykdal, Magendanz, Ortiz-Self, Young, McBride, McCaslin, Muri, Kilduff, Pollet and Santos**

**Concerning the provision of assessment results to students and their parents or guardians.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2429 was substituted for House Bill No. 2429 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2429 was read the second time.

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

Representatives Caldier and Santos spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2429.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2429, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri,

Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2429, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1949, by Representatives Pollet, S. Hunt, Gregerson, Ortiz-Self, Moscoso, Ormsby and McBride**

**Regulating the institutions of higher education, including for-profit institutions and private vocational schools, to protect students from unfair business practices.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1949 was substituted for House Bill No. 1949 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1949 was read the second time.

Representative Haler moved the adoption of amendment (679):

On page 4, beginning on line 25, after "(b)" strike all material through "institution" on line 38 and insert "Shall require that a degree-granting institution that operates on a for-profit basis and any agent of the institution, shall not engage in any practice regarding the sale of, or inducing of students to obtain, specific consumer student loan products to fund education that financially benefits any person or entity that has an ownership interest in the institution, unless the institution can demonstrate to the council that the student has exhausted all federal aid options and has been denied non-institutional private commercial loan products. The prohibition in this subsection (1)(b) applies to any degree-granting institution that operates on a for-profit basis, and any agent of the institution, that has at least one hundred fifty students or more enrolled in the state in any given year or that has been operating in the state for less than two consecutive years. A financial benefit for purposes of this subsection (1)(b) does not include merely having an interest in students with loans enrolling in the institution or assisting students with financial aid matters. For purposes of this subsection (1)(b), "agent" means any employee, officer, or contractor working on behalf of the institution"

On page 9, beginning on line 14, after "with" strike all material through "web site" on line 18 and insert "the same types of information as currently presented on the agency's career bridge web site. In those cases where the agency does not have information calculated for the career bridge web site on a school or program, the agency shall establish procedures"

and methodology and required accompanying descriptive material for any alternative data posted"

On page 10, line 25, after "may not" strike all material through "education" on line 30 and insert "engage in any practice regarding the sale of, or inducing of students to obtain, specific consumer student loan products to fund education that financially benefits any person or entity that has an ownership interest in the institution, unless the institution can demonstrate to the agency that the student has exhausted all federal aid options and has been denied non-institutional private commercial loan products. A financial benefit for purposes of this subsection (3) does not include merely having an interest in students with loans enrolling in the institution or assisting students with financial aid matters. For purposes of this subsection (3), "agent" means any employee, officer, or contractor working on behalf of the institution"

On page 12, beginning on line 13, after "with" strike all material through "as" on line 14 and insert "either"

On page 12, line 15, after "site" insert "or alternative data the agency has required in cases where the agency does not have information calculated for the career bridge web site"

On page 13, beginning on line 3, after "(m)" strike all material through "education" on line 7 and insert "Engage in any practice regarding the sale of, or inducing of students to obtain, specific consumer student loan products to fund education that financially benefits any person or entity that has an ownership interest in the institution, unless the institution can demonstrate to the agency that the student has exhausted all federal aid options and has been denied non-institutional private commercial loan products"

Representatives Halder and Pollet spoke in favor of the adoption of the amendment.

Amendment (679) was adopted.

The bill was ordered engrossed.

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

Representatives Pollet and Zeiger spoke in favor of the passage of the bill.

Representatives Wilcox and Shea spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1949.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1949, and the bill passed the House by the following vote: Yeas, 52; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kuderer,

Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Halder, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1949, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2769, by Representatives Senn, Zeiger, Bergquist, Halder, Reykdal, Frame, Rossetti, Kilduff and Goodman**

**Creating a pilot program for community and technical colleges to offer bachelor degrees.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2769 was substituted for House Bill No. 2769 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2769 was read the second time.

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

Representatives Senn and Zeiger spoke in favor of the passage of the bill.

Representative Manweller spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2769.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2769, and the bill passed the House by the following vote: Yeas, 68; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chandler, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Hawkins, Hayes, Hickel, Hudgins, S. Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kristiansen, Kuderer, Lytton, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pike, Pollet,

Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Condotta, Dent, Dye, Haler, Harris, Holy, Klippert, Kretz, MacEwen, Magendanz, Manweller, McCaslin, Nealey, Parker, Rodne, Schmick, Scott, Shea, Short, Stambaugh, Stanford, Stokesbary, Taylor, Vick, Walsh, Wilson and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 2769, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2933, by Representatives Gregerson, Santos and Ryu**

**Concerning small works rosters.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2933 was substituted for House Bill No. 2933 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2933 was read the second time.

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

Representatives Gregerson, Smith and Smith (again) spoke in favor of the passage of the bill.

Representative Magendanz spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2933.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2933, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Taylor, Vick, Walsh, Wilson and Young.

Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Magendanz and Taylor.

SECOND SUBSTITUTE HOUSE BILL NO. 2933, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2938, by Representatives Orcutt and Walkinshaw**

**Encouraging participation in Washington trade conventions by modifying tax provisions related to establishing substantial nexus.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2938 was substituted for House Bill No. 2938 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2938 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2938.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2938, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Pollet.

SUBSTITUTE HOUSE BILL NO. 2938, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4010, by Representatives Dunshee, Santos, Stanford, Wylie, S. Hunt, Tharinger, Ortiz-Self, Fitzgibbon, Sells, Ryu, Walkinshaw, Kagi, Peterson, Hudgins, Robinson and Bergquist**

**Requesting that state route number 99 be named the "William P. Stewart Memorial Highway."**

The joint memorial was read the second time.

With the consent of the house, amendments (683) and (703) were withdrawn.

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

Representatives Dunshee and Orcutt spoke in favor of the passage of the memorial.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4010.

#### ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4010, and the joint memorial passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, S. Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE JOINT MEMORIAL NO. 4010, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1900, by Representatives Ortiz-Self, Johnson, Orwall, Muri, Lytton, Tarleton, Pollet and Bergquist**

**Defining the role of the school counselor, social worker, and psychologist. Revised for 2nd Substitute:**

**Concerning school counselors, social workers, and psychologists.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1900 was substituted for House Bill No. 1900 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1900 was read the second time.

Representative Short moved the adoption of amendment (734):

On page 3, line 19, after "resources." insert "All of these professionals work with students and families to determine what toilet, restroom and locker room facilities are to be used as provided in RCW 28A.640.020."

On page 6, after line 16, insert the following:

"**Sec. 6.** RCW 28A.640.020 and 1994 c 213 s 1 are each amended to read as follows:

(1) The superintendent of public instruction shall develop regulations and guidelines to eliminate sex discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

(a) Specifically with respect to public school employment, all schools shall be required to:

(i) Maintain credential requirements for all personnel without regard to sex;

(ii) Make no differentiation in pay scale on the basis of sex;

(iii) Assign school duties without regard to sex except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

(iv) Provide the same opportunities for advancement to males and females; and

(v) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment, and assignment of, or pay for, instructional and noninstructional duties, on the basis of sex.

(b) Specifically with respect to counseling and guidance services for students, they shall be made available to all students equally. All certificated personnel shall be required to stress access to all career and vocational opportunities to students without regard to sex.

(c) Specifically with respect to recreational and athletic activities, they shall be offered to all students without regard to sex. Schools may provide separate teams for each sex. Schools which provide the following shall do so with no disparities based on sex: Equipment and supplies; medical care; services and insurance; transportation and per diem allowances; opportunities to receive coaching and instruction; laundry services; assignment of game officials; opportunities for competition, publicity and awards; scheduling of games

and practice times including use of courts, gyms, and pools: PROVIDED, That such scheduling of games and practice times shall be determined by local administrative authorities after consideration of the public and student interest in attending and participating in various recreational and athletic activities. Each school which provides showers, toilets, or training room facilities for athletic purposes shall provide comparable facilities for both sexes. Such facilities may be provided either as separate facilities or shall be scheduled and used separately by each sex.

The superintendent of public instruction shall also be required to develop a student survey to distribute every three years to each local school district in the state to determine student interest for male/female participation in specific sports.

(d) Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex: PROVIDED, That separation is permitted within any class during sessions on sex education or gym classes.

(e) Specifically with respect to textbooks and instructional materials, which shall also include, but not be limited to, reference books and audiovisual materials, they shall be required to adhere to the guidelines developed by the superintendent of public instruction to implement the intent of this chapter: PROVIDED, That this subsection shall not be construed to prohibit the introduction of material deemed appropriate by the instructor for educational purposes.

(2)(a) By December 31, 1994, the superintendent of public instruction shall develop criteria for use by school districts in developing sexual harassment policies as required under (b) of this subsection. The criteria shall address the subjects of grievance procedures, remedies to victims of sexual harassment, disciplinary actions against violators of the policy, and other subjects at the discretion of the superintendent of public instruction. Disciplinary actions must conform with collective bargaining agreements and state and federal laws. The superintendent of public instruction also shall supply sample policies to school districts upon request.

(b) By June 30, 1995, every school district shall adopt and implement a written policy concerning sexual harassment. The policy shall apply to all school district employees, volunteers, parents, and students, including, but not limited to, conduct between students.

(c) School district policies on sexual harassment shall be reviewed by the superintendent of public instruction considering the criteria established under (a) of this subsection as part of the monitoring process established in RCW 28A.640.030.

(d) The school district's sexual harassment policy shall be conspicuously posted throughout each school building, and provided to each employee. A copy of the policy shall appear in any publication of the school or school district setting forth the rules, regulations, procedures, and standards of conduct for the school or school district.

(e) Each school shall develop a process for discussing the district's sexual harassment policy. The process shall ensure the discussion addresses the definition

of sexual harassment and issues covered in the sexual harassment policy.

(f) "Sexual harassment" as used in this section means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if:

(i) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;

(ii) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or

(iii) That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

(3) Schools must provide toilets and restroom facilities for each sex with no disparities based on sex. Each school must provide facilities to be used separately by each sex. Schools may provide a gender-neutral single occupant bathroom to accommodate a student's privacy concerns.

(4) "Sex" as used in this section means biological sex or sex assigned at birth.

(5) The provisions of chapter 49.60 RCW and any rules or guidelines adopted by the superintendent of public instruction pursuant to the provisions of chapter 49.60 RCW do not apply to subsections (1)(c) and (3) of this section."

Renumber the remaining section consecutively and correct any internal reference accordingly.

Correct the title.

#### POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (734) to Second Substitute House Bill No. 1900.

#### SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "The title of Second Substitute House Bill No. 1900 is an act relating to 'defining the role of the school counselor, social worker, and psychologist.' The bill defines these professions and their role in the K-12 system.

The amendment relates to rules adopted by the Human Rights Commission about the use of restrooms, a topic wholly unrelated to the bill before us.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the bill. The point of order is well taken."

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

Representatives Ortiz-Self, Magendanz and Johnson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1900.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1900, and the bill passed the House by the following vote Yeas, 64; Nays, 33; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Calder, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hinkel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, Magendanz, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Klippert, Kretz, Kristiansen, MacEwen, Manweller, McCaslin, Nealey, Rodne, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilcox, Wilson and Young.

SECOND SUBSTITUTE HOUSE BILL NO. 1900, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2825, by Representatives Frame, Zeiger, Walkinshaw, Stambaugh, Fitzgibbon, Haler, Tarleton, Pollet, Reykdal, McBride, Kagi, Kilduff, Morris, Ryu and Stanford**

**Concerning student services for students with disabilities.**

The bill was read the second time.

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

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

With the consent of the house, amendment (729) was withdrawn.

Representative Frame moved the adoption of amendment (736):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the legislature to retain individualized provisions of core services and accommodations at different institutions of

higher education for students with disabilities while providing services to disabled students faster and more efficiently. The elimination of redundancy and streamlining of data gathering and sharing among institutions of higher education will ensure that students receive the services they need with minimal burden to the student.

**NEW SECTION. Sec. 2.** (1) The council of presidents shall convene a work group to develop a plan for removing obstacles for students with disabilities. The work group shall include:

(a) Representatives from the state board for community and technical colleges; the state college, regional universities, and state universities, each as defined in RCW 28B.10.016; the student achievement council; and statewide student associations; and

(b) At least two students with disabilities selected by statewide student associations.

(2) The plan shall focus on removing obstacles for students with disabilities transferring between institutions of higher education, including but not limited to: Standardizing medical documentation requirements, standardizing intake and review procedures, and developing best practices for institutions to provide outreach to and help prepare students for transmitting accommodations information and documentation to their next institution of higher education.

(3) The council of presidents shall provide the plan developed in subsection (2) of this section to the higher education committees of the legislature no later than December 31, 2016.

(4) This section expires August 1, 2017." Correct the title.

Representatives Frame and Zeiger spoke in favor of the adoption of the amendment.

Amendment (736) was adopted.

The bill was ordered engrossed.

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

Representatives Frame and Zeiger spoke in favor of the passage of the bill.

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

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2825, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Calder, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame,

Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, S. Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Holy and Taylor.

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

**HOUSE BILL NO. 2682, by Representatives S. Hunt, Kilduff, Appleton, Orwall, Bergquist, Reykdal, Stanford, Pettigrew, Gregerson, Ormsby, Hickel, Frame and Pollet**

**Providing automatic voter registration at qualified voter registration agencies.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2682 was substituted for House Bill No. 2682 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2682 was read the second time.

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

Representatives Hunt and Bergquist spoke in favor of the passage of the bill.

Representative Holy spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2682.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2682, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, S. Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Stokesbary, Sullivan,

Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Taylor, Van Werven, Vick, Wilcox, Wilson and Young.

SUBSTITUTE HOUSE BILL NO. 2682, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1713, by House Committee on Judiciary (originally sponsored by Representatives Cody, Harris, Jinkins, Moeller, Tharinger, Appleton, Ortiz-Self and Pollet)**

**Integrating the treatment systems for mental health and chemical dependency.**

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1713 was substituted for Engrossed Substitute House Bill No. 1713 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1713 was read the second time.

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

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

Representative McCaslin spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1713.

### ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1713, and the bill passed the House by the following vote: Yeas, 82; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, DeBolt, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal,

Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Hargrove, Holy, MacEwen, Manweller, McCaslin, Scott, Shea, Smith, Taylor, Van Werven and Young.

THIRD SUBSTITUTE HOUSE BILL NO. 1713, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2287, by Representatives McCabe, Appleton, Johnson, Wylie, Dye, Walsh, Dent, Wilson, Kagi, Caldier, Haler, Kochmar and Senn**

**Concerning notice to first responders that a person with a disability may be present at the scene of an emergency. Revised for 1st Substitute: Providing notice to first responders that a person with a disability may be present at the scene of an emergency.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2287 was substituted for House Bill No. 2287 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2287 was read the second time.

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

Representatives McCabe and Jinkins spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2287.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2287, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh,

Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

SUBSTITUTE HOUSE BILL NO. 2287, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2396, by Representatives McBride, Caldier, Senn, Goodman, Kagi, Sawyer, Tharinger, Tarleton, Stanford, Farrell, Moscoso and Ormsby**

**Concerning access to nonemergency, outpatient, primary health care services for unaccompanied homeless youth under the federal McKinney-Vento homeless assistance act.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2396 was substituted for House Bill No. 2396 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2396 was read the second time.

With the consent of the house, amendment (635) was withdrawn.

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

Representatives McBride, Caldier and Klippert spoke in favor of the passage of the bill.

### COLLOQUY

Representative Klippert: "Will the good lady from the 48<sup>th</sup> district yield to a question?"

Representative McBride: "I will yield."

Representative Klippert: "For the benefit of the members, I would summarize this measure as allowing certain school nurses, counselors, and homeless liaisons to provide consent for certain homeless and unaccompanied youth to receive certain outpatient care services. My understanding is that none of the services for which these professionals may give consent relate to abortion, is that correct?"

Representative McBride: "Thank you for your question. Yes, the good gentleman from the 8<sup>th</sup> district is correct: none of the services for which consent may be given in this bill relate in any way to abortion. The services allowed are specifically enumerated in the bill to include things we would likely consider routine health checkup and maintenance, such as physical examinations,

vision examinations and eyeglasses, dental examinations, hearing examinations, and immunizations.”

Representative Klippert: “Thank you.”

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2396.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2396, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Dye, McCaslin, Schmick, Scott, Shea and Taylor.

SUBSTITUTE HOUSE BILL NO. 2396, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2906, by Representatives Stambaugh, Kagi, Magendanz, Tharinger, Ortiz-Self, Frame, Goodman and Ormsby**

**Strengthening opportunities for the rehabilitation and reintegration of juvenile offenders.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2906 was substituted for House Bill No. 2906 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2906 was read the second time.

With the consent of the house, amendment (630) was withdrawn.

Representative Sawyer moved the adoption of amendment (663):

Strike everything after the enacting clause and insert the following:

**Sec. 3.** RCW 13.40.010 and 2004 c 120 s 1 are each amended to read as follows:

(1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders and their victims, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that communities, families, and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, the legislature declares the following to be equally important purposes of this chapter:

(a) Protect the citizenry from criminal behavior;

(b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;

(c) Make the juvenile offender accountable for his or her criminal behavior;

(d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;

(e) Provide due process for juveniles alleged to have committed an offense;

(f) Provide for the rehabilitation and reintegration of juvenile offenders;

(g) Provide necessary treatment, supervision, and custody for juvenile offenders;

~~((g))~~ (h) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;

~~((h))~~ (i) Provide for restitution to victims of crime;

~~((i))~~ (j) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels;

~~((j))~~ (k) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services;

~~((k))~~ (l) Provide opportunities for victim participation in juvenile justice process, including court hearings on juvenile offender matters, and ensure that Article I, section 35 of the Washington state Constitution, the victim bill of rights, is fully observed; and

~~((l))~~ (m) Encourage the parents, guardian, or custodian of the juvenile to actively participate in the juvenile justice process.

**Sec. 4.** RCW 13.40.127 and 2015 c 265 s 26 are each amended to read as follows:

(1) A juvenile is eligible for deferred disposition unless he or she:

(a) Is charged with a sex or violent offense;

(b) Has a criminal history which includes any felony;

(c) Has a prior deferred disposition or deferred adjudication; or

(d) Has two or more adjudications.

(2) The juvenile court (~~((may))~~) shall, except as provided by subsection (3) of this section, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. (~~The court shall consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition.~~) The court may waive the fourteen-day period anytime before the commencement of trial for good cause.

(3) If a juvenile offender is charged with animal cruelty in the first degree, the juvenile court may deny granting a deferred disposition to the juvenile, even if the juvenile otherwise may qualify for a deferred disposition. The judge shall consider whether the community will benefit from granting a deferred disposition to the juvenile offender.

(4) Any juvenile who agrees to a deferral of disposition shall:

- (a) Stipulate to the admissibility of the facts contained in the written police report;
- (b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision;
- (c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses; and
- (d) Acknowledge the direct consequences of being found guilty and the direct consequences that will happen if an order of disposition is entered.

The adjudicatory hearing shall be limited to a reading of the court's record.

~~((4))~~ (5) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.

~~((5))~~ (6) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section.

The court may require a juvenile offender convicted of animal cruelty in the first degree to submit to a mental health evaluation to determine if the offender would benefit from treatment and such intervention would promote the safety of the community. After consideration of the results of the evaluation, as a condition of community supervision, the court may order the offender to attend treatment to address issues pertinent to the offense.

The court may require the juvenile to undergo a mental health or substance abuse assessment, or both. If the assessment identifies a need for treatment, conditions of supervision may include treatment for the assessed need that has been demonstrated to improve behavioral health and reduce recidivism.

The court shall require a juvenile granted a deferral of disposition for unlawful possession of a firearm in violation of RCW 9.41.040 to participate in a qualifying program as described in RCW 13.40.193(2)(b), when

available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

~~((6))~~ (7) A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove, by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision.

~~((7))~~ (8)(a) Anytime prior to the conclusion of the period of supervision, the prosecutor or the juvenile's juvenile court community supervision counselor may file a motion with the court requesting the court revoke the deferred disposition based on the juvenile's lack of compliance or treat the juvenile's lack of compliance as a violation pursuant to RCW 13.40.200.

(b) If the court finds the juvenile failed to comply with the terms of the deferred disposition, the court may:

- (i) Revoke the deferred disposition and enter an order of disposition; or
- (ii) Impose sanctions for the violation pursuant to RCW 13.40.200.

~~((8))~~ (9) At any time following deferral of disposition the court may, following a hearing, continue supervision for an additional one-year period for good cause.

~~((9))~~ (10)(a) At the conclusion of the period of supervision, the court shall determine whether the juvenile is entitled to dismissal of the deferred disposition only when the court finds:

- (i) The deferred disposition has not been previously revoked;
- (ii) The juvenile has completed the terms of supervision;
- (iii) There are no pending motions concerning lack of compliance pursuant to subsection ~~((7))~~ (8) of this section; and

(iv) The juvenile has either paid the full amount of restitution, or, made a good faith effort to pay the full amount of restitution during the period of supervision.

(b) If the court finds the juvenile is entitled to dismissal of the deferred disposition pursuant to (a) of this subsection, the juvenile's conviction shall be vacated and the court shall dismiss the case with prejudice, except that a conviction under RCW 16.52.205 shall not be vacated. Whenever a case is dismissed with restitution still owing, the court shall enter a restitution order pursuant to RCW 7.80.130 for any unpaid restitution. Jurisdiction to enforce payment and modify terms of the restitution order shall be the same as those set forth in RCW 7.80.130.

(c) If the court finds the juvenile is not entitled to dismissal of the deferred disposition pursuant to (a) of this subsection, the court shall revoke the deferred disposition and enter an order of disposition. A deferred disposition shall remain a conviction unless the case is dismissed and the conviction is vacated pursuant to (b) of this subsection or sealed pursuant to RCW 13.50.260.

~~((10))~~ (11)(a)(i) Any time the court vacates a conviction pursuant to subsection ~~((9))~~ (10) of this section, if the juvenile is eighteen years of age or older and the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW has been paid, the court shall enter a written order sealing the case.

(ii) Any time the court vacates a conviction pursuant to subsection ~~((9))~~ (10) of this section, if the juvenile is not eighteen years of age or older and full restitution ordered has been paid, the court shall schedule an administrative sealing hearing to take place no later than thirty days after the respondent's eighteenth birthday, at which time the court shall enter a written order sealing the case. The respondent's presence at the administrative sealing hearing is not required.

(iii) Any deferred disposition vacated prior to June 7, 2012, is not subject to sealing under this subsection.

(b) Nothing in this subsection shall preclude a juvenile from petitioning the court to have the records of his or her deferred dispositions sealed under RCW 13.50.260.

(c) Records sealed under this provision shall have the same legal status as records sealed under RCW 13.50.260.

**Sec. 5.** RCW 13.40.308 and 2009 c 454 s 4 are each amended to read as follows:

(1) If a respondent is adjudicated of taking a motor vehicle without permission in the first degree as defined in RCW 9A.56.070, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than three months of community supervision, forty-five hours of community restitution, ~~((a two hundred dollar fine,))~~ and a requirement that the juvenile remain at home such that the juvenile is confined to a private residence for no less than five days. The juvenile may be subject to electronic monitoring where available. If the juvenile is enrolled in school, the confinement shall be served on nonschool days;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes six months of community supervision, no less than ten days of detention, and ninety hours of community restitution~~((, and a four hundred dollar fine))~~; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks commitment to the juvenile rehabilitation administration, four months of parole supervision, and ninety hours of community restitution~~((, and a four hundred dollar fine))~~.

(2) If a respondent is adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, or possession of a stolen vehicle as defined under RCW 9A.56.068, the court shall impose the following minimum sentence, in

addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than three months of community supervision~~((, forty five hours of community restitution, a two hundred dollar fine,))~~ and either ninety hours of community restitution or a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than five days. The juvenile may be subject to electronic monitoring where available, or a combination thereof that includes a minimum of three days home confinement and a minimum of forty hours of community restitution;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than six months of community supervision, no less than ten days of detention, and ninety hours of community restitution~~((, and a four hundred dollar fine))~~; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks commitment to the juvenile rehabilitation administration, four months of parole supervision, and ninety hours of community restitution~~((, and a four hundred dollar fine))~~.

(3) If a respondent is adjudicated of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, the court shall impose a standard range as follows:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes three months of community supervision, fifteen hours of community restitution, and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than one day. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than one day of detention, three months of community supervision, thirty hours of community restitution, ~~((a one hundred fifty dollar fine,))~~ and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than two days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than three days of detention, six months of community supervision, forty-five hours of community restitution, ~~((a one hundred fifty dollar fine,))~~ and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than seven days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available.

**Sec. 6.** RCW 10.99.030 and 1996 c 248 s 6 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by January 1, 1997, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission shall include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training shall be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum shall include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the likelihood of officer injury and that promote victim safety, investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with the domestic violence laws. The program shall include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section shall be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.

(5) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(6)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(7) When a peace officer responds to a domestic violence call, the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

Information about shelters and alternatives to domestic violence is available from a statewide twenty-four-hour toll-free hot line at (include appropriate phone number). The battered women's shelter and other resources in your area are . . . . (include local information)"

(8) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(9) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation. Upon receiving the offense report, the prosecuting agency may, in its discretion, choose not to file the information as a domestic violence offense, if the offense was committed against a sibling, parent, stepparent, or grandparent.

(10) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidents of domestic violence reported to it.

(11) Records kept pursuant to subsections (6) and (10) of this section shall be made identifiable by means of a departmental code for domestic violence.

(12) Commencing January 1, 1994, records of incidents of domestic violence shall be submitted, in

accordance with procedures described in this subsection, to the Washington association of sheriffs and police chiefs by all law enforcement agencies. The Washington criminal justice training commission shall amend its contract for collection of statewide crime data with the Washington association of sheriffs and police chiefs:

(a) To include a table, in the annual report of crime in Washington produced by the Washington association of sheriffs and police chiefs pursuant to the contract, showing the total number of actual offenses and the number and percent of the offenses that are domestic violence incidents for the following crimes: (i) Criminal homicide, with subtotals for murder and nonnegligent homicide and manslaughter by negligence; (ii) forcible rape, with subtotals for rape by force and attempted forcible rape; (iii) robbery, with subtotals for firearm, knife or cutting instrument, or other dangerous weapon, and strongarm robbery; (iv) assault, with subtotals for firearm, knife or cutting instrument, other dangerous weapon, hands, feet, aggravated, and other nonaggravated assaults; (v) burglary, with subtotals for forcible entry, nonforcible unlawful entry, and attempted forcible entry; (vi) larceny theft, except motor vehicle theft; (vii) motor vehicle theft, with subtotals for autos, trucks and buses, and other vehicles; (viii) arson; and (ix) violations of the provisions of a protection order or no-contact order restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, provided that specific appropriations are subsequently made for the collection and compilation of data regarding violations of protection orders or no-contact orders;

(b) To require that the table shall continue to be prepared and contained in the annual report of crime in Washington until that time as comparable or more detailed information about domestic violence incidents is available through the Washington state incident based reporting system and the information is prepared and contained in the annual report of crime in Washington; and

(c) To require that, in consultation with interested persons, the Washington association of sheriffs and police chiefs prepare and disseminate procedures to all law enforcement agencies in the state as to how the agencies shall code and report domestic violence incidents to the Washington association of sheriffs and police chiefs.

**Sec. 7.** RCW 13.40.265 and 2003 c 53 s 101 are each amended to read as follows:

(1)~~((a))~~ If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense while armed with a firearm or an offense that is a violation of RCW 9.41.040(2)(a)~~((iii))~~ (iv) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense while armed with a firearm, first unlawful possession of a firearm offense, or first offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

~~((b))~~ (2) Except as otherwise provided in ~~((e) of this)~~ subsection (3) of this section, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44,

69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

~~((c) If the offense is the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later.)~~ (3) If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

~~((2)(a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.~~

~~(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.)~~

**Sec. 8.** RCW 9.41.040 and 2014 c 111 s 1 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

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

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

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

(ii) During any period of time that the person is subject to a court order issued under chapter 7.90, 7.92,

9A.46, 10.14, 10.99, 26.09, 26.10, 26.26, or 26.50 RCW that:

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

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

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

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

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

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

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

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

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4)(a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a

firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

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

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

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

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

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

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

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then

the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

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

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

**Sec. 9.** RCW 46.20.265 and 2005 c 288 s 2 are each amended to read as follows:

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to RCW 9.41.040(5), 13.40.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, or a substantially similar municipal ordinance adopted by a local legislative authority, or from a diversion unit pursuant to RCW 13.40.265.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for two years or until the juvenile reaches eighteen years of age, whichever is longer.

(c) Each offense for which the department receives notice shall result in a separate period of revocation. All periods of revocation imposed under this section that could otherwise overlap shall run consecutively up to the juvenile's twenty-first birthday, and no period of revocation imposed under this section shall begin before the expiration of all other periods of revocation imposed under this section or other law. Periods of revocation imposed consecutively under this section shall not extend beyond the juvenile's twenty-first birthday.

(3)(a) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section if the minimum term of revocation as specified in RCW 13.40.265((1)(e)) (3), 66.44.365(3), 69.41.065(3), 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and subject to subsection (2)(c) of this section.

(b) The juvenile may seek reinstatement of his or her driving privileges from the department when the juvenile reaches the age of twenty-one. A notice from the court reinstating the juvenile's driving privilege shall not be required if reinstatement is pursuant to this subsection.

~~((4)(a) If the department receives notice pursuant to RCW 13.40.265(2)(b) from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section as provided in (b) of this subsection, subject to subsection (2)(c) of this section.~~

~~(b) If the diversion agreement was for the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of ninety days after the date the juvenile turns sixteen or ninety days after the juvenile entered into a diversion agreement for the offense. If the diversion agreement was for the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of the date the juvenile turns seventeen or one year after the juvenile entered into the second or subsequent diversion agreement.))~~

**Sec. 10.** RCW 66.44.365 and 1989 c 271 s 118 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of eighteen is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense in violation of this chapter and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 69.41, 69.50, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, a juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

**Sec. 11.** RCW 69.41.065 and 1989 c 271 s 119 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense in violation of this chapter and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.50, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the

court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

**Sec. 12.** RCW 69.50.420 and 1989 c 271 s 120 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense in violation of this chapter and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

**Sec. 13.** RCW 69.52.070 and 1989 c 271 s 121 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense in violation of this chapter and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, or 69.50 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered."

Correct the title.

Representative Goodman moved the adoption of amendment (688) to amendment (663):

On page 2, after line 14 of the amendment, insert the following:

**"Sec. 2.** RCW 13.40.020 and 2014 c 110 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental health, substance abuse, or co-occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument;

(2) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services including, when appropriate, restorative justice programs; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(3) "Community-based sanctions" may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community restitution not to exceed one hundred fifty hours of community restitution;

(4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be

performed through public or private organizations or through work crews;

(5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

- (a) Community-based sanctions;
- (b) Community-based rehabilitation;
- (c) Monitoring and reporting requirements;
- (d) Posting of a probation bond;
- (6) "Confinement" means physical custody by the

department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(7) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(8) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(9) "Department" means the department of social and health services;

(10) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(11) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(12) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(14) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(15) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(16) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(17) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

(18) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

(19) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(20) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements

to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(21) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(22) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another;

(23) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;

(24) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(25) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(26) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(27) "Restorative justice" means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members;

(28) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;

(29) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention, or more comprehensive assessment. A screening may be undertaken with or without the administration of a formal instrument;

(30) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(31) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(32) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(33) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(34) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(35) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;

(36) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(37) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(38) "Youth court" means a diversion unit under the supervision of the juvenile court."

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

Representatives Goodman and Stambaugh spoke in favor of the adoption of the amendment to the amendment.

Amendment (688) to amendment (663) was adopted.

Representative Klippert moved the adoption of amendment (720) to amendment (663):

On page 6, line 5 of the striking amendment, after "available." insert "The court may impose a fine up to two

hundred dollars for juveniles who meet the criteria in this subsection."

On page 6, line 11 of the striking amendment, after "~~dollar~~" strike "~~fine~~);" and insert "~~fine~~). The court may impose a fine up to four hundred dollars for juveniles who meet the criteria in this subsection:"

On page 6, line 16 of the striking amendment, after "~~fine~~)." insert "The court may impose a fine up to four hundred dollars for juveniles who meet the criteria in this subsection."

On page 6, line 28 of the striking amendment, after "days." insert "The court may impose a fine up to two hundred dollars for juveniles who meet the criteria in this subsection."

On page 6, line 36 of the striking amendment, after "~~dollar~~" strike "~~fine~~);" and insert "~~fine~~). The court may impose a fine up to four hundred dollars for juveniles who meet the criteria in this subsection:"

On page 7, line 2 of the striking amendment, after "~~fine~~)." insert "The court may impose a fine up to four hundred dollars for juveniles who meet the criteria in this subsection."

On page 7, line 22 of the striking amendment, after "days." insert "The court may impose a fine up to one hundred and fifty dollars for juveniles who meet the criteria in this subsection."

On page 7, line 31 of the striking amendment, after "days." insert "The court may impose a fine up to one hundred and fifty dollars for juveniles who meet the criteria in this subsection."

Representative Klippert spoke in favor of the adoption of the amendment to the amendment.

Representative Senn spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 48 - YEAS; 49 - NAYS.

Amendment (720) to amendment (663) was not adopted.

Representative Stambaugh moved the adoption of amendment (699) to amendment (663):

On page 10, line 7 of the striking amendment, after "committed" insert "by a juvenile"

Representatives Stambaugh and Senn spoke in favor of the adoption of the amendment.

Amendment (699) to amendment (663) was adopted.

Representative Hayes moved the adoption of amendment (719) to amendment (663):

On page 10, beginning on line 8 of the striking amendment, after "grandparent," insert "In determining whether to file the information as a domestic violence offense, the prosecuting agency may take into consideration whether the victim of the offense requests that the information not be filed as a domestic violence offense or does not object to an information not being filed as a domestic violence offense."

Representatives Hayes and Senn spoke in favor of the adoption of the amendment to the amendment.

Amendment (719) to amendment (663) was adopted.

Representatives Sawyer and Stambaugh spoke in favor of the adoption of the amendment as amended.

Amendment (663), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Stambaugh and Kagi spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

There being no objection, the House deferred action on. ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906, and the bill held its place on the third reading calendar.

**HOUSE BILL NO. 2791, by Representatives Pettigrew, Goodman, Moscoso, Senn, Frame, Stanford, Santos and Walkinshaw**

**Creating the Washington statewide reentry council.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2791 was substituted for House Bill No. 2791 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2791 was read the second time.

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

Representatives Pettigrew and Hayes spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2791.

### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2791, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel,

Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea and Taylor.

SECOND SUBSTITUTE HOUSE BILL NO. 2791, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2834, by Representatives Senn, Walsh, Kagi, Fey, Kilduff, Stanford and McBride**

**Concerning implementation of the homeless youth prevention and protection act of 2015.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2834 was substituted for House Bill No. 2834 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2834 was read the second time.

Representative Senn moved the adoption of amendment (665):

On page 9, line 3, after "Any" strike "person" and insert "unaccompanied youth"

On page 9, line 5, after "section." insert "As used in this subsection (2), "unaccompanied" has the definition in RCW 43.330.702."

Representatives Senn and Dent spoke in favor of the adoption of the amendment.

Amendment (665) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2834.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2834, and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harmsworth, Harris, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Scott, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dye, Haler, Hargrove, Hawkins, Hayes, Holy, Klippert, Kretz, Kristiansen, McCaslin, Orcutt, Pike, Schmick, Shea, Short, Smith, Taylor and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2834, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2647, by Representatives Jinkins, Ryu, Fey, Santos and Frame**

**Disposing tax foreclosed property to cities for affordable housing purposes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2647 was substituted for House Bill No. 2647 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2647 was read the second time.

Representative Jinkins moved the adoption of amendment (730):

On page 1, line 19 after "(2)" strike "The" and insert "Except when a public agency purchases the tax-foreclosed property for public purposes, the"

On page 2, line 4 after "84.64.080" strike ", under the following conditions" insert ". If the city chooses to purchase the property, the following conditions apply"

Representative Jinkins spoke in favor of the adoption of the amendment.

Amendment (730) was adopted.

The bill was ordered engrossed.

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

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

Representative Wilson spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2647.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2647, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stokesbary, Taylor, Van Werven, Vick, Wilcox, Wilson and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2647, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094 was returned to second reading for the purpose of amendment.

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

### SECOND READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094, by House Committee on Technology & Economic Development (originally sponsored by Representative Morris)**

#### Concerning biometric identifiers.

The bill was read the second time.

Representative Harmsworth moved the adoption of amendment (741):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that citizens of Washington are increasingly asked to disclose sensitive biological information that uniquely identifies them for commerce, security, and convenience. The commercial collection and marketing of biometric information about individuals, without consent or knowledge of the individual whose data is collected, is of increasing concern. The legislature intends to require a business to provide notice and obtain consent from an individual before enrolling an individual's biometric identifiers in a database for commercial purposes.

**NEW SECTION. Sec. 2.** (1) A person may not enroll a biometric identifier of an individual in a database for a commercial purpose without providing clear and conspicuous notice and obtaining the individual's affirmative consent.

(2) Clear and conspicuous notice is notice that is given through a procedure reasonably designed to be prominent, timely, relevant, and easily accessible. It should address the type of biometric identifier that the person is capturing, the commercial purposes for which the biometric identifier is being enrolled, and the circumstances in which the biometric identifier may be disclosed to third parties. The exact notice required to achieve this standard is context-dependent.

(3) A person who has enrolled an individual's biometric identifier may not sell, lease, or otherwise disclose the biometric identifier to another person for a commercial purpose unless the disclosure:

(a) Is consistent with the notice and consent described in subsections (1) and (2) of this section;

(b) Is necessary to provide a product or service requested by the individual;

(c) Is necessary to effect, administer, enforce, or complete a financial transaction that the individual requested, initiated, or authorized, and the third party to whom the biometric data is disclosed maintains confidentiality of the biometric data and does not further disclose the biometric data except as otherwise permitted under this subsection (3);

(d) Is required or expressly authorized by a federal or state statute, administrative code, or court order;

(e) Is made in good faith in response to a request from a law enforcement officer that has represented to the person that such disclosure is necessary to facilitate law enforcement's response to an ongoing incident in which there is an imminent threat of danger or harm to an individual;

(f) Is made to a third party who contractually promises that the biometric identifier will not be further disclosed and will not be enrolled in a database for a commercial purpose inconsistent with the notice provided to the individual under subsections (1) and (2) of this section; or

(g) Is made to prepare for litigation or to respond to or participate in judicial process.

(4) A person who possesses a biometric identifier of an individual that has been enrolled for a commercial purpose:

(a) Must take reasonable care to guard against unauthorized access to biometric identifiers that is in the possession or under the control of the person; and

(b) May retain the biometric identifier no longer than is reasonably necessary to:

(i) Comply with a court order, statute, or administrative rule;

(ii) Protect against or prevent actual or potential fraud, criminal activity, claims, security threats, or liability; or

(iii) Effectuate the purposes for which an individual has provided consent to the capture, enrollment, and disclosure of the biometric information.

(5) A person who enrolls a biometric identifier of an individual pursuant to this section may not use or disclose it in a manner that is materially inconsistent with the terms under which the biometric identifier was originally provided without obtaining consent.

(6) The limitations on disclosure and retention of biometric identifiers provided in this section do not apply to disclosure or retention of biometric identifiers that have been anonymized so as to prevent the possibility of ascertaining the identity of a unique individual.

**NEW SECTION. Sec. 3.** For purposes of this chapter, the following definitions apply unless the context clearly requires otherwise:

(1) "Biometric sample" means a measurable physical characteristic or personal behavioral trait obtained from a biometric sensor device that can be used for identification of the individual.

(2) "Biometric identifier" means data generated by automatic measurements of an individual's biological characteristics, such as a fingerprint, voice print, eye retinas or irises, or other unique biological characteristic, which are used by the person or licensee to uniquely authenticate an individual's identity when the individual accesses a system or account.

(3) "Biometric system" means an automated system capable of capturing a biometric sample from an individual, extracting and processing biometric data from that sample, storing the extracted information in a database, comparing the biometric data with data contained in one or more references, determining whether the biometric data matches the reference, and indicating whether or not an identification has been achieved.

(4) "Capture" means the process of using a sensor to collect a biometric sample and related contextual data from a scene or an individual, or both, with or without the individual's knowledge.

(5) "Commercial purpose" means a purpose in furtherance of the sale or disclosure of biometric data for the purpose of marketing of goods or services when such goods or services are unrelated to the initial commercial transaction in which a person first gains possession of an individual's biometric identifier. "Commercial purpose" does not include a security purpose.

(6) "Enroll" means to collect a biometric sample of an individual, convert it into a reference template, and store it in the biometric system's database for later comparison. Biometric samples converted in a reference template format cannot be reconstructed into the original output image.

(7) "Federal peace officer" has the meaning in RCW 10.93.020.

(8) "Identification" is the task by which a biometric system searches a database for a reference matching a biometric sample and, if found, returns a corresponding identity.

(9) "Law enforcement officer" means a law enforcement officer as defined in RCW 9.41.040 or a federal peace officer.

(10) "Person" has the meaning in RCW 19.345.010.

(11) "Security purpose" means the purpose of preventing shoplifting, fraud, or any other misappropriation or theft of a thing of value, including tangible and intangible goods and services.

**NEW SECTION. Sec. 4.** The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A material violation of this chapter is not reasonable in relation to the development and preservation of business, is an unfair or deceptive act in trade or commerce and an unfair method of competition, and may be enforced by the attorney general under the consumer protection act, chapter 19.86 RCW.

**NEW SECTION. Sec. 5.** (1) Nothing in this act shall be construed to apply in any manner to a financial institution or an affiliate of a financial institution that is subject to Title V of the federal Gramm-Leach-Bliley Act of 1999 and the rules promulgated thereunder.

(2) Nothing in this act shall be construed to expand or limit the authority of a law enforcement officer acting within the scope of his or her authority, including, but not limited to, the authority of a state law enforcement officer in executing lawful searches and seizures.

**NEW SECTION. Sec. 6.** Sections 2 through 5 constitute a new chapter in Title 19 RCW."

Correct the title.

Representatives Harmsworth and Morris spoke in favor of the adoption of the amendment.

Amendment (741) was adopted.

The bill was ordered engrossed.

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

Representatives Morris, Harmsworth, Smith and Shea spoke in favor of the passage of the bill.

Representative Magendanz spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1094.

## ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1094, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth,

Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives DeBolt, Dye, Magendanz, Manweller, Muri, Sawyer, Schmick, Stokesbary, Vick and Wilcox.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1094, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2604, by Representatives Kuderer, Goodman, Johnson, Wilcox, Morris, Hudgins, MacEwen and Wilson**

**Concerning disclosure of financial, commercial, and proprietary information of employees of private employers. Revised for 1st Substitute: Concerning disclosure of financial, commercial, and proprietary information of employees of private cloud service providers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2604 was substituted for House Bill No. 2604 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2604 was read the second time.

There being no objection, the House deferred action on. SUBSTITUTE HOUSE BILL NO. 2604, and the bill held its place on the second reading calendar.

**HOUSE BILL NO. 2875, by Representatives Smith, Morris and Magendanz**

**Establishing the office of data privacy, protection, and access equity. Revised for 1st Substitute: Establishing the office of privacy and data protection.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2875 was substituted for House Bill No. 2875 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2875 was read the second time.

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

Representatives Smith and Morris spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2875.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2875, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2875, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2384, by Representatives Buys, Wylie, Orwall and Rodne**

**Clarifying the meaning of mobile telecommunications service provider.**

The bill was read the second time.

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

Representatives Buys and Morris spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2384.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2384, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon,

Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2384, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2584, by Representatives Vick, Van De Wege, Blake, Harris and Tarleton**

**Concerning public disclosure of information submitted to the liquor and cannabis board regarding marijuana product traceability and operations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2584 was substituted for House Bill No. 2584 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2584 was read the second time.

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

Representatives Vick and Hurst spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2584.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2584, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli,

Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives DeBolt, Dent, Dye, Haler, Johnson, Klippert, McCabe and Wilcox.

SUBSTITUTE HOUSE BILL NO. 2584, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

February 15, 2016

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5597,  
SENATE BILL NO. 6200,  
SENATE BILL NO. 6205,  
SUBSTITUTE SENATE BILL NO. 6283,  
SUBSTITUTE SENATE BILL NO. 6301,  
SENATE BILL NO. 6325,  
SUBSTITUTE SENATE BILL NO. 6329,  
SUBSTITUTE SENATE BILL NO. 6338,  
SENATE BILL NO. 6350,  
SUBSTITUTE SENATE BILL NO. 6358,  
SECOND SUBSTITUTE SENATE BILL NO. 6408,  
SUBSTITUTE SENATE BILL NO. 6411,  
SUBSTITUTE SENATE BILL NO. 6421,  
SENATE BILL NO. 6538,  
SENATE JOINT RESOLUTION NO. 8210,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

#### **SECOND READING**

**HOUSE BILL NO. 2765, by Representatives Kretz, Moscoso, Griffey, Hayes and Holy**

**Clarifying the limited authority of park rangers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2765 was substituted for House Bill No. 2765 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2765 was read the second time.

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

Representatives Kretz and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2765.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2765, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Johnson, McCabe, McCaslin, Orcutt, Scott, Shea, Taylor and Young.

SUBSTITUTE HOUSE BILL NO. 2765, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2644, by Representatives Blake, Muri, Van De Wege, Jinkins, Kretz, Short, Fitzgibbon, Rossetti and McBride**

**Concerning animal forfeiture in animal cruelty cases.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2644 was substituted for House Bill No. 2644 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2644 was read the second time.

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

Representatives Blake and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2644.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2644, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride,

Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2644, having received the necessary constitutional majority, was declared passed.

The House resumed consideration of ENGROSSED SUBSTITUTE HOUSE BILL NO. 2604 on second reading.

With the consent of the house, amendment (697) was withdrawn.

Representative Shea moved the adoption of amendment (746):

On page 3, line 1, after "(d)" insert "court case numbers associated with specific court case files contained in"

Representatives Shea and Hunt spoke in favor of the adoption of the amendment.

Amendment (746) was adopted.

The bill was ordered engrossed.

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

Representatives Kuderer, Holy, Hunt and Magendanz spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2604.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2604, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride,

McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2604, having received the necessary constitutional majority, was declared passed.

#### POINT OF PERSONAL PRIVILEGE

Representative McBride congratulated Representative Kuderer on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

#### SECOND READING

**HOUSE BILL NO. 2806, by Representatives Kuderer, Gregerson, Stambaugh, Griffey, Hayes, Ormsby, Van De Wege, Sawyer, Moeller, Zeiger, Riccelli, Stokesbary, Tarleton, Fitzgibbon, Reykdal, Morris, Pollet, Goodman and Bergquist**

**Addressing the presumption of occupational diseases for purposes of industrial insurance.**

The bill was read the second time.

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

Representative Kuderer and Kuderer (again) spoke in favor of the passage of the bill.

Representative Manweller spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2806.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2806, and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, MacEwen, McBride, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan,

Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Hargrove, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, Magendanz, Manweller, McCabe, McCaslin, Nealey, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilcox, Wilson and Young.

HOUSE BILL NO. 2806, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2806.

Representative Parker, 6th District

#### SECOND READING

**HOUSE BILL NO. 2545, by Representatives Van De Wege, Taylor, DeBolt, Cody, Rodne, Kochmar, Stambaugh, Riccelli, Johnson, Jinkins, Kagi, Harris, Smith, Stokesbary, Caldier, Zeiger, Tharinger, Hickel, Fitzgibbon, Muri, Reykdal, Frame, Rossetti, S. Hunt, Hudgins, McBride, Ormsby, Appleton, Walkinshaw, Senn, Ryu, Gregerson, Sells, Harmsworth, Tarleton, Pollet, Bergquist, Stanford and Scott**

**Reducing public health threats that particularly impact highly exposed populations, including children and firefighters, by establishing a process for the department of health to restrict the use of toxic flame retardant chemicals in certain types of consumer products.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2545 was substituted for House Bill No. 2545 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2545 was read the second time.

Representative Van De Wege moved the adoption of amendment (696):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Additive TBBPA" means the chemical tetrabromobisphenol A, chemical abstracts service number 79-94-7, as of the effective date of this section, in a form that has not undergone a reactive process and is not covalently bonded to a polymer in a product or product component.

(2) "Children's product" has the same meaning as defined in RCW 70.240.010.

(3) "Decabromodiphenyl ether" means the chemical decabromodiphenyl ether, chemical abstracts service number 1163-19-5, as of the effective date of this section.

(4) "HBCE" means the chemical hexabromocyclododecane, chemical abstracts service number 25637-99-4, as of the effective date of this section.

(5) "IPTPP" means the chemical isopropylated triphenyl phosphate, chemical abstracts service number 68937-41-7, as of the effective date of this section.

(6) "Manufacturer" has the same meaning as defined in RCW 70.240.010 and also includes a manufacturer of residential upholstered furniture.

(7) "Residential upholstered furniture" has the same meaning as defined in RCW 70.76.010.

(8) "TBB" means the chemical (2-ethylhexyl)-2,3,4,5-tetrabromobenzoate, chemical abstracts service number 183658-27-7, as of the effective date of this section.

(9) "TBPH" means the chemical bis (2-ethylhexyl)-2,3,4,5-tetrabromophthalate, chemical abstracts service number 26040-51-7, as of the effective date of this section.

(10) "TCEP" means the chemical (tris (2-chloroethyl) phosphate), chemical abstracts service number 115-96-8, as of the effective date of this section.

(11) "TCPP" means tris (1,2-dichloro-2-propyl) phosphate, the chemical abstracts service number 13674-84-5, as of the effective date of this section.

(12) "TDCPP" means the chemical (tris (1,3-dichloro-2-propyl) phosphate), chemical abstracts service number 13674-87-8, as of the effective date of this section.

(13) "TPP" means the chemical triphenyl phosphate, chemical abstracts service number 115-86-6, as of the effective date of this section.

(14) "V6" means the chemical bis(chloromethyl)propane-1,3-diyltetrakis (2-chloroethyl) bisphosphate, chemical abstracts service number 385051-10-4, as of the effective date of this section.

**NEW SECTION. Sec. 2.** Beginning July 1, 2017, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state children's products or residential upholstered furniture containing any of the following flame retardants in amounts greater than one thousand parts per million in any product component:

- (1) TDCPP;
- (2) TCEP;
- (3) Decabromodiphenyl ether;
- (4) HBCE; or
- (5) Additive TBBPA.

**NEW SECTION. Sec. 3.** (1) By rule, the secretary of the department of health may prohibit the manufacture, sale, distribution for sale, or distribution for use in this state of residential upholstered furniture or children's products containing any of the following chemicals used as a flame retardant in any product component in amounts greater than one thousand parts per million:

- (a) IPTPP;
- (b) TBB;

- (c) TBPH;
- (d) TCPP;
- (e) TPP; and
- (f) V6.

(2) The department of health must create an external advisory committee for the rule development under subsection (1) of this section to provide early stakeholder input, expertise, and additional information. All advisory meetings must be open to the public. The advisory committee membership must include, but not be limited to, representatives from: Large and small business sectors; community, environmental, and public health advocacy groups; local governments; affected and interested businesses; groups representing firefighters; and public health agencies. State agencies and technical experts may be requested to participate.

(3) After January 1, 2016, a rule that restricts a flame retardant under subsection (1) of this section must be adopted prior to December 1st of any year and the restrictions under subsection (1) of this section do not take effect before the end of the regular legislative session in the next year.

(4) Before the secretary of the department of health may adopt a rule to restrict a flame retardant, the department of health must submit a report to the legislature no later than at the time of publication of the notice of a rule-making hearing required under RCW 34.05.320. The report to the legislature must contain:

(a) A determination by the department of health as to whether children or vulnerable populations are likely to be exposed to the chemical directly or indirectly from its use in products. The determination of the department of health must be made after an evaluation of available information on:

- (i) Chemical name, properties, manufacturers, and production volumes;
- (ii) Levels of the flame retardants in consumer products;
- (iii) Migration of the flame retardants out of products during and after use; and
- (iv) Levels of the flame retardants in humans and the environment, including but not limited to the home environment;

(b) A review of available toxicity data to evaluate the health concerns for children or vulnerable populations; and

(c) A determination of whether a safer alternative has been identified to meet applicable fire safety standards for residential furniture and children's products by evaluating existing chemical action plans and assessments of safer alternatives that have been completed for flame retardant chemicals.

(5) The department of health must identify the sources of information it relied upon in making the determination required in subsection (4) of this section, including peer-reviewed science.

(6) Violations of rules adopted pursuant to this chapter are subject to the penalties provided in RCW 70.240.050.

(7) The department of health may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(8) This section expires July 1, 2022.

**Sec. 4.** RCW 70.240.050 and 2008 c 288 s 7 are each amended to read as follows:

(1) A manufacturer of products that are restricted under this chapter or chapter 70.--- RCW (the new chapter created in section 5 of this act) must notify persons that sell the manufacturer's products in this state about the provisions of this chapter no less than ninety days prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this chapter or chapter 70.--- RCW (the new chapter created in section 5 of this act) shall recall the product and reimburse the retailer or any other purchaser for the product.

(3) A manufacturer of ~~((children's))~~ products in violation of this chapter or chapter 70.--- RCW (the new chapter created in section 5 of this act) is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

(4) Retailers who unknowingly sell products that are restricted from sale under this chapter or chapter 70.--- RCW (the new chapter created in section 5 of this act) are not liable under this chapter.

(5) The sale or purchase of any previously owned products containing a chemical restricted under this chapter or chapter 70.--- RCW (the new chapter created in section 5 of this act) made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization, is exempt from this chapter and chapter 70.--- RCW (the new chapter created in section 5 of this act).

**NEW SECTION. Sec. 5.** Sections 1 through 3 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

Representative Short moved the adoption of amendment (721) to amendment (696):

Beginning on page 1, after line 2 of the amendment, strike the remainder of the amendment and insert the following:

**"NEW SECTION. Sec. 6.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Additive TBBPA" means the chemical tetrabromobisphenol A, chemical abstracts service number 79-94-7, as of the effective date of this section, in a form that has not undergone a reactive process and is not covalently bonded to a polymer in a product or product component.

(2) "Children's product" has the same meaning as defined in RCW 70.240.010.

(3) "Decabromodiphenyl ether" means the chemical decabromodiphenyl ether, chemical abstracts service number 1163-19-5, as of the effective date of this section.

(4) "HBCD" means the chemical hexabromocyclododecane, chemical abstracts service number 25637-99-4, as of the effective date of this section.

(5) "High priority chemical" has the same meaning as defined in RCW 70.240.010, but only includes chemicals that are: (a) Used as flame retardants; and (b) in any product component of a children's product or residential upholstered furniture, as defined in RCW 70.76.010.

(6) "Inaccessible electronic component" means:

(a) An inaccessible component part located inside an electronic product and not capable of being touched or mouthed, whether or not such part is visible to a user of the product; and

(b) An inaccessible component that may be enclosed in any type of material including, but not limited to, hard or soft plastic, rubber, or metal.

(7) "IPTPP" means the chemical isopropylated triphenyl phosphate, chemical abstracts service number 68937-41-7, as of the effective date of this section.

(8) "Manufacturer" has the same meaning as defined in RCW 70.240.010 and also includes a manufacturer of residential upholstered furniture, as defined in RCW 70.76.010.

(9) "TBB" means the chemical (2-ethylhexyl)-2,3,4,5-tetrabromobenzoate, chemical abstracts service number 183658-27-7, as of the effective date of this section.

(10) "TBPH" means the chemical bis (2-ethylhexyl)-2,3,4,5-tetrabromophthalate, chemical abstracts service number 26040-51-7, as of the effective date of this section.

(11) "TCEP" means the chemical (tris(2-chloroethyl)phosphate), chemical abstracts service number 115-96-8, as of the effective date of this section.

(12) "TCPP" means the chemical tris (1-chloro-2-propyl) phosphate, chemical abstracts service number 13674-84-5, as of the effective date of this section.

(13) "TDCPP" means the chemical (tris(1,3-dichloro-2-propyl)phosphate), chemical abstracts service number 13674-87-8, as of the effective date of this section.

(14) "TPP" means the chemical triphenyl phosphate, chemical abstracts service number 115-86-6, as of the effective date of this section.

**NEW SECTION. Sec. 7.** Beginning July 1, 2017, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state children's products or residential upholstered furniture, as defined in RCW 70.76.010, containing any of the following flame retardants in amounts greater than one thousand parts per million in any product component, except an inaccessible electronic component:

(1) TDCPP;

(2) TCEP;

- (3) Decabromodiphenyl ether;
- (4) HBCD; or
- (5) Additive TBBPA.

**NEW SECTION. Sec. 8.** (1) Consistent with the process and evaluative criteria adopted by the department of ecology by rule under chapter 70.240 RCW, the department of ecology must make a decision regarding whether a flame retardant listed in (a) through (e) of this subsection meets the criteria of a high priority chemical of high concern for children. If the department of ecology decides a flame retardant meets the criteria, the department of ecology must propose a rule to list a flame retardant under this subsection as a high priority chemical of high concern for children by December 1st of any year. If the department of ecology proposes a rule to add a flame retardant listed in this section to the list of high priority chemicals of high concern for children, the rule may not be adopted and take effect until after the conclusion of the regular legislative session in the following year. Under this subsection (1), the department of ecology must make a separate decision and propose a separate rule for each flame retardant chemical identified by a specific chemical abstracts service number.

- (a) IPTPP;
- (b) TBB;
- (c) TBPH;
- (d) TCPP; and
- (e) TPP.

(2) If the department of ecology, in consultation with the department of health, proposes a rule to add a flame retardant chemical to the list of high priority chemicals of high concern for children pursuant to subsection (1) of this section, the department of ecology must also submit a report to the legislature by December 1st of that year. The report to the legislature must contain:

(a) A determination by the department of health as to whether children or vulnerable populations are likely to be exposed to the chemical directly or indirectly from its use in products. The determination of the department of health must be made after an evaluation of available information on:

- (i) Chemical name, properties, manufacturers, and production volumes;
- (ii) Levels of the flame retardants in consumer products;
- (iii) Migration of the flame retardants out of products during and after use;
- (iv) Levels of the flame retardants in humans and the environment, including but not limited to the home environment;
- (v) Quantitative estimates of the potential human and environmental exposures associated with the use and release of the chemical; and

(vi) An assessment of the potential impacts on human health and the environment resulting from the quantitative exposure estimates referred to in (a)(v) of this subsection;

(b) A review of available toxicity data to evaluate the health concerns for children or vulnerable populations;

(c) A determination of whether a safer alternative has been identified to meet applicable fire safety standards for residential furniture and children's products by evaluating existing chemical action plans and assessments of safer alternatives that have been completed for flame retardant chemicals; and

(d) Recommendations regarding whether the legislature should restrict the use of the flame retardants listed in subsection (1)(a) through (e) of this section in children's products or residential upholstered furniture, as defined in RCW 70.76.010, or both. This recommendation must address:

- (i) Allowable levels of any restricted flame retardant chemicals in a product, which may not be less than one thousand parts per million; and
- (ii) The date when any restrictions should take effect.

(3) The departments of health and ecology must identify the sources of information they reviewed and ultimately relied upon in making the determinations required in subsection (2) of this section, including peer-reviewed science.

(4) The department of ecology, in consultation with the department of health, must create an external advisory committee to provide early stakeholder input, expertise, and additional information for the report to the legislature required under subsection (2) of this section. All advisory meetings must be open to the public. The advisory committee membership must include, but not be limited to, representatives from: Large and small business sectors; community, environmental, and public health advocacy groups; local governments; affected and interested businesses; groups representing firefighters; and public health agencies. State agencies and technical experts may be requested to participate.

(5) If the department of ecology, in consultation with the department of health, submits a report under subsection (2) of this section to the legislature recommending restricting a flame retardant chemical listed in subsection (1)(a) through (e) of this section, the rule-making process under section 4 of this act may not commence prior to the end of the regular legislative session following adoption of the rule under subsection (1) of this section.

**NEW SECTION. Sec. 9.** (1) Before December 1st of any year until December 1, 2021, the secretary of the department of health may propose a rule to restrict a flame retardant consistent with the department of ecology's recommendations under section 3(2) of this act. A rule may not restrict flame retardants in inaccessible electronic components of a product. This rule may not be finalized and adopted before the end of the regular legislative session in the year following the rule proposal under this section and may not be finalized and adopted if the legislature takes action during that following regular legislative session to implement protective measures relating to a flame retardant listed in section 3(1) (a) through (e) of this act. Any final rule adopted by the department of health under this section must be identical to the rule proposed by

the department of health on December 1st of the previous year.

(2) A violation of rules adopted pursuant to this chapter is subject to the penalties provided in RCW 70.240.050.

(3) The department of health may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(4) This section expires July 1, 2022.

**Sec. 10.** RCW 70.240.050 and 2008 c 288 s 7 are each amended to read as follows:

(1) A manufacturer of products that are restricted under this chapter or chapter 70.--- RCW (the new chapter created in section 6 of this act) must notify persons that sell the manufacturer's products in this state about the provisions of this chapter no less than ninety days prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this chapter or chapter 70.--- RCW (the new chapter created in section 6 of this act) shall recall the product and reimburse the retailer or any other purchaser for the product.

(3) A manufacturer of ~~((children's))~~ products in violation of this chapter or chapter 70.--- RCW (the new chapter created in section 6 of this act) is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

(4) Retailers who unknowingly sell products that are restricted from sale under this chapter or chapter 70.--- RCW (the new chapter created in section 6 of this act) are not liable under this chapter.

(5) The sale or purchase of any previously owned products containing a chemical restricted under this chapter or chapter 70.--- RCW (the new chapter created in section 6 of this act) made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization, is exempt from this chapter and chapter 70.--- RCW (the new chapter created in section 6 of this act).

**NEW SECTION. Sec. 11.** Sections 1 through 4 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

Representative Short spoke in favor of the adoption of the amendment to the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (721) to amendment (696) to Substitute House Bill No. 2545 and the amendment was not adopted by the following vote: Yeas, 46; Nays, 51; Absent, 0; Excused, 0.

Voting yea: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, S., Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, and Wylie

Representatives Van De Wege, Short and Senn spoke in favor of the adoption of the amendment.

Amendment (696) was adopted.

The bill was ordered engrossed.

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

Representatives Van De Wege and Riccelli spoke in favor of the passage of the bill.

Representative Short spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2545.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2545, and the bill passed the House by the following vote: Yeas, 76; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harmsworth, Harris, Hawkins, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, MacEwen, Magendanz, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Scott, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilson, Wylie, Young, Zeiger and Mr. Speaker.\par Voting

nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Haler, Hargrove, Hayes, Holy, Klippert, Kretz, Kristiansen, Manweller, McCaslin, Nealey, Schmick, Shea, Short, Van Werven, Vick and Wilcox.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2545, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1725, by Representatives Cody and Tharinger**

**Concerning a consumer's right to assign hours to individual providers and the department of social and health services' authority to establish criteria regarding the payment of individual providers. Revised for 2nd Substitute: Concerning the consumer's right to assign hours to individual providers and the department of social and health services' authority to adopt rules related to payment of individual providers.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1725 was substituted for House Bill No. 1725 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1725 was read the second time.

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

Representatives Cody and Manweller spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1725.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1725, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger,

Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 1725, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2320, by Representatives Stokesbary, Hurst, Peterson, Caldier, Schmick, Stambaugh and Wilcox**

**Providing that the horse racing commission operating account is a nonappropriated account.**

The bill was read the second time.

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

Representatives Stokesbary and Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2320.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2320, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Hurst, Johnson, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Hudgins, Jinkins, Kagi, Kilduff, McCaslin, Ormsby, Pollet, Shea, Stanford and Taylor.

HOUSE BILL NO. 2320, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2785, by Representatives Shea, Short, Schmick, Taylor, Scott and McCaslin**

**Ensuring that restrictions on the use of solid fuel burning devices do not prohibit the installation or replacement of solid fuel burning devices or the use of these devices during temporary outages of other sources of heat.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2785 was substituted for House Bill No. 2785 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2785 was read the second time.

Representative Fitzgibbon moved the adoption of amendment (732):

On page 4, line 17, after "event" strike "that leaves a" and insert "beyond the control of a person that leave the person's"

On page 4, beginning on line 24, strike all of subsection (6)

On page 4, beginning on line 33, strike all of section 2

Correct the title.

Representatives Fitzgibbon and Shea spoke in favor of the adoption of the amendment.

Amendment (732) was adopted.

The bill was ordered engrossed.

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

Representatives Shea and Fitzgibbon spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2785.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2785, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2785, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2483, by Representatives Sawyer, Orwall, Jinkins, Tarleton, Kilduff, Sells, McBride, Bergquist, Ormsby, Santos and Goodman**

#### Protecting minors from sexual exploitation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2483 was substituted for House Bill No. 2483 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2483 was read the second time.

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

Representatives Sawyer and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2483.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2483, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2483, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2280, by Representatives Klippert and Hayes**

**Making felony driving under the influence of intoxicating liquor, marijuana, or any drug a class B felony.**

The bill was read the second time.

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

Representatives Klippert and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2280.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2280, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2280, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2410, by Representatives Hayes, Orwall, Klippert, Goodman, Griffey, Fitzgibbon, Magendanz, Muri and Ormsby**

**Requiring information about certain criminal defendants be included in the felony firearm offense conviction database.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2410 was substituted for House Bill No. 2410 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2410 was read the second time.

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

Representatives Hayes and Jinkins spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2410.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2410, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea and Taylor.

SUBSTITUTE HOUSE BILL NO. 2410, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2494, by Representatives Tarleton, Santos and Gregerson**

**Concerning penalties for marijuana offenses.**

The bill was read the second time.

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

Representatives Hurst and Condotta spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2494.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2494, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Calder, Clibborn, Cody, Condotta, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harris, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kirby, Kochmar, Kuderer, Lytton, MacEwen, Magendanz, McBride, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Scott, Sells, Senn, Shea, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, DeBolt, Dent, Dye, Haler, Hargrove, Harmsworth, Hawkins, Johnson, Kilduff, Klippert, Kretz, Kristiansen, Manweller, McCabe, McCaslin, Orcutt, Pike, Rodne, Sawyer, Schmick, Short and Van Werven.

HOUSE BILL NO. 2494, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

There being no objection, the rules were suspended, and HOUSE BILL NO. 2033 was returned to second reading for the purpose of amendment.

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

### SECOND READING

**HOUSE BILL NO. 2033, by Representatives Goodman, Rodne, Orwall, Jinkins, Griffey, Fey, Pollet and Ormsby**

#### Concerning sexual assault protection orders.

The bill was read the second time.

Representative Goodman moved the adoption of amendment (737):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 7.90.120 and 2013 c 74 s 3 are each amended to read as follows:

(1)(a) An ex parte temporary sexual assault protection order shall be effective for a fixed period not to exceed fourteen days. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or service by mail is permitted. If the court permits service by publication or service by mail, the court shall also reissue the ex parte temporary protection order not to exceed

another twenty-four days from the date of reissuing the ex parte protection order. Except as provided in RCW 7.90.050, 7.90.052, or 7.90.053, the respondent shall be personally served with a copy of the ex parte temporary sexual assault protection order along with a copy of the petition and notice of the date set for the hearing.

(b) Any ex parte temporary order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(2) Except as otherwise provided in this section or RCW 7.90.150, a final sexual assault protection order shall be effective for a fixed period of time (~~(, not to exceed two years))~~ or be permanent.

(3) Any sexual assault protection order which would expire on a court holiday shall instead expire at the close of the next court business day.

(4) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a sexual assault protection order undermines the purposes of this chapter. This section shall not be construed as encouraging that practice.

**Sec. 2.** RCW 7.90.121 and 2013 c 74 s 4 are each amended to read as follows:

(1) Any ex parte temporary or nonpermanent final sexual assault protection order may be renewed one or more times, as required.

(2) The petitioner may apply for renewal of the order by filing a motion for renewal at any time within the three months before the order expires. The motion for renewal shall state the reasons why the petitioner seeks to renew the protection order.

(3) ~~((If the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal.))~~ (a) The court shall grant the motion for renewal unless the respondent proves by a preponderance of the evidence that there has been a material change in circumstances such that the respondent is not likely to engage in or attempt to engage in physical or nonphysical contact with the petitioner when the order expires.

(b) For purposes of this subsection (3), a court shall determine whether there has been a material change in circumstances by considering only factors which address whether the respondent is likely to engage in or attempt to engage in physical or nonphysical contact with the petitioner when the order expires. The passage of time and compliance with the existing protection order shall not, alone, be sufficient to meet this burden of proof. The court may renew the sexual assault protection order for another fixed time period or may enter a permanent order as provided in this section.

(c) In determining whether there has been a material change in circumstances, the court may consider the following unweighted factors, and no inference is to be drawn from the order in which the factors are listed:

(i) Whether the respondent has committed or threatened sexual assault, domestic violence, stalking, or other violent acts since the protection order was entered;

(ii) Whether the respondent has violated the terms of the protection order and the time that has passed since the entry of the order;

(iii) Whether the respondent has exhibited suicidal ideation or attempts since the protection order was entered;

(iv) Whether the respondent has been convicted of criminal activity since the protection order was entered;

(v) Whether the respondent has either acknowledged responsibility for acts of sexual assault that resulted in entry of the protection order or successfully completed sexual assault perpetrator treatment or counseling since the protection order was entered;

(vi) Whether the respondent has a continuing involvement with drug or alcohol abuse, if such abuse was a factor in the protection order;

(vii) Whether the respondent or petitioner has relocated to an area more distant from the other party, giving due consideration to the fact that acts of sexual assault may be committed from any distance such as via cybercrime;

(viii) Other factors relating to a material change in circumstances.

(4)(a) If the motion is contested, upon receipt of the motion, the court shall order that a hearing be held not later than fourteen days from the date of the order.

(b) The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further nonconsensual sexual conduct or nonconsensual sexual penetration. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing.

(c) The respondent shall be personally served not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 7.90.052 or service by mail as provided in RCW 7.90.053. The court shall not require more than two attempts at obtaining personal service and shall permit service by publication or service by mail unless the petitioner requests additional time to attempt personal service. If the court permits service by publication or service by mail, the court shall set the hearing date not later than twenty-four days from the date of the order.

(5) Renewals may be granted only in open court." Correct the title.

Representative Goodman spoke in favor of the adoption of the amendment.

Representative Rodne spoke against the adoption of the amendment.

Amendment (737) was adopted.

The bill was ordered engrossed.

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

Representative Goodman and Goodman (again) spoke in favor of the passage of the bill.

Representative Rodne spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2033.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2033, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hawkins, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, MacEwen, Magendanz, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Haler, Hargrove, Harmsworth, Harris, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, Manweller, McCaslin, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilcox and Wilson.

ENGROSSED HOUSE BILL NO. 2033, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed House Bill No. 2033.

Representative DeBolt, 20th District

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

### THIRD READING

The House resumed consideration of ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906 on third reading.

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906 was returned to second reading for the purpose of amendment.

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

## SECOND READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906, by Representatives Stambaugh, Kagi, Magendanz, Tharinger, Ortiz-Self, Frame, Goodman and Ormsby**

**Strengthening opportunities for the rehabilitation and reintegration of juvenile offenders.**

There being no objection the House reconsidered the vote by which amendment (633), as amended, was adopted.

There being no objection the House reconsidered the vote by which amendment (720) to amendment (633) was not adopted.

Amendment (720) to amendment (633) was adopted.

Amendment (633), as amended, was adopted.

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

Representative Stambaugh, Kagi and Hayes spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2906.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2906, and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller,

McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dye, Holy, Klippert, McCaslin, Schmick, Shea, Taylor, Van Werven and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Deputy Chief Clerk Bernard Dean to preside.

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

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2300  
HOUSE BILL NO. 2359  
HOUSE BILL NO. 2435  
HOUSE BILL NO. 2507  
HOUSE BILL NO. 2522  
HOUSE BILL NO. 2526  
HOUSE BILL NO. 2671  
HOUSE BILL NO. 2744  
HOUSE BILL NO. 2936

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

There being no objection, the House adjourned until 9:00 a.m., February 16, 2016, the 37th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## THIRTY SEVENTH DAY

House Chamber, Olympia, Tuesday, February 16, 2016

The House was called to order at 9:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Molly Anders and Seth Tercero. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Imam Benjamin Shabazz, Al Islam Center, Seattle, Washington.

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

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

## SECOND READING

**HOUSE BILL NO. 1448, by Representatives Riccelli, Holy, Parker, Ormsby, Caldier, Hayes, Jinkins, Walkinshaw, Gregerson, Appleton, Ryu, McBride and Shea**

**Providing procedures for responding to reports of threatened or attempted suicide.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1448 was substituted for House Bill No. 1448 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1448 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1448.

## ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1448, and the bill passed the

House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Scott and Taylor.

SECOND SUBSTITUTE HOUSE BILL NO. 1448, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2375, by Representatives Magendanz, Orwall, Smith, Tarleton, MacEwen, Muri, Stanford and Wylie**

## Concerning cybercrime.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2375 was substituted for House Bill No. 2375 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2375 was read the second time.

Representative Magendanz moved the adoption of amendment (733):

On page 4, line 14, strike "normally" and insert "intentionally"

On page 4, line 21, after "crime" insert "in violation of a state law"

On page 5, line 7, after "crime" insert "in violation of a state law"

On page 5, line 12, after "two" strike "computers" and insert "data systems"

On page 5, line 17, after "crime" insert "in violation of a state law"

On page 5, line 27, after "two" strike "computers" and insert "data systems"

On page 6, line 4, after "crime" insert "in violation of a state law not included in this chapter"

Representatives Magendanz and Goodman spoke in favor of the adoption of the amendment.

Amendment (733) was adopted.

The bill was ordered engrossed.

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

Representatives Magendanz and Hudgins spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2375.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2375, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2375, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2530, by Representatives Orwall, McCabe, Appleton, Wylie, Tarleton, Senn, McBride, Kagi, Ryu, Hudgins, S. Hunt, Gregerson, Reykdal, Farrell, Pollet, Ortiz-Self, Harris, Bergquist, Lytton, Kochmar, Blake, Cody, Stambaugh, Wilson, Jinkins, Kuderer, Muri, Van De Wege, Frame, Hargrove, Ormsby, Sells, Pettigrew and Stanford**

**Protecting victims of sex crimes.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2530 was substituted for House Bill No. 2530 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2530 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2530.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2530, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Sawyer, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dent, Hargrove, Holy, Manweller, McCaslin, Orcutt, Santos, Schmick, Scott, Shea, Taylor and Vick.

SECOND SUBSTITUTE HOUSE BILL NO. 2530, having received the necessary constitutional majority, was declared passed.

**ENGROSSED HOUSE BILL NO. 2775, by Representatives Klippert, Appleton, Haler, Hayes and Dent**

**Concerning coroners and medical examiners regarding death investigations.**

The bill was read the second time.

Representative Griffey moved the adoption of amendment (625):

On page 2, line 8, after "coroner" strike "or medical examiner" and insert ", medical examiner, or law enforcement"

Representatives Griffey and Goodman spoke in favor of the adoption of the amendment.

Amendment (625) was adopted.

The bill was ordered engrossed.

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

Representatives Klippert, Appleton, Klippert (again) and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2775.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2775, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2775, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2838, by Representatives Klippert and Hayes**

**Clarifying the department of corrections' authority to impose conditions prohibiting contact with other persons, even if the offender is not a sex offender.**

The bill was read the second time.

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

Representatives Klippert and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2838.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2838, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dye, Kretz, McCabe, McCaslin, Schmick, Scott, Shea, Short, Taylor, Vick and Young.

HOUSE BILL NO. 2838, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2838.

Representative McCabe, 14th District

#### SECOND READING

**HOUSE BILL NO. 2900, by Representatives Klippert and Haler**

**Prohibiting marijuana, alcohol, or other intoxicant, or a cell phone while confined or incarcerated in a state correctional institution. Revised for 1st Substitute: Prohibiting marijuana, alcohol, or other intoxicant, or a cell phone while confined or incarcerated in a state, county, or local correctional institution.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2900 was substituted for House Bill No. 2900 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2900 was read the second time.

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

Representatives Klippert, Goodman and Klippert (again) spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2900.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2900, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2900, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1565, by Representatives Ormsby, Walsh, Pettigrew, Kirby, Jinkins, Robinson, Riccelli, Wylie and Santos**

**Concerning the preservation of housing options for participants in government assistance programs.**

The bill was read the second time.

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

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

Representative Rodne spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1565.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1565, and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Springer, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson and Zeiger.

HOUSE BILL NO. 1565, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2519, by Representatives McCaslin, Gregerson, Shea, Appleton, Tharinger, Peterson, McBride, Manweller, Stokesbary, Reykdal, Sells, Fitzgibbon, Springer, Kochmar, Orwall, Nealey, Pike, Van De Wege and Stanford**

**Allowing nuisance abatement cost recovery for cities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2519 was substituted for House Bill No. 2519 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2519 was read the second time.

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

Representatives McCaslin, Appleton, Orwall and Nealey spoke in favor of the passage of the bill.

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2519.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2519, and the bill passed the House by the following vote: Yeas, 76; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hargrove, Harmsworth, Harris, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert,

Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Shea, Short, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Griffey, Hawkins, Hayes, Holy, Johnson, MacEwen, McCabe, Orcutt, Schmick, Scott, Smith, Taylor, Van Werven, Vick, Walsh and Young.

SUBSTITUTE HOUSE BILL NO. 2519, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2964, by Representatives Gregerson, Santos, Peterson, Rossetti, Kuderer, Stanford, Hudgins, Ormsby, Frame and Bergquist**

**Eliminating lunch copays for students who qualify for reduced-price lunches.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2964 was substituted for House Bill No. 2964 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2964 was read the second time.

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

Representatives Gregerson, Hudgins, Riccelli and Walsh spoke in favor of the passage of the bill.

Representatives Magendanz, McCaslin, Orcutt, Caldier, Pike and Young spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2964.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2964, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Stokesbary, Sullivan,

Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Taylor, Van Werven, Vick, Wilcox, Wilson, Young and Zeiger.

SUBSTITUTE HOUSE BILL NO. 2964, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2398, by Representatives Holy, Riccelli, Appleton, Haler, Stokesbary, Ormsby, Parker, Santos and S. Hunt**

**Clarifying current requirements for public purchases of goods and services from nonprofit agencies for the blind.**

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2398.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2398, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2398, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE PIERCE COUNTY  
COUNCIL AND THURSTON COUNTY BOARD OF  
COMMISSIONERS**

**A Joint Resolution of the Pierce County Council and  
Thurston County Board of Commissioners Appointing  
Andrew Barkis to Represent Legislative District No. 2 in  
the Washington State House of Representatives.**

Whereas, a vacancy has been created in the 2nd Legislative District, Washington State Representative, due to the resignation of Representative Graham Hunt; and

Whereas, Legislative District No. 2 is a multi-jurisdictional District located partly in Pierce County and partly in Thurston County, and the Washington State Constitution, Article II, Section 15, provides that in the event of a multi-jurisdictional vacancy, that the vacancy shall be filled by joint action of the boards of county legislative authorities of the counties composing the joint district; and

Whereas, the Washington State Republican Party has submitted the names of three nominees for the vacancy in the Washington State House of Representatives for consideration by the Pierce County Council and Thurston County Board of Commissioners, and both the Councilmembers and Commissioners have met in a joint Special Meeting and have interviewed the nominees; Now, Therefore,

BE IT RESOLVED by the Pierce County Council and Thurston County Board of Commissioners:

Section 1. Andrew Barkis is one of three nominees recommended by the Washington State Republican Party, and is qualified to fill the vacancy in the Washington State House of Representatives.

Section 2. Andrew Barkis is hereby appointed to the Washington State House of Representatives, Legislative District No. 2, to fill the vacancy left by the resignation of Representative Graham Hunt.

Section 3. The Clerks of the Council and Board of Commissioners are hereby directed to provide a copy of this Joint Resolution to the individual appointed, the Governor the State of Washington, and the Chair of the Washington State Republican Party.

JOINTLY ADOPTED this 16th day of February, 2016.

PIERCE COUNTY COUNCIL  
Pierce County, Washington

Douglas G. Richardson, Chair of the Council

THURSTON COUNTY BOARD OF  
COMMISSIONERS  
Thurston County, Washington

Sandra Romero, Chair of the Board

**POINT OF PERSONAL PRIVILEGE**

Representative Wilcox: "Thank you Mr. Speaker. It is my great pleasure to introduce my new seatmate from the second district, State Representative Andrew Barkis."

**SECOND READING**

**HOUSE BILL NO. 1130, by Representatives Fey,  
Short, Tharinger, Fitzgibbon and Gregerson**

**Concerning water power license fees.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1130 was substituted for House Bill No. 1130 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1130 was read the second time.

Representative Manweller moved the adoption of amendment (695):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.16.050 and 2007 c 286 s 1 are each amended to read as follows:

(1) Every person, firm, private or municipal corporation, or association hereinafter called "claimant", claiming the right to the use of water within or bordering upon the state of Washington for power development, shall on or before the first day of January of each year pay to the state of Washington in advance an annual license fee, based upon the theoretical water power claimed under each and every separate claim to water according to the following schedule:

(a) For projects in operation: For each and every theoretical horsepower claimed up to and including one thousand horsepower, at the rate of eighteen cents per horsepower; for each and every theoretical horsepower in excess of one thousand horsepower, up to and including ten thousand horsepower, at the rate of three and six-tenths cents per horsepower; for each and every theoretical horsepower in excess of ten thousand horsepower, at the rate of one and eight-tenths cents per horsepower.

(b) For federal energy regulatory commission projects in operation that require certification under section 401 of the federal clean water act, the following fee schedule applies in addition to the fees in (a) of this subsection: For each theoretical horsepower of capacity up to and including one thousand horsepower, at the rate of thirty-two cents per horsepower; for each theoretical horsepower in excess of one thousand horsepower, up to and including ten thousand horsepower, at the rate of six and four-tenths cents per horsepower; for each theoretical horsepower in excess of ten thousand horsepower, at the rate of three and two-tenths cents per horsepower.

(c) To justify the appropriate use of fees collected under (b) of this subsection, the department of ecology

shall submit a progress report to the appropriate committees of the legislature prior to December 31, 2009, and biennially thereafter (~~until December 31, 2017~~).

(i) The progress report will: (A) Describe how license fees and other funds used for the work of the licensing program were expended in direct support of the federal energy regulatory commission licensing process and license implementation during the current biennium, and expected workload and full-time equivalent employees for federal energy regulatory commission licensing in the next biennium. In order to increase the financial accountability of the licensing, relicensing, and license implementation program, the report must include the amount of licensing fees and program funds that were expended on licensing work associated with each hydropower project. This project-specific program expenditure list must detail the program costs and staff time associated with each hydropower project during the time period immediately prior to license issuance process, the program costs and staff time deriving from the issuance or reissuance of a license to each hydropower project, and the program costs and staff time associated with license implementation after the issuance or reissuance of a license to a hydropower project. This program cost and staff time information must be collected beginning July 1, 2016, and included in biennial reports addressing program years 2016 or later. In addition, the report must provide sufficient information to determine that the fees charged are not for activities already performed by other state or federal agencies or tribes that have jurisdiction over a specific license requirement and that duplicative work and expense is avoided. Finally, the report must show that the work performed and allocated to a project is directly associated with the section 401 clean water act certification or implementation for the project and that the essential functions of the state's obligations under section 401 of the clean water act are being met in an efficient manner for each hydropower project; (B) include any recommendations based on consultation with the departments of ecology and fish and wildlife, hydropower project operators, and other interested parties; and (C) recognize hydropower operators that exceed their environmental regulatory requirements.

(ii) Based on the actual cost and work by project as provided in prior reports described in (c)(i) of this subsection, and the forecasted work by project, the 2019 biennial report must provide a recommendation to the appropriate committees of the legislature to modify the fee collection structure in (b) of this subsection, if necessary, to allocate the fees collected going forward proportionally to the hydropower projects based on the actual costs and staff time required by those projects.

(iii) The fees required in (b) of this subsection expire June 30, (~~2017~~) 2027. The biennial progress reports submitted by the department of ecology will serve as a record for considering the extension of the fee structure in (b) of this subsection.

(2) The following are exceptions to the fee schedule in subsection (1) of this section:

(a) For undeveloped projects, the fee shall be at one-half the rates specified for projects in operation; for projects partly developed and in operation the fees paid on that portion of any project that shall have been developed

and in operation shall be the full annual license fee specified in subsection (1) of this section for projects in operation, and for the remainder of the power claimed under such project the fees shall be the same as for undeveloped projects.

(b) The fees required in subsection (1) of this section do not apply to any hydropower project owned by the United States.

(c) The fees required in subsection (1) of this section do not apply to the use of water for the generation of fifty horsepower or less.

(d) The fees required in subsection (1) of this section for projects developed by an irrigation district in conjunction with the irrigation district's water conveyance system shall be reduced by fifty percent to reflect the portion of the year when the project is not operable.

(e) Any irrigation district or other municipal subdivision of the state, developing power chiefly for use in pumping of water for irrigation, upon the filing of a statement showing the amount of power used for irrigation pumping, is exempt from the fees in subsection (1) of this section to the extent of the power used for irrigation pumping.

(3) In order to ensure accountability in the licensing, relicensing, and license implementation programs of the department of ecology and the department of fish and wildlife, the departments must implement the following administrative requirements:

(a)(i) Both the department of ecology and the department of fish and wildlife must designate an employee as the manager of each department's hydropower licensing, relicensing, and license implementation program. The program manager designed by each department must be responsible for approving an annual work plan that addresses the work anticipated to be completed by each department's hydropower licensing and license implementation program.

(ii) Both the department of ecology and the department of fish and wildlife must assign one employee to each licensed hydropower project to act as each department's designated licensing and implementation lead for a hydropower project. The responsibility assigned by each department to hydropower project licensing and implementation leads must include resolving conflicts with the license applicant or license holder and the facilitation of department decision making related to license applications and license implementation for the particular hydropower project assigned to a licensing lead.

(b) The department of ecology and the department of fish and wildlife must host an annual meeting with parties interested in or affected by hydropower project licensing and the associated fees charged under this section. The purposes of the annual meeting must include soliciting information from interested parties related to the annual hydropower work plan required by (a) of this subsection and to the biennial progress report produced pursuant to subsection (1)(c)(i) of this section.

(c) Prior to the annual meeting each year required by (b) of this subsection, the department of fish and wildlife and the department of ecology must circulate a survey to hydropower licensees soliciting feedback on the responsiveness of department staff, clarity of staff roles and

responsibilities in the hydropower licensing and implementation process, and other topics related to the professionalism and expertise of department staff assigned to hydropower project licensing projects. This survey must be designed by the department of fish and wildlife and the department of ecology after consulting with hydropower licensees and the results of the survey must be included in the biennial progress report produced pursuant to subsection (1)(c)(i) of this section. Prior to the annual meeting, the department of ecology and the department of fish and wildlife must analyze the survey results. The departments must present summarized information based on their analysis of survey results at the annual meeting for purposes of discussion with hydropower project licensees."

Representative Manweller spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (695) was not adopted.

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

Representatives Fey and Short spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1130.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1130, and the bill passed the House by the following vote: Yeas, 71; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Calder, Clibborn, Cody, Condotta, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kuderer, Lytton, MacEwen, Magendanz, McBride, McCabe, Moeller, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, DeBolt, Dent, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Kristiansen, Manweller, McCaslin, Morris, Orcutt, Parker, Pike, Rodne, Scott, Shea, Taylor, Van Werven, Vick, Wilcox, Wilson and Young.

SUBSTITUTE HOUSE BILL NO. 1130, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1231, by Representatives Ormsby, Sells, Morris, Goodman, Ortiz-Self, Wylie, Gregerson, Stanford, Riccelli, Moeller, Sawyer, Fitzgibbon, Takko, Reykdal, Bergquist, Moscoso, Kirby, Pollet, Walkinshaw and Hudgins**

**Establishing the prevailing rate of wage based on collective bargaining agreements or other methods if collective bargaining agreements are not available.**

The bill was read the second time.

With the consent of the house, amendment (751) was withdrawn.

Representative Manweller moved the adoption of amendment (752):

On page 1, line 10, after "(2)" strike "The" and insert "(a) A pilot project is created under which the"

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

"(b) The pilot project created under (a) of this subsection is limited to the five largest and five smallest counties, based on population size as of the beginning of the pilot project. The pilot project is limited to five years.

(c) The joint legislative audit and review committee, in consultation with the department of labor and industries and the prevailing wage advisory committee, shall conduct an assessment of the pilot project. The joint legislative audit and review committee may contract with an independent expert in prevailing wage to assist with the assessment. The assessment must evaluate the accuracy of the methodology used in the pilot project and whether the methodology used reflects the actual market wage rate. The joint legislative audit and review committee must submit a report and results of the assessment by June 30, 2021, to the appropriate committees of the legislature.

NEW SECTION. Sec. 2. Section 1 of this act expires August 1, 2021."

Correct the title.

Representative Manweller spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (752) was not adopted.

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

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

Representative Manweller spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1231.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1231, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

HOUSE BILL NO. 1231, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1290, by Representatives Condotta, Hurst and Sawyer****Increasing the number of tasting rooms allowed under a domestic winery license.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1290 was substituted for House Bill No. 1290 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1290 was read the second time.

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

Representatives Condotta and Wylie spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1290.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 1290, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey,

Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Harris, Kagi, Orcutt, Ormsby, Ryu and Stanford.

SUBSTITUTE HOUSE BILL NO. 1290, having received the necessary constitutional majority, was declared passed.

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

**THIRD READING**

There being no objection, the rules were suspended, and HOUSE BILL NO. 1590 was returned to second reading for the purpose of amendment.

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

**SECOND READING****HOUSE BILL NO. 1590, by Representatives Reykdal, Haler, Dunshee, Ryu, Van De Wege, Ormsby, Fitzgibbon, Riccelli, Blake, Tarleton, McBride, Wylie and Goodman****Requiring completion of an apprenticeship program to receive a journey level or residential specialty electrician certificate of competency.**

The bill was read the second time.

With the consent of the house, amendments (647), (648), (725), (726) and (742) were withdrawn.

Representative Reykdal moved the adoption of amendment (769):

Strike everything after the enacting clause and insert the following:

**"Sec. 2.** RCW 19.28.161 and 2013 c 23 s 29 are each amended to read as follows:

(1) No person may engage in the electrical construction trade without having a valid master journey level electrician certificate of competency, journey level electrician certificate of competency, master specialty electrician certificate of competency, or specialty electrician certificate of competency issued by the

department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, and appliance repair. ~~((Until July 1, 2007, the department of labor and industries shall issue a written warning to any specialty pump and irrigation or domestic pump electrician not having a valid electrician certification. The warning will state that the individual must apply for an electrical training certificate or be qualified for and apply for electrician certification under the requirements in RCW 19.28.191(1)(g) within thirty calendar days of the warning. Only one warning will be issued to any individual. If the individual fails to comply with this section, the department shall issue a penalty as defined in RCW 19.28.271 to the individual.))~~

(2)(a) A person who is ~~((indentured))~~: (i) Registered in an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade ~~((or who is))~~; (ii) learning the electrical construction trade while working in a specialty other than residential; or (iii) learning the electrical construction trade in a program described in RCW 19.28.191(1) (f) or (g) for a journey level or residential specialty certificate of competency may work in the electrical construction trade if supervised by a certified master journey level electrician, journey level electrician, master specialty electrician in that electrician's specialty, or specialty electrician in that electrician's specialty.

(b) All apprentices and individuals learning the electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade while under the direct supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. The certificate may include a photograph of the holder. The holder of the electrical training certificate shall renew the certificate biennially. At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical construction industry for the previous biennial period and the number of hours worked for each employer. The holder shall also provide proof of ~~((sixteen))~~ forty-eight hours of: Approved classroom training covering this chapter, the national electrical code, or electrical theory; or equivalent classroom training taken as part of an approved apprenticeship program under chapter 49.04 RCW or an approved electrical training program under RCW 19.28.191(1)~~((4))~~(f). ~~((The number of hours of approved classroom training required for certificate renewal shall increase as follows: (a) Beginning on July 1, 2011, the holder of an electrical training certificate shall provide the department with proof of thirty-two hours of approved classroom training; and (b) beginning on July 1, 2013, the holder of an electrical training certificate shall provide the department with proof of))~~ forty-eight hours of approved classroom training. ~~((At the request of the chairs of the house of representatives commerce and labor committee and the senate labor, commerce and consumer protection committee, or their successor committees, the department~~

~~of labor and industries shall provide information on the implementation of the new classroom training requirements for electrical trainees to both committees by December 1, 2012.))~~ A biennial fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter.

(c)(i) Apprentices and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall show their certificates to an authorized representative of the department at the representative's request.

(ii) Apprentices and individuals learning the electrical construction trade must also have in their possession proof of apprenticeship or training program registration. They shall show their apprenticeship or training program registration documents to an authorized representative of the department at the representative's request. This subsection (2)(c)(ii) does not apply to individuals working in a specialty other than residential.

(3) Any person who has been issued an electrical training certificate under this chapter may work: (a) If that person is under supervision, and (b) unless working in a specialty other than residential, is: (i) Registered in an approved journey level or residential specialty apprenticeship program, as appropriate; or (ii) is learning the electrical construction trade in a program described in RCW 19.28.191(1) (f) or (g) for a journey level or residential specialty certificate of competency. Supervision shall consist of a person being on the same job site and under the control of either a certified master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Either a certified master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter.

(4) The ratio of noncertified individuals to certified master journey level electricians, journey level electricians, master specialty electricians, or specialty electricians on any one job site is as follows:

(a) When working as a specialty electrician, not more than two noncertified individuals for every certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journey level electrician, or journey level electrician, except that the ratio requirements are one certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journey level electrician, or journey level electrician working as a specialty electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the workforce training and education coordinating board

under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board; and

(b) When working as a journey level electrician, not more than one noncertified individual for every certified master journey level electrician or journey level electrician, except that the ratio requirements shall be one certified master journey level electrician or journey level electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(5) For the residential (as specified in WAC 296-46B-920(2)(a)), pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as specified in WAC 296-46B-920(2)(d)), limited energy (as specified in WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC 296-46B-920(2)(g)), restricted nonresidential maintenance as determined by the department in rule, or other new nonresidential specialties, not including appliance repair, as determined by the department in rule, either a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty must be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day. Other specialties must meet the requirements specified in RCW 19.28.191(1)(~~(g)~~)(d)(ii). When the ratio of certified electricians to noncertified individuals on a job site is one certified electrician to three or four noncertified individuals, the certified electrician must:

(a) Directly supervise and instruct the noncertified individuals and the certified electrician may not directly make or engage in an electrical installation; and

(b) Be on the same job site as the noncertified individual for a minimum of one hundred percent of each working day.

(6) The electrical contractor shall accurately verify and attest to the electrical trainee hours worked by electrical trainees on behalf of the electrical contractor.

**Sec. 3.** RCW 19.28.191 and 2014 c 156 s 2 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the master journey level electrician, journey level electrician, master specialty electrician, or specialty electrician certificate of competency.

~~(a) (Before July 1, 2005, an applicant who possesses a valid journey level electrician certificate of competency in effect for the previous four years and a valid general administrator's certificate may apply for a master journey level electrician certificate of competency without examination.~~

~~(b) Before July 1, 2005, an applicant who possesses a valid specialty electrician certificate of competency, in the specialty applied for, for the previous two years and a valid specialty administrator's certificate, in the specialty applied for, may apply for a master specialty electrician certificate of competency without examination.~~

~~(c) Before December 1, 2003, the following persons may obtain an equipment repair specialty electrician certificate of competency without examination:~~

~~(i) A person who has successfully completed an apprenticeship program approved under chapter 49.04 RCW for the machinist trade; and~~

~~(ii) A person who provides evidence in a form prescribed by the department affirming that: (A) He or she was employed as of April 1, 2003, by a factory authorized equipment dealer or service company; and (B) he or she has worked in equipment repair for a minimum of four thousand hours.~~

~~(d))~~ To be eligible to take the examination for a master journey level electrician certificate of competency, the applicant must have possessed a valid journey level electrician certificate of competency for four years.

~~((e))~~(b) To be eligible to take the examination for a master specialty electrician certificate of competency, the applicant must have possessed a valid specialty electrician certificate of competency, in the specialty applied for, for two years.

~~((f))~~(c) To be eligible to take the examination for a journey level certificate of competency, the applicant must have(~~(~~

~~(i))~~successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade in which the applicant worked in the electrical construction trade for a minimum of eight thousand hours(, of which). Four thousand of the hours shall be in industrial or commercial electrical installation under the supervision of a master journey level electrician or journey level electrician and not more than a total of four thousand hours in all specialties under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Specialty electricians with less than a four thousand hour work experience requirement cannot credit the time required to obtain that specialty towards qualifying to become a journey level electrician(~~(~~

~~(ii) Successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade)). The holder of a specialty electrician certificate of competency with a four thousand~~

hour work experience requirement shall be allowed to credit the work experience required to obtain that certificate towards apprenticeship requirements for qualifying to take the examination for a journey level electrician certificate of competency.

~~((g))~~~~(i)~~~~(d)~~ To be eligible to take the examination for ~~((a))~~the following specialty electrician certificates of competency, the applicant must have:

~~((A))~~~~(i)~~ Worked in the ~~((residential (as specified in WAC 296-46B-920(2)(a))))~~ pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as specified in WAC 296-46B-920(2)(d)), limited energy (as specified in WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC 296-46B-920(2)(g)), or other new nonresidential specialties as determined by the department in rule under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty for a minimum of four thousand hours;

~~((B))~~~~(i)~~ Worked in the appliance repair specialty as determined by the department in rule, restricted nonresidential maintenance as determined by the department in rule, the equipment repair specialty as determined by the department in rule, the pump and irrigation specialty other than as defined by ~~((g))~~~~(d)~~~~(i)~~~~((A))~~ of this subsection or domestic pump specialty as determined by the department in rule, or a specialty other than the designated specialties in ~~((g))~~~~(d)~~~~(i)~~~~((A))~~ of this subsection for a minimum of the initial ninety days, or longer if set by rule by the department. The restricted nonresidential maintenance specialty is limited to a maximum of 277 volts and 20 amperes for lighting branch circuits and/or a maximum of 250 volts and 60 amperes for other circuits, but excludes the replacement or repair of circuit breakers. The initial period must be spent under one hundred percent supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. After this initial period, a person may take the specialty examination. If the person passes the examination, the person may work unsupervised for the balance of the minimum hours required for certification. A person may not be certified as a specialty electrician in the appliance repair specialty or in a specialty other than the designated specialties in ~~((g))~~~~(d)~~~~(i)~~~~((A))~~ of this subsection, however, until the person has worked a minimum of two thousand hours in that specialty, or longer if set by rule by the department; ~~((e))~~

~~((C))~~~~(iii)~~ Successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade~~((e))~~; or

~~((ii))~~~~(iv)~~ In meeting the training requirements for the pump and irrigation or domestic pump specialties, the individual shall be allowed to obtain the experience required by this section at the same time the individual is meeting the experience required by RCW 18.106.040(1)(c). After meeting the training requirements provided in this section, the individual may take the examination and upon passing the examination, meeting additional training

requirements as may still be required for those seeking a pump and irrigation, or a domestic pump specialty certificate as defined by rule, and paying the applicable fees, the individual must be issued the appropriate certificate. The department may include an examination for specialty plumbing certificate defined in RCW 18.106.010(10)(c) with the examination required by this section. The department, by rule and in consultation with the electrical board, may establish additional equivalent ways to gain the experience requirements required by this subsection. Individuals who are able to provide evidence to the department, prior to January 1, 2007, that they have been employed as a pump installer in the pump and irrigation or domestic pump business by an appropriately licensed electrical contractor, registered general contractor defined by chapter 18.27 RCW, or appropriate general specialty contractor defined by chapter 18.27 RCW for not less than eight thousand hours in the most recent six calendar years shall be issued the appropriate certificate by the department upon receiving such documentation and applicable fees. The department shall establish a single document for those who have received both an electrical specialty certification as defined by this subsection and have also met the certification requirements for the specialty plumber as defined by RCW 18.106.010(10)(c), showing that the individual has received both certifications. No other experience or training requirements may be imposed.

~~((iii))~~ Before July 1, 2015, an applicant possessing an electrical training certificate issued by the department is eligible to apply one hour of every two hours of unsupervised telecommunications system installation work experience toward eligibility for examination for a limited energy system certificate of competency (as specified in WAC 296-46B-920(2)(e)), if:

~~((A))~~ The telecommunications work experience was obtained while employed by a contractor licensed under this chapter as a general electrical contractor (as specified in WAC 296-46B-920(1)) or limited energy system specialty contractor (as specified in WAC 296-46B-920(2)(e)); and

~~((B))~~ Evidence of the telecommunications work experience is submitted in the form of an affidavit prescribed by the department.

~~((h))~~~~(e)~~ To be eligible to take the examination for a residential (as specified in WAC 296-46B-920(2)(a)) specialty electrician certificate of competency, the applicant must have successfully completed an approved apprenticeship program under chapter 49.04 RCW for the residential specialty electrical construction trade in which the applicant worked under the supervision of a master journey level electrician, journey level electrician, master residential specialty electrician, or residential specialty electrician working for a minimum of four thousand hours.

~~(f)~~ Any applicant for a journey level electrician certificate of competency who has successfully completed a two-year program in the electrical construction trade at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may substitute up to two years of the technical or trade school program for two years of

work experience under a master journey level electrician or journey level electrician required under the apprenticeship program. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to apply armed service work experience towards qualification to complete an apprenticeship and take the examination for the journey level electrician certificate of competency.

~~((+))~~(g) An applicant for a specialty electrician certificate of competency who ~~(, after January 1, 2000,)~~ has successfully completed a two-year program in the electrical construction trade at a public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may substitute up to one year of the technical or trade school program for one year of work experience under a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Any applicant who has received training in the electrical construction trade in the armed services of the United States may be eligible to apply armed service work experience towards qualification to take the examination for an appropriate specialty electrician certificate of competency. An applicant for a residential specialty certificate of competency may substitute work experience under this section only as part of an apprenticeship program.

~~((+))~~(h) The department must determine whether hours of training and experience in the armed services or school program are in the electrical construction trade and appropriate as a substitute for hours of work experience. The department must use the following criteria for evaluating the equivalence of classroom electrical training programs and work in the electrical construction trade:

- (i) A two-year electrical training program must consist of three thousand or more hours.
- (ii) In a two-year electrical training program, a minimum of two thousand four hundred hours of student/instructor contact time must be technical electrical instruction directly related to the scope of work of the electrical specialty. Student/instructor contact time includes lecture and in-school lab.
- (iii) The department may not allow credit for a program that accepts more than one thousand hours transferred from another school's program.
- (iv) Electrical specialty training school programs of less than two years will have all of the above student/instructor contact time hours proportionately reduced. Such programs may not apply to more than fifty percent of the work experience required to attain certification.
- (v) Electrical training programs of less than two years may not be credited towards qualification for journey level electrician unless the training program is used to gain qualification for a four thousand hour electrical specialty.

~~((+))~~(i) No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the examination.

(3) No noncertified individual may work unsupervised more than one year beyond the date when the trainee would be eligible to test for a certificate of competency if working on a full-time basis after original application for the trainee certificate. For the purposes of this section, "full-time basis" means two thousand hours.

**Sec. 4.** RCW 19.28.205 and 2013 c 23 s 32 are each amended to read as follows:

(1) An applicant for a journey level certificate of competency under RCW 19.28.191(1)~~((+))~~(c) or a specialty electrician certificate of competency under RCW 19.28.191(1)~~((+))~~(d) must demonstrate to the satisfaction of the department completion of in-class education as follows:

- (a) Twenty-four hours of in-class education if two thousand hours or more but less than four thousand hours of work are required for the certificate;
- (b) Forty-eight hours of in-class education if four thousand or more but less than six thousand hours of work are required for the certificate;
- (c) Seventy-two hours of in-class education if six thousand or more but less than eight thousand hours of work are required for the certificate;
- (d) Ninety-six hours of in-class education if eight thousand or more hours of work are required for the certificate.

(2) For purposes of this section, "in-class education" means approved classroom training covering this chapter, the national electric code, or electrical theory; or equivalent classroom training taken as part of an approved apprenticeship program under chapter 49.04 RCW or an approved electrical training program under RCW 19.28.191(1)~~((+))~~(f).

(3) Classroom training taken to qualify for trainee certificate renewal under RCW 19.28.161 qualifies as in-class education under this section.

**NEW SECTION. Sec. 5.** A new section is added to chapter 19.28 RCW to read as follows:

(1) The department may permit an applicant who obtained experience and training equivalent to a journey level or residential specialty apprenticeship program to take the examination if the applicant establishes that the applicant has the equivalent training and experience and demonstrates good cause for not completing the required minimum hours of work under standards applicable on the effective date of this section.

(2) This section expires July 1, 2023.

NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act take effect July 1, 2021.

**Sec. 6.** RCW 19.28.191 and 2014 c 156 s 2 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the master journey level electrician, journey level electrician, master specialty electrician, or specialty electrician certificate of competency.

(a) Before July 1, 2005, an applicant who possesses a valid journey level electrician certificate of competency in effect for the previous four years and a valid general administrator's certificate may apply for a master journey level electrician certificate of competency without examination.

(b) Before July 1, 2005, an applicant who possesses a valid specialty electrician certificate of competency, in the specialty applied for, for the previous two years and a valid specialty administrator's certificate, in the specialty applied for, may apply for a master specialty electrician certificate of competency without examination.

(c) Before December 1, 2003, the following persons may obtain an equipment repair specialty electrician certificate of competency without examination:

(i) A person who has successfully completed an apprenticeship program approved under chapter 49.04 RCW for the machinist trade; and

(ii) A person who provides evidence in a form prescribed by the department affirming that: (A) He or she was employed as of April 1, 2003, by a factory-authorized equipment dealer or service company; and (B) he or she has worked in equipment repair for a minimum of four thousand hours.

(d) To be eligible to take the examination for a master journey level electrician certificate of competency, the applicant must have possessed a valid journey level electrician certificate of competency for four years.

(e) To be eligible to take the examination for a master specialty electrician certificate of competency, the applicant must have possessed a valid specialty electrician certificate of competency, in the specialty applied for, for two years.

(f) To be eligible to take the examination for a journey level certificate of competency, the applicant must have:

(i) Worked in the electrical construction trade for a minimum of eight thousand hours, of which four thousand hours shall be in industrial or commercial electrical installation under the supervision of a master journey level electrician or journey level electrician and not more than a total of four thousand hours in all specialties under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Specialty electricians with less than a four thousand hour work experience requirement cannot credit the time required to obtain that specialty towards qualifying to become a journey level electrician; or

(ii) Successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade.

(g)(i) To be eligible to take the examination for a specialty electrician certificate of competency, the applicant must have:

(A) Worked in the residential (as specified in WAC 296-46B-920(2)(a)), pump and irrigation (as specified in WAC 296-46B-920(2)(b)), sign (as specified in WAC 296-46B-920(2)(d)), limited energy (as specified in WAC 296-46B-920(2)(e)), nonresidential maintenance (as specified in WAC 296-46B-920(2)(g)), or other new nonresidential specialties as determined by the department in rule under the supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty for a minimum of four thousand hours;

(B) Worked in the appliance repair specialty as determined by the department in rule, restricted nonresidential maintenance as determined by the department in rule, the equipment repair specialty as determined by the department in rule, the pump and irrigation specialty other than as defined by (g)(i)(A) of this subsection or domestic pump specialty as determined by the department in rule, or a specialty other than the designated specialties in (g)(i)(A) of this subsection for a minimum of the initial ninety days, or longer if set by rule by the department. The restricted nonresidential maintenance specialty is limited to a maximum of 277 volts and 20 amperes for lighting branch circuits and/or a maximum of 250 volts and 60 amperes for other circuits, but excludes the replacement or repair of circuit breakers. The initial period must be spent under one hundred percent supervision of a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. After this initial period, a person may take the specialty examination. If the person passes the examination, the person may work unsupervised for the balance of the minimum hours required for certification. A person may not be certified as a specialty electrician in the appliance repair specialty or in a specialty other than the designated specialties in (g)(i)(A) of this subsection, however, until the person has worked a minimum of two thousand hours in that specialty, or longer if set by rule by the department; or

(C) Successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade.

(ii) In meeting the training requirements for the pump and irrigation or domestic pump specialties, the individual shall be allowed to obtain the experience required by this section at the same time the individual is meeting the experience required by RCW 18.106.040(1)(c). After meeting the training requirements provided in this section, the individual may take the examination and upon passing the examination, meeting additional training requirements as may still be required for those seeking a pump and irrigation, or a domestic pump specialty certificate as defined by rule, and paying the applicable fees, the individual must be issued the appropriate

certificate. The department may include an examination for specialty plumbing certificate defined in RCW 18.106.010(10)(c) with the examination required by this section. The department, by rule and in consultation with the electrical board, may establish additional equivalent ways to gain the experience requirements required by this subsection. Individuals who are able to provide evidence to the department, prior to January 1, 2007, that they have been employed as a pump installer in the pump and irrigation or domestic pump business by an appropriately licensed electrical contractor, registered general contractor defined by chapter 18.27 RCW, or appropriate general specialty contractor defined by chapter 18.27 RCW for not less than eight thousand hours in the most recent six calendar years shall be issued the appropriate certificate by the department upon receiving such documentation and applicable fees. The department shall establish a single document for those who have received both an electrical specialty certification as defined by this subsection and have also met the certification requirements for the specialty plumber as defined by RCW 18.106.010(10)(c), showing that the individual has received both certifications. No other experience or training requirements may be imposed.

(iii) Before July 1, 2015, an applicant possessing an electrical training certificate issued by the department is eligible to apply one hour of every two hours of unsupervised telecommunications system installation work experience toward eligibility for examination for a limited energy system certificate of competency (as specified in WAC 296-46B-920(2)(e)), if:

(A) The telecommunications work experience was obtained while employed by a contractor licensed under this chapter as a general electrical contractor (as specified in WAC 296-46B-920(1)) or limited energy system specialty contractor (as specified in WAC 296-46B-920(2)(e)); and

(B) Evidence of the telecommunications work experience is submitted in the form of an affidavit prescribed by the department.

(iv)(A) Before January 1, 2019, an applicant possessing an electrical training certificate issued by the department is eligible to apply one hour of every two hours of unsupervised work experience in the electrical trade toward eligibility for examination for a limited energy certificate of competency (as specified in WAC 296-46B-920(2)(e)), a HVAC/refrigeration systems certificate of competency (as specified in WAC 296-46B-920(2)(f)(v)), or a nonresidential maintenance certificate of competency (as specified in WAC 296-46B-920(2)(g)) if:

(I) The work experience was obtained while employed by a school district as defined in RCW 28A.315.025; and

(II) Evidence of the work experience is submitted in the form of an affidavit prescribed by the department.

(B) An applicant under this subsection (1)(g)(iv) may apply for more than one certificate of competency; however, each hour of work experience may be applied toward eligibility for only one certificate of competency.

(h) Any applicant for a journey level electrician certificate of competency who has successfully completed a two-year program in the electrical construction trade at

public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may substitute up to two years of the technical or trade school program for two years of work experience under a master journey level electrician or journey level electrician. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to apply armed service work experience towards qualification to take the examination for the journey level electrician certificate of competency.

(i) An applicant for a specialty electrician certificate of competency who, after January 1, 2000, has successfully completed a two-year program in the electrical construction trade at a public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the workforce training and education coordinating board under chapter 28C.10 RCW, may substitute up to one year of the technical or trade school program for one year of work experience under a master journey level electrician, journey level electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Any applicant who has received training in the electrical construction trade in the armed services of the United States may be eligible to apply armed service work experience towards qualification to take the examination for an appropriate specialty electrician certificate of competency.

(j) The department must determine whether hours of training and experience in the armed services or school program are in the electrical construction trade and appropriate as a substitute for hours of work experience. The department must use the following criteria for evaluating the equivalence of classroom electrical training programs and work in the electrical construction trade:

(i) A two-year electrical training program must consist of three thousand or more hours.

(ii) In a two-year electrical training program, a minimum of two thousand four hundred hours of student/instructor contact time must be technical electrical instruction directly related to the scope of work of the electrical specialty. Student/instructor contact time includes lecture and in-school lab.

(iii) The department may not allow credit for a program that accepts more than one thousand hours transferred from another school's program.

(iv) Electrical specialty training school programs of less than two years will have all of the above student/instructor contact time hours proportionately reduced. Such programs may not apply to more than fifty percent of the work experience required to attain certification.

(v) Electrical training programs of less than two years may not be credited towards qualification for journey level electrician unless the training program is used to gain qualification for a four thousand hour electrical specialty.

(k) No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the examination.

(3) No noncertified individual may work unsupervised more than one year beyond the date when the trainee would be eligible to test for a certificate of competency if working on a full-time basis after original application for the trainee certificate. For the purposes of this section, "full-time basis" means two thousand hours."

Representatives Reykdal and Manweller spoke in favor of the adoption of the amendment.

Amendment (769) was adopted.

The bill was ordered engrossed.

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

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

Representatives Manweller and Buys spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1590.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1590, and the bill passed the House by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

ENGROSSED HOUSE BILL NO. 1590, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed House Bill No. 1590.

Representative Haler, 8th District

#### SECOND READING

**HOUSE BILL NO. 1631, by Representatives Lytton, Appleton, Van De Wege, Pollet and Santos**

**Allowing federally recognized tribes with lands held in trust in a county that is west of the Cascade mountain range that borders Puget Sound with a population of at least one hundred eighteen thousand, but less than two hundred fifty thousand, persons to enter into agreements regarding fuel taxes.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1631 was substituted for House Bill No. 1631 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1631 was read the second time.

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

Representatives Lytton, Appleton, Stokesbary and Morris spoke in favor of the passage of the bill.

Representatives Wilson, Orcutt and Taylor spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1631.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1631, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hayes, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kretz, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Short, Smith, Springer, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hickel, Holy, Johnson, Klippert, Kochmar, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Stambaugh, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

SUBSTITUTE HOUSE BILL NO. 1631, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2355, by Representatives Kirby, Vick and Blake**

**Concerning registered service contract and protection product guarantee providers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2355 was substituted for House Bill No. 2355 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2355 was read the second time.

With the consent of the house, amendments (723) and (759) were withdrawn.

Representative Kirby moved the adoption of amendment (761):

Strike everything after the enacting clause and insert the following:

"**Sec. 7.** RCW 48.110.030 and 2014 c 82 s 2 are each amended to read as follows:

(1) A person may not act as, or offer to act as, or hold himself or herself out to be a service contract provider in this state, nor may a service contract be sold to a consumer in this state, unless the service contract provider has a valid registration as a service contract provider issued by the commissioner.

(2) Applicants to be a service contract provider must make an application to the commissioner upon a form to be furnished by the commissioner. The application must include or be accompanied by the following information and documents:

(a) All basic organizational documents of the service contract provider, including any articles of incorporation, articles of association, partnership agreement, trade name certificate, trust agreement, shareholder agreement, bylaws, and other applicable documents, and all amendments to those documents;

(b) The identities of the service contract provider's executive officer or officers directly responsible for the service contract provider's service contract business, and, if more than fifty percent of the service contract provider's gross revenue is derived from the sale of service contracts, the identities of the service contract provider's directors and

stockholders having beneficial ownership of ten percent or more of any class of securities;

(c)(i) For service contract providers relying on RCW 48.110.050(2) (a) or (b) or 48.110.075(2)(a) to assure the faithful performance of its obligations to service contract holders, the most recent audited annual financial statements ((or other financial reports acceptable to the commissioner for the two most recent years)), if available, or the most recent audited financial statements which prove that the applicant is solvent ((and any information the commissioner may require in order to review the current financial condition of the applicant. If the service contract provider is relying on RCW 48.110.050(2)(c) to assure the faithful performance of its obligations to service contract holders, then the audited financial statements of the service contract provider's parent company must also be filed. In lieu of submitting audited financial statements, a service contract provider relying on RCW 48.110.050(2)(a) or 48.110.075(2)(a) to assure the faithful performance of its obligations to service contract holders may comply with the requirements of this subsection (2)(c) by submitting annual financial statements of the applicant that are certified as accurate by two or more officers of the applicant;)), In lieu of submitting audited financial statements, a service contract provider relying on RCW 48.110.050(2)(a) or 48.110.075(2)(a) to assure the faithful performance of its obligations to service contract holders may comply with the requirements of this subsection (2)(c)(i) by submitting the most recent annual financial statements, if available, or the most recent financial statements of the applicant that are certified as accurate by two or more officers of the applicant; or

(ii) For service contract providers relying on RCW 48.110.050(2)(c) to assure the faithful performance of its obligations to service contract holders, the most recent audited annual financial statements, if available, or the most recent audited financial statements or form 10-K or form 20-F filed with the securities and exchange commission which prove that the applicant has and maintains a net worth or stockholder's equity of one hundred million dollars or more. However, if the service contract provider is relying on its parent company's net worth or stockholder's equity to meet the requirements of RCW 48.110.050(2)(c) and the service contract provider has provided the commissioner with a written guarantee by the parent company in accordance with RCW 48.110.050(2)(c), then the most recent audited annual financial statements, if available, or the most recent audited financial statements or form 10-K or form 20-F filed with the securities and exchange commission of the service contract provider's parent company must be filed and the applicant need not submit its own financial statements or demonstrate a minimum net worth or stockholder's equity; and

(d) An application fee of two hundred fifty dollars, which must be deposited into the general fund(= and

(e) Any other pertinent information required by the commissioner).

(3) Each registered service contract provider must appoint the commissioner as the service contract provider's attorney to receive service of legal process issued against the service contract provider in this state upon causes of

action arising within this state. Service upon the commissioner as attorney constitutes effective legal service upon the service contract provider.

(a) With the appointment the service contract provider must designate the person to whom the commissioner must forward legal process so served upon him or her.

(b) The appointment is irrevocable, binds any successor in interest or to the assets or liabilities of the service contract provider, and remains in effect for as long as there could be any cause of action against the service contract provider arising out of any of the service contract provider's contracts or obligations in this state.

(c) The service of process must be accomplished and processed in the manner prescribed under RCW 48.02.200.

(4) The commissioner may refuse to issue a registration if the commissioner determines that the service contract provider, or any individual responsible for the conduct of the affairs of the service contract provider under subsection (2)(b) of this section, is not competent, trustworthy, financially responsible, or has had a license as a service contract provider or similar license denied or revoked for cause by any state.

(5) A registration issued under this section is valid, unless surrendered, suspended, or revoked by the commissioner, or not renewed for so long as the service contract provider continues in business in this state and remains in compliance with this chapter. A registration is subject to renewal annually on the first day of July upon application of the service contract provider and payment of a fee of two hundred dollars, which must be deposited into the general fund. If not so renewed, the registration expires on the June 30th next preceding.

(6) A service contract provider must keep current the information required to be disclosed in its registration under this section by reporting all material changes or additions within thirty days after the end of the month in which the change or addition occurs.

**Sec. 8.** RCW 48.110.040 and 2006 c 274 s 5 are each amended to read as follows:

(1)(a) Every registered service contract provider must file an annual report for the preceding calendar year with the commissioner on or before March 1st of each year, or within any extension of time the commissioner for good cause may grant. The report must be in the form and contain those matters as the commissioner prescribes and shall be verified by at least two officers of the service contract provider.

(b)(i) A service contract provider relying on RCW 48.110.050(2)(a) or 48.110.075(2)(a) to assure the faithful performance of its obligations to service contract holders may not be required to submit audited financial statements of the service contract provider as part of its annual reports. If requested by the commissioner, a service contract provider relying on those provisions must provide a copy of the most recent annual financial statements of the service contract provider or its parent company certified as accurate by two officers of the service contract provider or its parent company.

(ii) A service contract provider relying on its parent company's net worth to meet the requirements of RCW 48.110.050(2)(c) to assure the faithful performance of its obligations to service contract holders must submit as part of its annual report the most recent audited financial statements or form 10-K or form 20-F filed with the United States securities and exchange commission of the service contract provider's parent company if requested by the commissioner but need not submit its own audited financial statements.

(2) At the time of filing the report, the service contract provider must pay a filing fee of twenty dollars which shall be deposited into the general fund.

(3) As part of any investigation by the commissioner, the commissioner may require a service contract provider to file monthly financial reports whenever, in the commissioner's discretion, there is a need to more closely monitor the financial activities of the service contract provider. Monthly financial statements must be filed in the commissioner's office no later than the twenty-fifth day of the month following the month for which the financial report is being filed. These monthly financial reports are the internal financial statements of the service contract provider. The monthly financial reports that are filed with the commissioner constitute information that might be damaging to the service contract provider if made available to its competitors, and therefore shall be kept confidential by the commissioner. This information may not be made public or be subject to subpoena, other than by the commissioner and then only for the purpose of enforcement actions taken by the commissioner.

**Sec. 9.** RCW 48.110.050 and 2006 c 274 s 6 are each amended to read as follows:

(1) Service contracts shall not be issued, sold, or offered for sale in this state or sold to consumers in this state unless the service contract provider has:

(a) Provided a receipt for, or other written evidence of, the purchase of the service contract to the contract holder; and

(b) Provided a copy of the service contract to the service contract holder within a reasonable period of time from the date of purchase.

(2) In order to either demonstrate its financial responsibility or assure the faithful performance of the service contract provider's obligations to its service contract holders, every service contract provider shall comply with the requirements of one of the following:

(a) Insure all service contracts under a reimbursement insurance policy issued by an insurer holding a certificate of authority from the commissioner or a risk retention group, as defined in 15 U.S.C. Sec. 3901(a)(4), as long as that risk retention group is in full compliance with the federal liability risk retention act of 1986 (15 U.S.C. Sec. 3901 et seq.), is in good standing in its domiciliary jurisdiction, and is properly registered with the commissioner under chapter 48.92 RCW. The insurance required by this subsection must meet the following requirements:

(i) The insurer or risk retention group must, at the time the policy is filed with the commissioner, and

continuously thereafter, maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file audited financial statements with the commissioner; and

(ii) The commissioner may authorize an insurer or risk retention group that has surplus as to policyholders and paid-in capital of less than fifteen million dollars, but at least equal to ten million dollars, to issue the insurance required by this subsection if the insurer or risk retention group demonstrates to the satisfaction of the commissioner that the company maintains a ratio of direct written premiums, wherever written, to surplus as to policyholders and paid-in capital of not more than three to one;

(b)(i) Maintain a funded reserve account for its obligations under its service contracts issued and outstanding in this state. The reserves shall not be less than forty percent of the gross consideration received, less claims paid, on the sale of the service contract for all in-force contracts. The reserve account shall be subject to examination and review by the commissioner; and

(ii) Place in trust with the commissioner a financial security deposit, having a value of not less than five percent of the gross consideration received, less claims paid, on the sale of the service contract for all service contracts issued and in force, but not less than twenty-five thousand dollars, consisting of one of the following:

(A) A surety bond issued by an insurer holding a certificate of authority from the commissioner;

(B) Securities of the type eligible for deposit by authorized insurers in this state;

(C) Cash;

(D) An irrevocable evergreen letter of credit issued by a qualified financial institution; or

(E) Another form of security prescribed by rule by the commissioner; or

(c)(i) Maintain, or its parent company maintain, a net worth or stockholder's equity of at least one hundred million dollars; and

(ii) Upon request, provide the commissioner with a copy of the service contract provider's or, if using the net worth or stockholder's equity of its parent company to satisfy the one hundred million dollar requirement, the service contract provider's parent company's most recent form 10-K or form 20-F filed with the securities and exchange commission within the last calendar year, or if the company does not file with the securities and exchange commission, a copy of the service contract provider's or, if using the net worth or stockholder's equity of its parent company to satisfy the one hundred million dollar requirement, the service contract provider's parent company's most recent audited financial statements, which shows a net worth of the service contract provider or its parent company of at least one hundred million dollars. If the service contract provider's parent company's form 10-K, form 20-F, or audited financial statements are filed with the commissioner to meet the service contract provider's financial stability requirement, then the parent company shall agree to guarantee the obligations of the service contract provider relating to service contracts sold by the service contract provider in this state. A copy of the guarantee shall be filed with the commissioner. The guarantee shall be irrevocable as long as there is in force in

this state any contract or any obligation arising from service contracts guaranteed, unless the parent company has made arrangements approved by the commissioner to satisfy its obligations under the guarantee.

(3) Service contracts shall require the service contract provider to permit the service contract holder to return the service contract within twenty days of the date the service contract was mailed to the service contract holder or within ten days of delivery if the service contract is delivered to the service contract holder at the time of sale, or within a longer time period permitted under the service contract. Upon return of the service contract to the service contract provider within the applicable period, if no claim has been made under the service contract prior to the return to the service contract provider, the service contract is void and the service contract provider shall refund to the service contract holder, or credit the account of the service contract holder with the full purchase price of the service contract. The right to void the service contract provided in this subsection is not transferable and shall apply only to the original service contract purchaser. A ten percent penalty per month shall be added to a refund of the purchase price that is not paid or credited within thirty days after return of the service contract to the service contract provider.

(4) This section does not apply to service contracts on motor vehicles or to protection product guarantees.

**Sec. 10.** RCW 48.110.055 and 2011 c 47 s 17 are each amended to read as follows:

(1) This section applies to protection product guarantee providers.

(2) A person must not act as, or offer to act as, or hold himself or herself out to be a protection product guarantee provider in this state, nor may a protection product be sold to a consumer in this state, unless the protection product guarantee provider has:

(a) A valid registration as a protection product guarantee provider issued by the commissioner; and

(b) Either demonstrated its financial responsibility or assured the faithful performance of the protection product guarantee provider's obligations to its protection product guarantee holders by insuring all protection product guarantees under a reimbursement insurance policy issued by an insurer holding a certificate of authority from the commissioner or a risk retention group, as defined in 15 U.S.C. Sec. 3901(a)(4), as long as that risk retention group is in full compliance with the federal liability risk retention act of 1986 (15 U.S.C. Sec. 3901 et seq.), is in good standing in its domiciliary jurisdiction, and properly registered with the commissioner under chapter 48.92 RCW. The insurance required by this subsection must meet the following requirements:

(i) The insurer or risk retention group must, at the time the policy is filed with the commissioner, and continuously thereafter, maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file audited financial statements with the commissioner; and

(ii) The commissioner may authorize an insurer or risk retention group that has surplus as to policyholders and

paid-in capital of less than fifteen million dollars, but at least equal to ten million dollars, to issue the insurance required by this subsection if the insurer or risk retention group demonstrates to the satisfaction of the commissioner that the company maintains a ratio of direct written premiums, wherever written, to surplus as to policyholders and paid-in capital of not more than three to one.

(3) Applicants to be a protection product guarantee provider must make an application to the commissioner upon a form to be furnished by the commissioner. The application must include or be accompanied by the following information and documents:

(a) The names of the protection product guarantee provider's executive officer or officers directly responsible for the protection product guarantee provider's protection product guarantee business and their biographical affidavits on a form prescribed by the commissioner;

(b) The name, address, and telephone number of any administrators designated by the protection product guarantee provider to be responsible for the administration of protection product guarantees in this state;

(c) A copy of the protection product guarantee reimbursement insurance policy or policies;

(d) A copy of each protection product guarantee the protection product guarantee provider proposes to use in this state;

(e) ~~(Any other pertinent information required by the commissioner)~~ The most recent annual financial statements, if available, or the most recent financial statements certified as accurate by two or more officers of the applicant which prove that the applicant is solvent; and

(f) A nonrefundable application fee of two hundred fifty dollars.

(4) Each registered protection product guarantee provider must appoint the commissioner as the protection product guarantee provider's attorney to receive service of legal process issued against the protection product guarantee provider in this state upon causes of action arising within this state. Service upon the commissioner as attorney constitutes effective legal service upon the protection product guarantee provider.

(a) With the appointment the protection product guarantee provider must designate the person to whom the commissioner must forward legal process so served upon him or her.

(b) The appointment is irrevocable, binds any successor in interest or to the assets or liabilities of the protection product guarantee provider, and remains in effect for as long as there could be any cause of action against the protection product guarantee provider arising out of any of the protection product guarantee provider's contracts or obligations in this state.

(c) The service of process must be accomplished and processed in the manner prescribed under RCW 48.02.200.

(5) The commissioner may refuse to issue a registration if the commissioner determines that the protection product guarantee provider, or any individual responsible for the conduct of the affairs of the protection product guarantee provider under subsection (3)(a) of this section, is not competent, trustworthy, financially responsible, or has had a license as a protection product

guarantee provider or similar license denied or revoked for cause by any state.

(6) A registration issued under this section is valid, unless surrendered, suspended, or revoked by the commissioner, or not renewed for so long as the protection product guarantee provider continues in business in this state and remains in compliance with this chapter. A registration is subject to renewal annually on the first day of July upon application of the protection product guarantee provider and payment of a fee of two hundred fifty dollars. If not so renewed, the registration expires on the June 30th next preceding.

(7) A protection product guarantee provider must keep current the information required to be disclosed in its registration under this section by reporting all material changes or additions within thirty days after the end of the month in which the change or addition occurs.

**Sec. 11.** RCW 48.110.902 and 2006 c 274 s 21 are each amended to read as follows:

(1) RCW 48.110.030 (2)(a) and (b), (3), and (4), 48.110.040, 48.110.060, 48.110.100, 48.110.110, 48.110.075 (2)(a) and (b) and (4)(e), and 48.110.073 (1) and (2) do not apply to motor vehicle service contracts issued by a motor vehicle manufacturer or import distributor covering vehicles manufactured or imported by the motor vehicle manufacturer or import distributor. For purposes of this section, "motor vehicle service contract" includes a contract or agreement sold for separately stated consideration for a specific duration to perform any of the services set forth in RCW 48.110.020(18)(b).

(2) RCW 48.110.030(2)(c) does not apply to a publicly traded motor vehicle manufacturer or import distributor.

(3) RCW 48.110.030 (2)(a) through (c), (3), and (4), 48.110.040, and 48.110.073(2) do not apply to wholly owned subsidiaries of motor vehicle manufacturers or import distributors.

(4) The adoption of chapter 274, Laws of 2006 does not imply that a vehicle protection product warranty was insurance prior to October 1, 2006."

Correct the title.

Representatives Kirby and Vick spoke in favor of the adoption of the amendment.

Amendment (761) was adopted.

The bill was ordered engrossed.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2355.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2355, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, McCaslin, Scott, Shea, Taylor and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2355, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2503, by Representatives Buys, Griffey, Springer and Van De Wege****Preventing water-sewer districts from prohibiting multipurpose fire sprinkler systems.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2503 was substituted for House Bill No. 2503 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2503 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2503.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2503, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody,

Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2503, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2539, by Representatives Nealey, Manweller, Hansen, Tharinger, Harris, Walsh, Magendanz, Wilson, Haler, Springer, Johnson, Muri, Hayes and Dent****Concerning the inheritance exemption for the real estate excise tax.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2539 was substituted for House Bill No. 2539 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2539 was read the second time.

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

Representatives Nealey, Lytton and Manweller spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2539.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2539, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso,

Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2539, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2651, by Representatives Rossetti and Orcutt**

**Concerning vehicle maximum gross weight values.**

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2651.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2651, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2651, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2764, by Representatives Jinkins, Chandler, Gregerson, Johnson, Appleton and Senn**

**Clarifying public defense fund distributions.**

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2764.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2764, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Johnson, McCaslin, Orcutt, Scott, Shea, Taylor and Young.

HOUSE BILL NO. 2764, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2767, by Representatives Walsh, Kagi, Kilduff, Schmick and Dye**

**Defining and using the term center-based services for individuals with developmental disabilities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2767 was substituted for House Bill No. 2767 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2767 was read the second time.

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

Representatives Walsh and Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2767.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2767, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

SUBSTITUTE HOUSE BILL NO. 2767, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2768, by Representatives Schmick, Cody, Tharinger, Jinkins, Harris and Robinson**

**Addressing taxes and service charges on certain qualified stand-alone dental plans offered in the individual or small group markets.**

The bill was read the second time.

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

Representatives Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2768.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2768, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer,

Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Hargrove, Holy, McCaslin, Scott, Shea and Taylor.

HOUSE BILL NO. 2768, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2783, by Representatives Springer, Stokesbary, Reykdal, Vick, Robinson, Orcutt, Johnson and Wilson**

**Specifying the documentation that must be provided to determine when sales tax applies to the sale of a motor vehicle to an enrolled tribal member.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2783 was substituted for House Bill No. 2783 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2783 was read the second time.

Representative Springer moved the adoption of amendment (678):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 12.** A new section is added to chapter 82.08 RCW to read as follows:

(1)(a) State sales tax is not imposed on the sale of a motor vehicle: (i) If delivered to a tribe or tribal member in their Indian country, or (ii) if the sale is made to a tribe or tribal member in their Indian country. A tribal member is not required to reside in Indian country for the exemption under this section to apply. However, the tribal member must have tax exempt status as a member of the tribe upon whose Indian country delivery is made.

(b) In order to substantiate the tax exempt status of a tribal member, the seller must require presentation of one of the following:

(i) The buyer's tribal membership or citizenship card;

(ii) The buyer's certificate of tribal enrollment; or

(iii) A letter signed by a tribal official confirming the buyer's tribal membership status.

(c)(i) To establish delivery for purposes of this section, the motor vehicle must be delivered to the tribe or tribal member in their Indian country. The seller must document the delivery by completing a declaration, in a form prescribed by the department, signed by the seller attesting that delivery was made to that location.

(ii) No other proof of delivery may be accepted in place of or required in addition to the requirements in (c)(i) of this subsection.

(2) If the sale is made to the tribe or tribal member in their Indian country, the requirements in subsection (1)(c) of this section do not apply.

(3) The seller must retain copies of the documentation required under subsection (1) of this section for the period required in RCW 82.32.070.

(4) Nothing in this section may be construed to affect, amend, or modify federal law or Washington state tax law as applied to a tribal member or tribe.

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

(a) "Indian country" has the same meaning as provided in 18 U.S.C. Sec. 1151.

(b) "Tribe" means a federally recognized tribe.

(c) "Tribal member" means an enrolled member of a federally recognized tribe."

Correct the title.

Representative Springer moved the adoption of amendment (715) to amendment (678):

On page 1, line 22 of the striking amendment, after "seller" insert "and buyer,"

Representatives Springer, Stokesbary and Wilson spoke in favor of the adoption of the amendment to the amendment.

Amendment (715) to amendment (678) was adopted.

Representatives Springer and Stokesbary spoke in favor of the adoption of the amendment (678) as amended.

Amendment (678), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Springer, Stokesbary and Wilson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2783.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2783, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes,

Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2783, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2815, by Representatives Hayes, Smith, Lytton and Morris**

**Modifying the eligibility requirements for certain counties with ferry terminals to form a regional transportation planning organization.**

The bill was read the second time.

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

Representatives Hayes and Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2815.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2815, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Scott, Shea and Taylor.

HOUSE BILL NO. 2815, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2845, by Representatives Ormsby, Sells, Frame, Gregerson, Moscoso, Bergquist, Jinkins, Cody, Peterson, Robinson, Farrell, Riccelli, Sawyer, Pollet, Appleton, Reykdal, Kilduff, Stanford and Walkinshaw**

**Addressing the time period for workers to recover wages under prevailing wage laws.**

The bill was read the second time.

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

Representatives Manweller and Ormsby spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2845.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2845, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Hayes, MacEwen, McCaslin, Shea, Taylor and Young.

HOUSE BILL NO. 2845, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 2847, by Representative Rossetti

**Creating an exemption to the definition of substantial development in chapter 90.58 RCW relating to the retrofitting of existing structures to accommodate physical access by individuals with disabilities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2847 was substituted for House Bill No. 2847 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2847 was read the second time.

Representative Taylor moved the adoption of amendment (757):

On page 8, line 9, after "(xiii)" strike all material through "disabilities" on line 13 and insert "The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with disabilities act of 1990 (42 U.S.C. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities"

Representatives Taylor, Shea and Taylor (again) spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (757) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 1; Excused, 0.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Absent: Representative Young

There being no objection, the House immediately reconsidered the vote by which amendment (757) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2847 failed the House.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (757) to Engrossed Substitute House Bill No. 2847 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (757) to Engrossed Substitute House Bill No. 2847 on reconsideration, and the amendment was not adopted by the following vote: Yeas, 48; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Representative Rossetti moved the adoption of amendment (629):

On page 8, line 12, after "to the" strike "structure" and insert "building"

Representative Rossetti spoke in favor of the adoption of the amendment.

Representative Shea spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 50 - YEAS; 48 - NAYS.

Amendment (629) was adopted.

The bill was ordered engrossed.

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

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

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2847.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2847, and the bill passed the House by the following vote: Yeas, 75; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hargrove,

Harmsworth, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, MacEwen, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Dent, Dye, Haler, Harris, Hawkins, Hayes, Holy, Kretz, Kristiansen, Magendanz, McCaslin, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Taylor, Vick and Wilcox.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2847, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2886, by Representative Manweller

#### Concerning electrical scope of practice.

The bill was read the second time.

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

Representatives Manweller and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2886.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2886, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative DeBolt.

HOUSE BILL NO. 2886, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2971, by Representatives  
McBride and Nealey**

**Addressing real estate as it concerns the local government authority in the use of real estate excise tax revenues and regulating real estate transactions.**

The bill was read the second time.

Representative McBride moved the adoption of amendment (724):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 64.06.080 and 2015 2nd sp.s. c 10 s 4 are each amended to read as follows:

(1) Any ordinance, resolution, or policy adopted by a city or county that imposes a requirement on landlords or sellers of real property, or their agents, to provide information to a buyer or tenant pertaining to the subject property or the surrounding area is effective only after:

(a) A summary of the ordinance, resolution, or policy is posted electronically in accordance with RCW 43.110.030(2)(e); and

(b) An internet link to the ordinance, resolution, or policy, or the relevant portion of the actual language of the ordinance, resolution, or policy, is posted electronically in accordance with RCW 43.110.030(2)(e).

(2) If, prior to September 26, 2015, a city or county adopted an ordinance, resolution, or policy that imposes a requirement on landlords or sellers of real property, or their agents, to provide information to a buyer or tenant pertaining to the subject property or the surrounding area, the city or county must cause, within ninety days of September 26, 2015:

(a) A summary of the ordinance, resolution, or policy to be posted electronically in accordance with RCW 43.110.030(2)(e); and

(b) An internet link to the ordinance, resolution, or policy, or the relevant portion of the actual language of the ordinance, resolution, or policy, to be posted electronically in accordance with RCW 43.110.030(2)(e) (~~within ninety days of September 26, 2015, or the requirement shall~~)). If the requirement is not electronically posted as required by this subsection, the requirement must thereafter cease to be in effect.

**Sec. 2.** RCW 43.110.030 and 2015 2nd sp.s. c 10 s 5 are each amended to read as follows:

(1) The department of commerce must contract for the provision of municipal research and services to cities, towns, and counties. Contracts for municipal research and services must be made with state agencies, educational institutions, or private consulting firms, that in the judgment of the department are qualified to provide such research and services. Contracts for staff support may be made with state agencies, educational institutions, or private consulting firms that in the judgment of the department are qualified to provide such support.

(2) Municipal research and services consists of:

(a) Studying and researching city, town, and county government and issues relating to city, town, and county government;

(b) Acquiring, preparing, and distributing publications related to city, town, and county government and issues relating to city, town, and county government;

(c) Providing educational conferences relating to city, town, and county government and issues relating to city, town, and county government;

(d) Furnishing legal, technical, consultative, and field services to cities, towns, and counties concerning planning, public health, utility services, fire protection, law enforcement, public works, and other issues relating to city, town, and county government; and

~~(e) (Providing a list of all requirements imposed by all cities, towns, and counties))~~ (i) For any ordinance, resolution, or policy adopted by a city, town, or county that imposes a requirement on landlords or sellers of real property to provide information to a buyer or tenant pertaining to the subject property or the surrounding area (~~The list~~), posting:

(A) A summary of the ordinance, resolution, or policy; and

(B) An internet link to the ordinance, resolution, or policy, or the relevant portion of the actual language of the ordinance, resolution, or policy.

(ii) Information provided by cities, towns, and counties regarding an ordinance, resolution, or policy under (e)(i) of this subsection must be posted in a specific section on a web site maintained by the entity with which the department of commerce contracts for the provision of municipal research and services under this section, and must list by jurisdiction all applicable requirements. Cities, towns, and counties must provide information for posting on the web site in accordance with RCW 64.06.080.

(3) Requests for legal services by county officials must be sent to the office of the county prosecuting attorney. Responses by the department of commerce to county requests for legal services must be provided to the requesting official and the county prosecuting attorney.

(4) The department of commerce must coordinate with the association of Washington cities and the Washington state association of counties in carrying out the activities in this section.

**Sec. 3.** RCW 82.46.015 and 2015 2nd sp.s. c 10 s 2 are each amended to read as follows:

(1) A city or county that meets the requirements of subsection (2) of this section may use the greater of one hundred thousand dollars or twenty-five percent of available funds, but not to exceed one million dollars per year, from revenues collected under RCW 82.46.010 for the maintenance of capital projects, as defined in RCW 82.46.010(6)(b).

(2) A city or county may use revenues pursuant to subsection (1) of this section if:

(a) The city or county prepares a written report demonstrating that it has or will have adequate funding from all sources of public funding to pay for all capital projects, as defined in RCW 82.46.010, identified in its

capital facilities plan for the succeeding two-year period. Cities or counties not required to prepare a capital facilities plan may satisfy this provision by using a document that, at a minimum, identifies capital project needs and available public funding sources for the succeeding two-year period; and

(b)(i) The city or county has not enacted, after September 26, 2015, any requirement on the listing of real property or sale of real property, or any requirement on landlords, at the time of executing a lease, to perform or provide physical improvements or modifications to real property or fixtures, except if necessary to address an immediate threat to health or safety; or

(ii) Any local requirement adopted by the city or county under (b)(i) of this subsection is: Specifically authorized by RCW 35.80.030, 35A.11.020, chapter 7.48 RCW, or chapter 19.27 RCW; specifically authorized by other state or federal law; or (iii) a seller or landlord disclosure requirement pursuant to RCW 64.06.080.

(3) The report prepared under subsection (2)(a) of this section must: (a) Include information necessary to determine compliance with the requirements of subsection (2)(a) of this section; (b) identify how revenues collected under RCW 82.46.010 were used by the city or county during the prior two-year period; (c) identify how funds authorized under subsection (1) of this section will be used during the succeeding two-year period; and (d) identify what percentage of funding for capital projects within the city or county is attributable to revenues under RCW 82.46.010 compared to all other sources of capital project funding. The city or county must prepare and adopt the report as part of its regular, public budget process.

(4) The authority to use funds as authorized in this section is in addition to the authority to use funds pursuant to RCW 82.46.010(7), which remains in effect through December 31, 2016.

(5) For purposes of this section, "maintenance" means the use of funds for labor and materials that will preserve, prevent the decline of, or extend the useful life of a capital project. "Maintenance" does not include labor or material costs for routine operations of a capital project.

**Sec. 4.** RCW 82.46.037 and 2015 2nd sp.s. c 10 s 3 are each amended to read as follows:

(1) A city or county that meets the requirements of subsection (2) of this section may use the greater of one hundred thousand dollars or twenty-five percent of available funds, but not to exceed one million dollars per year, from revenues collected under RCW 82.46.035 for:

(a) The maintenance of capital projects, as defined in RCW 82.46.035(5); or

(b) The planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, improvement, or maintenance of capital projects as defined in RCW 82.46.010(6)(b) that are not also included within the definition of capital projects in RCW 82.46.035(5).

(2) A city or county may use revenues pursuant to subsection (1) of this section if:

(a) The city or county prepares a written report demonstrating that it has or will have adequate funding

from all sources of public funding to pay for all capital projects, as defined in RCW 82.46.035(5), identified in its capital facilities plan for the succeeding two-year period; and

(b)(i) The city or county has not enacted, after September 26, 2015, any requirement on the listing of real property or sale of real property, or any requirement on landlords, at the time of executing a lease, to perform or provide physical improvements or modifications to real property or fixtures, except if necessary to address an immediate threat to health or safety; or

(ii) Any local requirement adopted by the city or county under (b)(i) of this subsection is: Specifically authorized by RCW 35.80.030, 35A.11.020, chapter 7.48 RCW, or chapter 19.27 RCW; specifically authorized by other state or federal law; or (iii) a seller or landlord disclosure requirement pursuant to RCW 64.06.080.

(3) The report prepared under subsection (2)(a) of this section must: (a) Include information necessary to determine compliance with the requirements of subsection (2)(a) of this section; (b) identify how revenues collected under RCW 82.46.035 were used by the city or county during the prior two-year period; (c) identify how funds authorized under subsection (1) of this section will be used during the succeeding two-year period; and (d) identify what percentage of funding for capital projects within the city or county is attributable to revenues under RCW 82.46.035 compared to all other sources of capital project funding. The city or county must prepare and adopt the report as part of its regular, public budget process.

(4) The authority to use funds as authorized in this section is in addition to the authority to use funds pursuant to RCW 82.46.035(7), which remains in effect through December 31, 2016.

(5) For purposes of this section, "maintenance" means the use of funds for labor and materials that will preserve, prevent the decline of, or extend the useful life of a capital project. "Maintenance" does not include labor or material costs for routine operations of a capital project."

Correct the title.

Representatives McBride and Nealey spoke in favor of the adoption of the amendment.

Amendment (724) was adopted.

The bill was ordered engrossed.

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

Representatives McBride and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2971.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2971, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Shea and Taylor.

ENGROSSED HOUSE BILL NO. 2971, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2908, by Representatives Ryu, Ortiz-Self, Walkinshaw, Stanford and Santos**

**Establishing the joint legislative task force on community policing standards for a safer Washington. Revised for 1st Substitute: Establishing the joint legislative task force on the use of deadly force in community policing.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2908 was substituted for House Bill No. 2908 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2908 was read the second time.

With the consent of the house, amendment (727) was withdrawn.

Representative Ryu moved the adoption of amendment (716):

On page 2, line 22, after "appoint" strike "twelve"

On page 2, line 29, after "defense" strike "attorneys" and insert "lawyers"

On page 2, line 36, after "(xi)" strike "OneAmerica" and insert "Northwest immigration rights project"

On page 2, line 37, after "county;" strike "and"

On page 2, line 38, after "Washington" insert ";

(xiv) Latino civic alliance; and

(xv) COMPAS (council of metropolitan police and sheriffs)"

Representative Ryu spoke in favor of the adoption of the amendment.

Amendment (716) was adopted.

Representative Taylor moved the adoption of amendment (772):

On page 2, line 22, after "appoint" strike "twelve"

On page 2, line 37, after "county;" strike "and"

On page 2, line 38, after "Washington" insert ";

(xiv) two members representing liberty organizations."

Representatives Taylor and Goodman spoke in favor of the adoption of the amendment.

Amendment (772) was adopted.

The bill was ordered engrossed.

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

Representatives Ryu, Klippert and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2908.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2908, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2908, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1284  
 HOUSE BILL NO. 1809  
 HOUSE BILL NO. 2364  
 HOUSE BILL NO. 2441  
 HOUSE BILL NO. 2578  
 HOUSE BILL NO. 2630  
 HOUSE BILL NO. 2674  
 HOUSE BILL NO. 2832  
 HOUSE BILL NO. 2841  
 HOUSE BILL NO. 2842  
 HOUSE BILL NO. 2863  
 HOUSE BILL NO. 2871  
 HOUSE BILL NO. 2884  
 HOUSE BILL NO. 2925

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1512 and the bill was placed on the third reading calendar:

The Speaker (Representative Moeller presiding) called upon Representative Orwall to preside.

#### MESSAGE FROM THE SENATE

February 15, 2016

MR. SPEAKER:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6207,  
 ENGROSSED SENATE BILL NO. 6413,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

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

#### SECOND READING

**HOUSE BILL NO. 2540, by Representatives Nealey, Tharinger, Harris, Walsh, Ryu, Griffey, Hayes, Manweller, Pike, Smith, Stokesbary, MacEwen, Van De Wege, Johnson, Magendanz, Wilson, McBride, Hargrove, Schmick, Pollet and Van Werven**

**Modifying the penalty for taxpayers that do not submit an annual survey or report.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2540 was substituted for House Bill No. 2540 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2540 was read the second time.

With the consent of the house, amendments (700) and (758) were withdrawn.

Representative Nealey moved the adoption of amendment (765):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.32.534 and 2014 c 97 s 102 are each amended to read as follows:

(1)(a) Every person claiming a tax preference that requires a report under this section must file a complete annual report with the department. The report is due by ~~((April 30th))~~ May 31st of the year following any calendar year in which a person becomes eligible to claim the tax preference that requires a report under this section. The department may extend the due date for timely filing of annual reports under this section as provided in RCW 82.32.590.

(b) The report must include information detailing employment, wages, and employer-provided health and retirement benefits for employment positions in Washington for the year that the tax preference was claimed. However, persons engaged in manufacturing commercial airplanes or components of such airplanes may report employment, wage, and benefit information per job at the manufacturing site for the year that the tax preference was claimed. The report must not include names of employees. The report must also detail employment by the total number of full-time, part-time, and temporary positions for the year that the tax preference was claimed.

(c) Persons receiving the benefit of the tax preference provided by RCW 82.16.0421 or claiming any of the tax preferences provided by RCW 82.04.2909, 82.04.4481, 82.08.805, 82.12.805, or 82.12.022(5) must indicate on the annual report the quantity of product produced in this state during the time period covered by the report.

(d) If a person filing a report under this section did not file a report with the department in the previous calendar year, the report filed under this section must also include employment, wage, and benefit information for the calendar year immediately preceding the calendar year for which a tax preference was claimed.

(2) As part of the annual report, the department may request additional information necessary to measure the results of, or determine eligibility for, the tax preference.

(3) Other than information requested under subsection (2) of this section, the information contained in an annual report filed under this section is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(4)(a) Except as otherwise provided by law, if a person claims a tax preference that requires an annual report under this section but fails to submit a complete report by the due date or any extension under RCW 82.32.590, the department must declare:

(i) Thirty-five percent of the amount of the tax preference claimed for the previous calendar year to be immediately due and payable; and

(ii) An additional fifteen percent of the amount of the tax preference claimed for the previous calendar year to be immediately due and payable if the person has

previously been assessed under this subsection (4) for failure to submit a report under this section for the same tax preference.

(b) The department ((must assess interest, but not penalties, on the amounts due under this subsection. The interest must be assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date the tax preference was claimed, and accrues until the taxes for which the tax preference was claimed are repaid. Amounts due under this subsection are not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request)) may not assess interest or penalties on amounts due under this subsection.

(5) The department must use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers may be included in any category. The department must report these statistics to the legislature each year by December ~~((1st))~~ 31st.

(6) For the purposes of this section:

(a) "Person" has the meaning provided in RCW 82.04.030 and also includes the state and its departments and institutions.

(b) "Tax preference" has the meaning provided in RCW 43.136.021 and includes only the tax preferences requiring a survey under this section.

**Sec. 2.** RCW 82.32.585 and 2014 c 97 s 103 are each amended to read as follows:

(1)(a) Every person claiming a tax preference that requires a survey under this section must file a complete annual survey with the department.

(i) Except as provided in (a)(ii) of this subsection, the survey is due by ~~((April 30th))~~ May 31st of the year following any calendar year in which a person becomes eligible to claim the tax preference that requires a survey under this section.

(ii) If the tax preference is a deferral of tax, the first survey must be filed by ~~((April 30th))~~ May 31st of the calendar year following the calendar year in which the investment project is certified by the department as operationally complete, and a survey must be filed by ~~((April 30th))~~ May 31st of each of the seven succeeding calendar years.

(b) The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590.

(2)(a) The survey must include the amount of the tax preference claimed for the calendar year covered by the survey. For a person that claimed an exemption provided in RCW 82.08.025651 or 82.12.025651, the survey must include the amount of tax exempted under those sections in the prior calendar year for each general area or category of research and development for which exempt machinery and equipment and labor and services were acquired in the prior calendar year.

(b) The survey must also include the following information for employment positions in Washington, not to include names of employees, for the year that the tax preference was claimed:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) For persons claiming the tax preference provided under chapter 82.60 or 82.63 RCW, the survey must also include the number of new products or research projects by general classification, and the number of trademarks, patents, and copyrights associated with activities at the investment project.

(d) For persons claiming the credit provided under RCW 82.04.4452, the survey must also include the qualified research and development expenditures during the calendar year for which the credit was claimed, the taxable amount during the calendar year for which the credit was claimed, the number of new products or research projects by general classification, the number of trademarks, patents, and copyrights associated with the research and development activities for which the credit was claimed, and whether the tax preference has been assigned, and who assigned the credit. The definitions in RCW 82.04.4452 apply to this subsection (2)(d).

(e) For persons claiming the tax exemption in RCW 82.08.025651 or 82.12.025651, the survey must also include the general areas or categories of research and development for which machinery and equipment and labor and services were acquired, exempt from tax under RCW 82.08.025651 or 82.12.025651, in the prior calendar year.

(f) If the person filing a survey under this section did not file a survey with the department in the previous calendar year, the survey filed under this section must also include the employment, wage, and benefit information required under (b)(i) through (iv) of this subsection for the calendar year immediately preceding the calendar year for which a tax preference was claimed.

(3) As part of the annual survey, the department may request additional information necessary to measure the results of, or determine eligibility for, the tax preference.

(4) All information collected under this section, except the information required in subsection (2)(a) of this section, is deemed taxpayer information under RCW 82.32.330. Information required in subsection (2)(a) of this section is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, except as provided in subsection (5) of this section. If the amount of the tax preference claimed as reported on the survey is different than the amount actually claimed or otherwise allowed by the department based on the taxpayer's excise tax returns or other information known to the department, the amount actually claimed or allowed may be disclosed.

(5) Persons for whom the actual amount of the tax reduced or saved is less than ten thousand dollars during the period covered by the survey may request the

department to treat the amount of the tax reduction or savings as confidential under RCW 82.32.330.

(6)(a) Except as provided in (b) of this subsection or as otherwise provided by law, if a person claims a tax preference that requires an annual survey under this section but fails to submit a complete annual survey by the due date of the survey or any extension under RCW 82.32.590, the department must declare:

(i) Thirty-five percent of the amount of the tax preference claimed for the previous calendar year to be immediately due; and

(ii) An additional fifteen percent of the amount of the tax preference claimed for the previous calendar year to be immediately due and payable, if the person has previously been assessed under this subsection (6) for failure to submit a survey under this section for the same tax preference.

(b) If the tax preference is a deferral of tax, the amount immediately due under this subsection is the amount and one-half percent of the deferred tax (~~is immediately due~~). If the economic benefits of the deferral are passed to a lessee, the lessee is responsible for payment to the extent the lessee has received the economic benefit.

~~((b)) (c) The department ((must assess interest, but not penalties, on the amounts due under this subsection. The interest must be assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date the tax preference was claimed, and accrues until the taxes for which the tax preference was claimed are repaid. Amounts due under this subsection are not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request)) may not assess interest or penalties on amounts due under this subsection.~~

(7) The department must use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers may be included in any category. The department must report these statistics to the legislature each year by December ~~((4<sup>th</sup>))~~ 31<sup>st</sup>.

(8) For the purposes of this section:

(a) "Person" has the meaning provided in RCW 82.04.030 and also includes the state and its departments and institutions.

(b) "Tax preference" has the meaning provided in RCW 43.136.021 and includes only the tax preferences requiring a survey under this section.

NEW SECTION. Sec. 3. (1) In addition to applying prospectively, sections 1(4) and 2(6) of this act apply retroactively for a taxpayer who has filed an appeal regarding taxes, penalties, and interest owed under RCW 82.32.534 or 82.32.585 before January 1, 2016, and the appeal is pending before the department of revenue or the board of tax appeals as of the effective date of this section.

(2) Except for taxpayers described in subsection (1) of this section, sections 1(4) and 2(6) of this act apply to amounts due and payable under sections 1(4) and 2(6) of this act on or after July 1, 2017.

NEW SECTION. Sec. 4. This act takes effect July 1, 2016."

Correct the title.

Representatives Nealey and Lytton spoke in favor of the adoption of the amendment.

Amendment (765) was adopted.

The bill was ordered engrossed.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2540.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2540, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2540, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2565, by Representatives Vick, Reykdal, Orcutt, Wilson, Springer, Robinson, Nealey, Wilcox, Manweller, Stokesbary, Condotta, Pike, Haler, Frame, Hargrove and Muri**

**Reducing the frequency of local sales and use tax changes.**

The bill was read the second time.

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

Representatives Vick and Lytton spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Harris, Representative MacEwen was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2565.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2565, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 2565, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2959, by Representatives Lytton, Nealey and Ormsby

#### Concerning local business tax and licensing simplification.

The bill was read the second time.

Representative Lytton moved the adoption of amendment (783):

On page 4, line 22, after "following" strike "seven" and insert "nine"

On page 4, beginning on line 28, after "(iv)" strike all material through "imposes" on line 29 and insert "Two representatives from Washington cities or towns that impose"

On page 4, line 29, after "tax and" strike "has" and insert "have"

On page 4, line 33, after "(v)" strike all material through "imposes" and insert "Two representatives from Washington cities or towns that impose"

On page 4, line 34, after "tax and" strike "has" and insert "have"

Representatives Lytton and Nealey spoke in favor of the adoption of the amendment.

Amendment (783) was adopted.

The bill was ordered engrossed.

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

Representatives Lytton and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2959.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2959, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Schmick, Scott, Sells, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Kirby, McBride, Sawyer and Senn.

Excused: Representative MacEwen.

ENGROSSED HOUSE BILL NO. 2959, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

There being no objection, the rules were suspended, and HOUSE BILL NO. 1553 was returned to second reading for the purpose of amendment.

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

### SECOND READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553, by House Committee on Public Safety (originally sponsored by Representatives Walkinshaw, MacEwen,**

**Ryu, Appleton, Moscoso, Holy, Gregerson, Zeiger, Peterson, Farrell, Walsh, Reykdal, Orwall, Pettigrew, Tharinger, Fitzgibbon and Kagi)**

**Encouraging certificates of restoration of opportunity.**

The bill was read the second time.

Representative Walkinshaw moved the adoption of amendment (792):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 5.** The legislature finds that employment is a key factor to the successful reintegration to society of people with criminal histories, and is critical to reducing recidivism, promoting public safety, and encouraging personal responsibility.

Occupational licensing and employment laws regulate many professions as well as unskilled and semiskilled occupations. Examples of regulated occupations include alcohol servers, barbers and cosmetologists, body piercers, commercial fishers, contractors, drivers, embalmers, engineers, health care workers, insurance adjusters, real estate professionals, tattoo artists, and waste management workers. Individuals with criminal histories may meet the competency requirements for these occupations through training, experience, or education, but may be disqualified from them based on their criminal history.

Certificates of restoration of opportunity help reduce some barriers to employment for adults and juveniles by providing an opportunity for individuals to become more employable and to more successfully reintegrate into society after they have served their sentence, demonstrated a period of law-abiding behavior consistent with successful reentry, and have turned their lives around following a conviction. Applicants for a certificate must also meet all other statutory licensing requirements.

Certificates of restoration of opportunity offer potential public and private employers or housing providers concrete and objective information about an individual under consideration for an opportunity. These certificates can facilitate the successful societal reintegration of individuals with a criminal history whose behavior demonstrates that they are taking responsibility for their past criminal conduct and pursuing a positive law-abiding future. A certificate of restoration of opportunity provides a process for people previously sentenced by a Washington court who have successfully changed their lives to seek a court document confirming their changed circumstances.

A certificate of restoration of opportunity does not affect any employer's or housing provider's discretion to individually assess every applicant and to hire or rent to the applicants of their choice. Employers will not have to forego hiring their chosen applicants because they face statutory bars that prevent obtaining the necessary occupational credentials.

**NEW SECTION. Sec. 6.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Qualified applicant" means any adult or juvenile who meets the following requirements:

(a)(i) One year has passed from sentencing for those sentenced by a Washington state court to probation, or receiving a deferred sentence or other noncustodial sentencing for a misdemeanor or gross misdemeanor offense or an equivalent juvenile adjudication; or

(ii) Eighteen months have passed from release from total or partial confinement from a Washington prison or jail or juvenile facility for those sentenced by a Washington state court to incarceration for a misdemeanor or gross misdemeanor or an equivalent juvenile adjudication; or

(iii) Two years have passed from sentencing for those sentenced by a Washington state court to probation, or receiving a deferred sentence or other noncustodial sentencing for a class B or C felony or an equivalent juvenile adjudication; or

(iv) Two years have passed from release from total or partial confinement from a Washington prison or jail or juvenile facility for those sentenced by a Washington state court for a class B or C felony or an equivalent juvenile adjudication; or

(v) Five years have passed from sentencing for those sentenced by a Washington state court to probation, or receiving a deferred sentence or other noncustodial sentencing for a violent offense as defined in RCW 9.94A.030 or an equivalent juvenile adjudication; or

(vi) Five years have passed from release from total or partial confinement from a Washington prison or jail or juvenile facility for those sentenced by a Washington state court for a violent offense as defined in RCW 9.94A.030 or an equivalent juvenile adjudication;

(b) Is in compliance with or has completed all sentencing requirements imposed by a court including:

(i) Has paid in full all court-ordered legal financial obligations;

(ii) Is fully compliant with a payment plan for court-ordered legal financial obligations; or

(iii) Is out of compliance with a payment plan for court-ordered legal financial obligations but has established good cause with the court for any noncompliance with the payment plan;

(c) Has never been convicted of a class A felony, an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, a sex offense as defined in RCW 9.94A.030, a crime that includes sexual motivation pursuant to RCW 9.94A.835, 13.40.135, or 9.94A.535(3)(f), extortion in the first degree under RCW 9A.56.120, drive-by shooting under RCW 9A.36.045, vehicular assault under RCW 46.61.522(1) (a) or (b), or luring under RCW 9A.40.090, and is not required to register as a sex offender pursuant to RCW 9A.44.130; and

(d) Has not been arrested for nor convicted of a new crime and has no pending criminal charge, and there is no information presented to a qualified court that such a charge is imminent.

(2) "Qualified court" means any Washington superior court in the county where an applicant resides or

that has sentenced or adjudicated the applicant. If the sentencing or adjudicating court was a court of limited jurisdiction then a qualified court is the superior court in the county of the applicant's conviction or adjudication.

**NEW SECTION. Sec. 7.** (1) Except as provided in this section, no state, county, or municipal department, board, officer, or agency authorized to assess the qualifications of any applicant for a license, certificate of authority, qualification to engage in the practice of a profession or business, or for admission to an examination to qualify for such a license or certificate may disqualify a qualified applicant, solely based on the applicant's criminal history, if the qualified applicant has obtained a certificate of restoration of opportunity and the applicant meets all other statutory and regulatory requirements, except as required by federal law or exempted under this subsection. Nothing in this section is interpreted as restoring or creating a means to restore any firearms rights or eligibility to obtain a firearm dealer license pursuant to RCW 9.41.110 or requiring the removal of a protection order.

(a)(i) Criminal justice agencies, as defined in RCW 10.97.030, and the Washington state bar association are exempt from this section.

(ii) This section does not apply to the licensing, certification, or qualification of the following professionals: Accountants, RCW 18.04.295; assisted living facilities employees, RCW 18.20.125; bail bond agents, RCW 18.185.020; escrow agents, RCW 18.44.241; long-term care workers, RCW 18.88B.080; nursing home administrators, RCW 18.52.071; nursing, chapter 18.79 RCW; physicians and physician assistants, chapters 18.71 and 18.71A RCW; private investigators, RCW 18.165.030; receivers, RCW 7.60.035; teachers, chapters 28A.405 and 28A.410 RCW; notaries public, chapter 42.44 RCW; private investigators, chapter 18.165 RCW; real estate brokers and salespersons, chapters 18.85 and 18.86 RCW; security guards, chapter 18.170 RCW; and vulnerable adult care providers, RCW 43.43.842.

(iii) To the extent this section conflicts with the requirements for receipt of federal funding under the adoption and safe families act, 42 U.S.C. Sec. 671, this section does not apply.

(b) Unless otherwise addressed in statute, in cases where an applicant would be disqualified under RCW 43.20A.710, and the applicant has obtained a certificate of restoration of opportunity, the department of social and health services may, after review of relevant factors, including the nature and seriousness of the offense, time that has passed since conviction, changed circumstances since the offense occurred, and the nature of the employment or license sought, at its discretion:

(i) Allow the applicant to have unsupervised access to children, vulnerable adults, or individuals with mental illness or developmental disabilities if the applicant is otherwise qualified and suitable; or

(ii) Disqualify the applicant solely based on the applicant's criminal history.

(c) If the practice of a profession or business involves unsupervised contact with vulnerable adults, children, or individuals with mental illness or

developmental disabilities, or populations otherwise defined by statute as vulnerable, the department of health may, after review of relevant factors, including the nature and seriousness of the offense, time that has passed since conviction, changed circumstances since the offense occurred, and the nature of the employment or license sought, at its discretion:

(i) Disqualify an applicant who has obtained a certificate of restoration of opportunity, for a license, certification, or registration to engage in the practice of a health care profession or business solely based on the applicant's criminal history; or

(ii) If such applicant is otherwise qualified and suitable, credential or credential with conditions an applicant who has obtained a certificate of restoration of opportunity for a license, certification, or registration to engage in the practice of a health care profession or business.

(d) The state of Washington, any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations, the department of health, and its officers, employees, contractors, and agents are immune from suit in law, equity, or any action under the administrative procedure act based upon its exercise of discretion under this section. This section does not create a protected class; private right of action; any right, privilege, or duty; or change to any right, privilege, or duty existing under law. This section does not modify a licensing or certification applicant's right to a review of an agency's decision under the administrative procedure act or other applicable statute or agency rule. A certificate of restoration of opportunity does not remove or alter citizenship or legal residency requirements already in place for state agencies and employers.

(2) A qualified court has jurisdiction to issue a certificate of restoration of opportunity to a qualified applicant.

(a) A court must determine, in its discretion whether the certificate:

(i) Applies to all past criminal history; or

(ii) Applies only to the convictions or adjudications in the jurisdiction of the court.

(b) The certificate does not apply to any future criminal justice involvement that occurs after the certificate is issued.

(c) A court must determine whether to issue a certificate by determining whether the applicant is a qualified applicant as defined in section 2 of this act.

(3) An employer or housing provider may, in its sole discretion, determine whether to consider a certificate of restoration of opportunity issued under this chapter in making employment or rental decisions. An employer or housing provider is immune from suit in law, equity, or under the administrative procedure act for damages based upon its exercise of discretion under this section or the refusal to exercise such discretion. In any action at law against an employer or housing provider arising out of the employment of or provision of housing to the recipient of a certificate of restoration of opportunity, evidence of the crime for which a certificate of restoration of opportunity has been issued may not be introduced as evidence of negligence or intentionally tortious conduct on the part of

the employer or housing provider. This subsection does not create a protected class, private right of action, any right, privilege, or duty, or to change any right, privilege, or duty existing under law related to employment or housing except as provided in RCW 7.60.035.

(4)(a) Department of social and health services: A certificate of restoration of opportunity does not apply to the state abuse and neglect registry. No finding of abuse, neglect, or misappropriation of property may be removed from the registry based solely on a certificate. The department must include such certificates as part of its criminal history record reports, qualifying letters, or other assessments pursuant to RCW 43.43.830 through 43.43.838. The department shall adopt rules to implement this subsection.

(b) Washington state patrol: The Washington state patrol is not required to remove any records based solely on a certificate of restoration of opportunity. The state patrol must include a certificate as part of its criminal history record report.

(c) Court records:

(i) A certificate of restoration of opportunity has no effect on any other court records, including records in the judicial information system. The court records related to a certificate of restoration of opportunity must be processed and recorded in the same manner as any other record.

(ii) The qualified court where the applicant seeks the certificate of restoration of opportunity must administer the court records regarding the certificate in the same manner as it does regarding all other proceedings.

(d) Effect in other judicial proceedings: A certificate of restoration of opportunity may only be submitted to a court to demonstrate that the individual met the specific requirements of this section and not for any other procedure, including evidence of character, reputation, or conduct. A certificate is not an equivalent procedure under Rule of Evidence 609(c).

(e) Department of health: The department of health must include a certificate of restoration of opportunity on its public web site if:

(i) Its web site includes an order, stipulation to informal disposition, or notice of decision related to the conviction identified in the certificate of restoration of opportunity; and

(ii) The credential holder has provided a certified copy of the certificate of restoration of opportunity to the department of health.

(5) In all cases, an applicant must provide notice to the prosecutor in the county where he or she seeks a certificate of restoration of opportunity of the pendency of such application. If the applicant has been sentenced by any other jurisdiction in the five years preceding the application for a certificate, the applicant must also notify the prosecuting attorney in those jurisdictions. The prosecutor in the county where an applicant applies for a certificate shall provide the court with a report of the applicant's criminal history.

(6) Application for a certificate of restoration of opportunity must be filed as a civil action.

(7) A superior court in the county in which the applicant resides may decline to consider the application for certificate of restoration of opportunity. If the superior

court in which the applicant resides declines to consider the application, the court must dismiss the application without prejudice and the applicant may refile the application in another qualified court. The court must state the reason for the dismissal on the order. If the court determines that the applicant does not meet the required qualifications, then the court must dismiss the application without prejudice and state the reason(s) on the order. The superior court in the county of the applicant's conviction or adjudication may not decline to consider the application.

(8) Unless the qualified court determines that a hearing on an application for certificate of restoration is necessary, the court must decide without a hearing whether to grant the certificate of restoration of opportunity based on a review of the application filed by the applicant and pleadings filed by the prosecuting attorney.

(9) The clerk of the court in which the certificate of restoration of opportunity is granted shall transmit the certificate of restoration of opportunity to the Washington state patrol identification section, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol shall update its records to reflect the certificate of restoration of opportunity.

(10)(a) The administrative office of the courts shall develop and prepare instructions, forms, and an informational brochure designed to assist applicants applying for a certificate of restoration of opportunity.

(b) The instructions must include, at least, a sample of a standard application and a form order for a certificate of restoration of opportunity.

(c) The administrative office of the courts shall distribute a master copy of the instructions, informational brochure, and sample application and form order to all county clerks and a master copy of the application and order to all superior courts by January 1, 2017.

(d) The administrative office of the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for translation of the instructions, which shall contain a sample of the standard application and order, and the informational brochure into languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to the county clerks by January 1, 2017.

(e) The administrative office of the courts shall update the instructions, brochures, standard application and order, and translations when changes in the law make an update necessary.

**Sec. 8.** RCW 10.97.030 and 2012 c 125 s 1 are each amended to read as follows:

For purposes of this chapter, the definitions of terms in this section shall apply.

(1) "Criminal history record information" means information contained in records collected by criminal justice agencies, other than courts, on individuals, consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising

therefrom, including acquittals by reason of insanity, dismissals based on lack of competency, sentences, correctional supervision, and release.

The term includes any issued certificates of restoration of opportunities and any information contained in records maintained by or obtained from criminal justice agencies, other than courts, which records provide individual identification of a person together with any portion of the individual's record of involvement in the criminal justice system as an alleged or convicted offender, except:

(a) Posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;

(b) Original records of entry maintained by criminal justice agencies to the extent that such records are compiled and maintained chronologically and are accessible only on a chronological basis;

(c) Court indices and records of public judicial proceedings, court decisions, and opinions, and information disclosed during public judicial proceedings;

(d) Records of traffic violations which are not punishable by a maximum term of imprisonment of more than ninety days;

(e) Records of any traffic offenses as maintained by the department of licensing for the purpose of regulating the issuance, suspension, revocation, or renewal of drivers' or other operators' licenses and pursuant to RCW 46.52.130;

(f) Records of any aviation violations or offenses as maintained by the department of transportation for the purpose of regulating pilots or other aviation operators, and pursuant to RCW 47.68.330;

(g) Announcements of executive clemency;

(h) Intelligence, analytical, or investigative reports and files.

(2) "Nonconviction data" consists of all criminal history record information relating to an incident which has not led to a conviction or other disposition adverse to the subject, and for which proceedings are no longer actively pending. There shall be a rebuttable presumption that proceedings are no longer actively pending if more than one year has elapsed since arrest, citation, charge, or service of warrant and no disposition has been entered.

(3) "Conviction record" means criminal history record information relating to an incident which has led to a conviction or other disposition adverse to the subject.

(4) "Conviction or other disposition adverse to the subject" means any disposition of charges other than: (a) A decision not to prosecute; (b) a dismissal; or (c) acquittal; with the following exceptions, which shall be considered dispositions adverse to the subject: An acquittal due to a finding of not guilty by reason of insanity and a dismissal by reason of incompetency, pursuant to chapter 10.77 RCW; and a dismissal entered after a period of probation, suspension, or deferral of sentence.

(5) "Criminal justice agency" means: (a) A court; or (b) a government agency which performs the administration of criminal justice pursuant to a statute or executive order and which allocates a substantial part of its annual budget to the administration of criminal justice.

(6) "The administration of criminal justice" means performance of any of the following activities: Detection,

apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The term also includes criminal identification activities and the collection, storage, dissemination of criminal history record information, and the compensation of victims of crime.

(7) "Disposition" means the formal conclusion of a criminal proceeding at whatever stage it occurs in the criminal justice system.

(8) "Dissemination" means disclosing criminal history record information or disclosing the absence of criminal history record information to any person or agency outside the agency possessing the information, subject to the following exceptions:

(a) When criminal justice agencies jointly participate in the maintenance of a single recordkeeping department as an alternative to maintaining separate records, the furnishing of information by that department to personnel of any participating agency is not a dissemination;

(b) The furnishing of information by any criminal justice agency to another for the purpose of processing a matter through the criminal justice system, such as a police department providing information to a prosecutor for use in preparing a charge, is not a dissemination;

(c) The reporting of an event to a recordkeeping agency for the purpose of maintaining the record is not a dissemination.

**Sec. 9.** RCW 14.20.090 and 2010 c 8 s 5012 are each amended to read as follows:

The secretary shall refuse to issue an aircraft dealer's license or shall suspend or revoke an aircraft dealer's license whenever he or she has reasonable grounds to believe that the dealer has:

(1) Forged or altered any federal certificate, permit, rating, or license relating to ownership and airworthiness of an aircraft;

(2) Sold or disposed of an aircraft which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(3) Willfully misrepresented any material fact in the application for an aircraft dealer's license, aircraft dealer's certificate, or registration certificate;

(4) Willfully withheld or caused to be withheld from a purchaser of an aircraft any document referred to in subsection (1) of this section if applicable, or an affidavit to the effect that there are no liens, mortgages, or encumbrances of any type on the aircraft other than noted thereon, if the document or affidavit has been requested by the purchaser;

(5) Suffered or permitted the cancellation of his or her bond or the exhaustion of the penalty thereof;

(6) Used an aircraft dealer's certificate for any purpose other than those permitted by this chapter or RCW 47.68.250 and 82.48.100;

(7) Except as provided in section 3 of this act, been adjudged guilty of a crime that directly relates to the business of an aircraft dealer and the time elapsed since the conviction is less than ten years, or had a judgment entered against the dealer within the preceding five years in any

civil action involving fraud, misrepresentation, or conversion. For the purpose of this section, the term "adjudged guilty" means, in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the imposition of the sentence is deferred or the penalty is suspended.

**Sec. 10.** RCW 9.96A.020 and 2009 c 396 s 7 are each amended to read as follows:

(1) Subject to the exceptions in subsections (3) through (5) of this section, and unless there is another provision of law to the contrary, a person is not disqualified from employment by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations, nor is a person disqualified to practice, pursue or engage in any occupation, trade, vocation, or business for which a license, permit, certificate or registration is required to be issued by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations solely because of a prior conviction of a felony. However, this section does not preclude the fact of any prior conviction of a crime from being considered.

(2) A person may be denied employment by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations, or a person may be denied a license, permit, certificate or registration to pursue, practice or engage in an occupation, trade, vocation, or business by reason of the prior conviction of a felony if the felony for which he or she was convicted directly relates to the position of employment sought or to the specific occupation, trade, vocation, or business for which the license, permit, certificate or registration is sought, and the time elapsed since the conviction is less than ten years, except as provided in section 3 of this act. However, for positions in the county treasurer's office, a person may be disqualified from employment because of a prior guilty plea or conviction of a felony involving embezzlement or theft, even if the time elapsed since the guilty plea or conviction is ten years or more.

(3) A person is disqualified for any certificate required or authorized under chapters 28A.405 or 28A.410 RCW, because of a prior guilty plea or the conviction of a felony crime specified under RCW 28A.400.322, even if the time elapsed since the guilty plea or conviction is ten years or more.

(4) A person is disqualified from employment by school districts, educational service districts, and their contractors hiring employees who will have regularly scheduled unsupervised access to children, because of a prior guilty plea or conviction of a felony crime specified under RCW 28A.400.322, even if the time elapsed since the guilty plea or conviction is ten years or more, except as provided in section 3 of this act.

(5) The provisions of this chapter do not apply to issuance of licenses or credentials for professions regulated under chapter 18.130 RCW.

(6) Subsections (3) and (4) of this section as they pertain to felony crimes specified under RCW 28A.400.322(1) apply to a person applying for a certificate or for employment on or after July 25, 1993, and before July 26, 2009. Subsections (3) and (4) of this section as they pertain to all felony crimes specified under RCW 28A.400.322(2) apply to a person applying for a certificate or for employment on or after July 26, 2009. Subsection (5) of this section only applies to a person applying for a license or credential on or after June 12, 2008.

**Sec. 11.** RCW 9.96A.050 and 1973 c 135 s 5 are each amended to read as follows:

Except as provided in section 3 of this act, the provisions of this chapter shall prevail over any other provisions of law which purport to govern the denial of licenses, permits, certificates, registrations, or other means to engage in a business, on the grounds of a lack of good moral character, or which purport to govern the suspension or revocation of such a license, permit, certificate, or registration on the grounds of conviction of a crime.

**Sec. 12.** RCW 18.11.160 and 2002 c 86 s 209 are each amended to read as follows:

(1) Except as provided in section 3 of this act, no license shall be issued by the department to any person who has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy, fraud, theft, receiving stolen goods, unlawful issuance of checks or drafts, or other similar offense, or to any partnership of which the person is a member, or to any association or corporation of which the person is an officer or in which as a stockholder the person has or exercises a controlling interest either directly or indirectly.

(2) In addition to the unprofessional conduct described in RCW 18.235.130, the director has the authority to take disciplinary action for any of the following conduct, acts, or conditions:

- (a) Underreporting to the department of sales figures so that the auctioneer or auction company surety bond is in a lower amount than required by law;
- (b) Nonpayment of an administrative fine prior to renewal of a license; and
- (c) Any other violations of this chapter.

(3) The department shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

**Sec. 13.** RCW 18.39.410 and 2005 c 365 s 24 are each amended to read as follows:

In addition to the unprofessional conduct described in RCW 18.235.130, the board may take disciplinary action

and may impose any of the sanctions specified in RCW 18.235.110 for the following conduct, acts, or conditions, except as provided in section 3 of this act:

(1) Solicitation of human remains by a licensee, registrant, endorsement, or permit holder, or agent, assistant, or employee of the licensee, registrant, endorsement, or permit holder whether the solicitation occurs after death or while death is impending. This chapter does not prohibit general advertising or the sale of prearrangement funeral service contracts;

(2) Solicitation may include employment of solicitors, payment of commission, bonus, rebate, or any form of gratuity or payment of a finders fee, referral fee, or other consideration given for the purpose of obtaining or providing the services for human remains or where death is impending;

(3) Acceptance by a licensee, registrant, endorsement, or permit holder or other employee of a funeral establishment of a commission, bonus, rebate, or gratuity in consideration of directing business to a cemetery, crematory, mausoleum, columbarium, florist, or other person providing goods and services to the disposition of human remains;

(4) Using a casket or part of a casket that has previously been used as a receptacle for, or in connection with, the burial or other disposition of human remains without the written consent of the person lawfully entitled to control the disposition of remains of the deceased person in accordance with RCW 68.50.160. This subsection does not prohibit the use of rental caskets, such as caskets of which the outer shell portion is rented and the inner insert that contains the human remains is purchased and used for the disposition, that are disclosed as such in the statement of funeral goods and services;

(5) Violation of a state law, municipal law, or county ordinance or regulation affecting the handling, custody, care, transportation, or disposition of human remains, except as provided in section 3 of this act;

(6) Refusing to promptly surrender the custody of human remains upon the expressed order of the person lawfully entitled to its custody under RCW 68.50.160;

(7) Selling, or offering for sale, a share, certificate, or an interest in the business of a funeral establishment, or in a corporation, firm, or association owning or operating a funeral establishment that promises or purports to give to purchasers a right to the services of a licensee, registrant, endorsement, or permit holder at a charge or cost less than offered or given to the public;

(8) Violation of any state or federal statute or administrative ruling relating to funeral practice, except as provided in section 3 of this act;

(9) Knowingly concealing information concerning a violation of this title.

**Sec. 14.** RCW 18.64.165 and 2013 c 19 s 14 are each amended to read as follows:

The commission shall have the power to refuse, suspend, or revoke the license of any manufacturer, wholesaler, pharmacy, shopkeeper, itinerant vendor, peddler, poison distributor, health care entity, or precursor chemical distributor upon proof that:

(1) The license was procured through fraud, misrepresentation, or deceit;

(2) Except as provided in section 3 of this act, the licensee has violated or has permitted any employee to violate any of the laws of this state or the United States relating to drugs, controlled substances, cosmetics, or nonprescription drugs, or has violated any of the rules and regulations of the commission or has been convicted of a felony.

**Sec. 15.** RCW 18.108.085 and 2012 c 137 s 14 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW necessary to implement this chapter;

(b) Set all license, certification, examination, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Issue a massage practitioner's license to any applicant who has met the education, training, and examination requirements for licensure and deny licensure to applicants who do not meet the requirements of this chapter;

(e) Issue a reflexology certification to any applicant who has met the requirements for certification and deny certification to applicants who do not meet the requirements of this chapter; and

(f) Hire clerical, administrative, and investigative staff as necessary to implement this chapter.

(2) The Uniform Disciplinary Act, chapter 18.130 RCW, governs unlicensed and uncertified practice, the issuance and denial of licenses and certifications, and the disciplining of persons under this chapter. The secretary shall be the disciplining authority under this chapter.

(3) Any license or certification issued under this chapter to a person who is or has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances shall automatically be revoked by the secretary upon receipt of a certified copy of the court documents reflecting such conviction, except as provided in section 3 of this act. No further hearing or procedure is required, and the secretary has no discretion with regard to the revocation of the license or certification. The revocation shall be effective even though such conviction may be under appeal, or the time period for such appeal has not elapsed. However, upon presentation of a final appellate decision overturning such conviction, the license or certification shall be reinstated, unless grounds for disciplinary action have been found under chapter 18.130 RCW. No license or certification may be granted under this chapter to any person who has been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances within the eight years immediately preceding the date of application, except as provided in section 3 of this act. For purposes of this subsection, "convicted" does not include a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence, but does include convictions for

offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(4) The secretary shall keep an official record of all proceedings under this chapter, a part of which record shall consist of a register of all applicants for licensure or certification under this chapter, with the result of each application.

**Sec. 16.** RCW 18.130.055 and 2008 c 134 s 19 are each amended to read as follows:

(1) The disciplining authority may deny an application for licensure or grant a license with conditions if the applicant:

(a) Has had his or her license to practice any health care profession suspended, revoked, or restricted, by competent authority in any state, federal, or foreign jurisdiction;

(b) Has committed any act defined as unprofessional conduct for a license holder under RCW 18.130.180, except as provided in section 3 of this act;

(c) Has been convicted or is subject to current prosecution or pending charges of a crime involving moral turpitude or a crime identified in RCW 43.43.830, except as provided in section 3 of this act. For purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the prosecution or sentence has been deferred or suspended. At the request of an applicant for an original license whose conviction is under appeal, the disciplining authority may defer decision upon the application during the pendency of such a prosecution or appeal;

(d) Fails to prove that he or she is qualified in accordance with the provisions of this chapter, the chapters identified in RCW 18.130.040(2), or the rules adopted by the disciplining authority; or

(e) Is not able to practice with reasonable skill and safety to consumers by reason of any mental or physical condition.

(i) The disciplining authority may require the applicant, at his or her own expense, to submit to a mental, physical, or psychological examination by one or more licensed health professionals designated by the disciplining authority. The disciplining authority shall provide written notice of its requirement for a mental or physical examination that includes a statement of the specific conduct, event, or circumstances justifying an examination and a statement of the nature, purpose, scope, and content of the intended examination. If the applicant fails to submit to the examination or provide the results of the examination or any required waivers, the disciplining authority may deny the application.

(ii) An applicant governed by this chapter is deemed to have given consent to submit to a mental, physical, or psychological examination when directed in writing by the disciplining authority and further to have waived all objections to the admissibility or use of the examining health professional's testimony or examination reports by the disciplining authority on the grounds that the testimony or reports constitute privileged communications.

(2) The provisions of RCW 9.95.240 and chapter 9.96A RCW do not apply to a decision to deny a license under this section.

(3) The disciplining authority shall give written notice to the applicant of the decision to deny a license or grant a license with conditions in response to an application for a license. The notice must state the grounds and factual basis for the action and be served upon the applicant.

(4) A license applicant who is aggrieved by the decision to deny the license or grant the license with conditions has the right to an adjudicative proceeding. The application for adjudicative proceeding must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice, and be served on and received by the department within twenty-eight days of the decision. The license applicant has the burden to establish, by a preponderance of evidence, that the license applicant is qualified in accordance with the provisions of this chapter, the chapters identified in RCW 18.130.040(2), and the rules adopted by the disciplining authority.

**Sec. 17.** RCW 18.130.050 and 2013 c 109 s 1 and 2013 c 86 s 2 are each reenacted and amended to read as follows:

Except as provided in RCW 18.130.062, the disciplining authority has the following authority:

(1) To adopt, amend, and rescind such rules as are deemed necessary to carry out this chapter;

(2) To investigate all complaints or reports of unprofessional conduct as defined in this chapter;

(3) To hold hearings as provided in this chapter;

(4) To issue subpoenas and administer oaths in connection with any investigation, consideration of an application for license, hearing, or proceeding held under this chapter;

(5) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(6) To compel attendance of witnesses at hearings;

(7) In the course of investigating a complaint or report of unprofessional conduct, to conduct practice reviews and to issue citations and assess fines for failure to produce documents, records, or other items in accordance with RCW 18.130.230;

(8) To take emergency action ordering summary suspension of a license, or restriction or limitation of the license holder's practice pending proceedings by the disciplining authority. Within fourteen days of a request by the affected license holder, the disciplining authority must provide a show cause hearing in accordance with the requirements of RCW 18.130.135. In addition to the authority in this subsection, a disciplining authority shall, except as provided in section 3 of this act:

(a) Consistent with RCW 18.130.370, issue a summary suspension of the license or temporary practice permit of a license holder prohibited from practicing a health care profession in another state, federal, or foreign jurisdiction because of an act of unprofessional conduct that is substantially equivalent to an act of unprofessional conduct prohibited by this chapter or any of the chapters specified in RCW 18.130.040. The summary suspension

remains in effect until proceedings by the Washington disciplining authority have been completed;

(b) Consistent with RCW 18.130.400, issue a summary suspension of the license or temporary practice permit if, under RCW 74.39A.051, the license holder is prohibited from employment in the care of vulnerable adults based upon a department of social and health services' final finding of abuse or neglect of a minor or abuse, abandonment, neglect, or financial exploitation of a vulnerable adult. The summary suspension remains in effect until proceedings by the disciplining authority have been completed;

(9) To conduct show cause hearings in accordance with RCW 18.130.062 or 18.130.135 to review an action taken by the disciplining authority to suspend a license or restrict or limit a license holder's practice pending proceedings by the disciplining authority;

(10) To use a presiding officer as authorized in RCW 18.130.095(3) or the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings. Disciplining authorities identified in RCW 18.130.040(2) shall make the final decision regarding disposition of the license unless the disciplining authority elects to delegate in writing the final decision to the presiding officer. Disciplining authorities identified in RCW 18.130.040(2)(b) may not delegate the final decision regarding disposition of the license or imposition of sanctions to a presiding officer in any case pertaining to standards of practice or where clinical expertise is necessary, including deciding any motion that results in dismissal of any allegation contained in the statement of charges. Presiding officers acting on behalf of the secretary shall enter initial orders. The secretary may, by rule, provide that initial orders in specified classes of cases may become final without further agency action unless, within a specified time period:

(a) The secretary upon his or her own motion determines that the initial order should be reviewed; or

(b) A party to the proceedings files a petition for administrative review of the initial order;

(11) To use individual members of the boards to direct investigations and to authorize the issuance of a citation under subsection (7) of this section. However, the member of the board shall not subsequently participate in the hearing of the case;

(12) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(13) To contract with license holders or other persons or organizations to provide services necessary for the monitoring and supervision of license holders who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the disciplining authority;

(14) To adopt standards of professional conduct or practice;

(15) To grant or deny license applications, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter. After January 1, 2009, all sanctions must be issued in accordance with RCW 18.130.390;

(16) To restrict or place conditions on the practice of new licensees in order to protect the public and promote the safety of and confidence in the health care system;

(17) To designate individuals authorized to sign subpoenas and statements of charges;

(18) To establish panels consisting of three or more members of the board to perform any duty or authority within the board's jurisdiction under this chapter;

(19) To review and audit the records of licensed health facilities' or services' quality assurance committee decisions in which a license holder's practice privilege or employment is terminated or restricted. Each health facility or service shall produce and make accessible to the disciplining authority the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to discovery or introduction into evidence in any civil action pursuant to RCW 70.41.200(3).

**Sec. 18.** RCW 18.235.110 and 2007 c 256 s 18 are each amended to read as follows:

(1) Upon finding unprofessional conduct, except as provided in section 3 of this act, the disciplinary authority may issue an order providing for one or any combination of the following:

(a) Revocation of the license for an interval of time;

(b) Suspension of the license for a fixed or indefinite term;

(c) Restriction or limitation of the practice;

(d) Satisfactory completion of a specific program of remedial education or treatment;

(e) Monitoring of the practice in a manner directed by the disciplinary authority;

(f) Censure or reprimand;

(g) Compliance with conditions of probation for a designated period of time;

(h) Payment of a fine for each violation found by the disciplinary authority, not to exceed five thousand dollars per violation. The disciplinary authority must consider aggravating or mitigating circumstances in assessing any fine. Funds received must be deposited in the related program account;

(i) Denial of an initial or renewal license application for an interval of time; or

(j) Other corrective action.

(2) The disciplinary authority may require reimbursement to the disciplinary authority for the investigative costs incurred in investigating the matter that resulted in issuance of an order under this section, but only if any of the sanctions in subsection (1)(a) through (j) of this section is ordered.

(3) Any of the actions under this section may be totally or partly stayed by the disciplinary authority. In determining what action is appropriate, the disciplinary authority must first consider what sanctions are necessary to protect the public health, safety, or welfare. Only after these provisions have been made may the disciplinary authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

(4) The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct. The stipulations entered into under this subsection are considered formal disciplinary action for all purposes.

**Sec. 19.** RCW 18.145.120 and 1995 c 27 s 11 are each amended to read as follows:

(1) Upon receipt of complaints against court reporters, the director shall investigate and evaluate the complaint to determine if disciplinary action is appropriate. The director shall hold disciplinary hearings pursuant to chapter 34.05 RCW.

(2) After a hearing conducted under chapter 34.05 RCW and upon a finding that a certificate holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, except as provided in section 3 of this act, the director may issue an order providing for one or any combination of the following:

- (a) Revocation of the certification;
- (b) Suspension of the certificate for a fixed or indefinite term;
- (c) Restriction or limitation of the practice;
- (d) Requiring the satisfactory completion of a specific program or remedial education;
- (e) The monitoring of the practice by a supervisor approved by the director;
- (f) Censure or reprimand;
- (g) Compliance with conditions of probation for a designated period of time;
- (h) Denial of the certification request;
- (i) Corrective action;
- (j) Refund of fees billed to or collected from the consumer.

Any of the actions under this section may be totally or partly stayed by the director. In determining what action is appropriate, the director shall consider sanctions necessary to protect the public, after which the director may consider and include in the order requirements designed to rehabilitate the certificate holder or applicant. All costs associated with compliance to orders issued under this section are the obligation of the certificate holder or applicant.

**Sec. 20.** RCW 9.94A.030 and 2015 c 287 s 1 and 2015 c 261 s 12 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to section 3 of this act.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of

the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months,

or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(24) "Electronic monitoring" means tracking the location of an individual, whether pretrial or posttrial, through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location.

(25) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful

failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(26) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(27) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(28) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(29) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence twenty-four hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(30) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to

the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Minor child" means a biological or adopted child of the offender who is under age eighteen at the time of the offender's current offense.

(33) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(34) "Nonviolent offense" means an offense which is not a violent offense.

(35) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(36) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(37) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9A.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

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

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

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

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(38) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (38)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this

subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(39) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(40) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(41) "Public school" has the same meaning as in RCW 28A.150.010.

(42) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(43) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(44) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the

highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(45) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(46) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(47) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(48) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(49) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(50) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(51) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(52) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(53) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(54) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(55) "Violent offense" means:

(a) Any of the following felonies:

- (i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;
- (ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;
- (iii) Manslaughter in the first degree;
- (iv) Manslaughter in the second degree;
- (v) Indecent liberties if committed by forcible compulsion;
- (vi) Kidnapping in the second degree;
- (vii) Arson in the second degree;
- (viii) Assault in the second degree;
- (ix) Assault of a child in the second degree;
- (x) Extortion in the first degree;
- (xi) Robbery in the second degree;
- (xii) Drive-by shooting;
- (xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and
- (xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(56) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(57) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse

rehabilitation, counseling, literacy training, and basic adult education.

(58) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

**Sec. 21.** RCW 18.160.080 and 1997 c 58 s 834 are each amended to read as follows:

(1) The state director of fire protection may refuse to issue or renew or may suspend or revoke the privilege of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder to engage in the fire protection sprinkler system business or in lieu thereof, establish penalties as prescribed by Washington state law, for any of the following reasons:

(a) Gross incompetency or gross negligence in the preparation of technical drawings, installation, repair, alteration, maintenance, inspection, service, or addition to fire protection sprinkler systems;

(b) Except as provided in section 3 of this act, conviction of a felony;

(c) Fraudulent or dishonest practices while engaging in the fire protection sprinkler system business;

(d) Use of false evidence or misrepresentation in an application for a license or certificate of competency;

(e) Permitting his or her license to be used in connection with the preparation of any technical drawings which have not been prepared by him or her personally or under his or her immediate supervision, or in violation of this chapter; or

(f) Knowingly violating any provisions of this chapter or the regulations issued thereunder.

(2) The state director of fire protection shall revoke the license of a licensed fire protection sprinkler system contractor or the certificate of a certificate of competency holder who engages in the fire protection sprinkler system business while the license or certificate of competency is suspended.

(3) The state director of fire protection shall immediately suspend any license or certificate issued under this chapter if the holder has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a residential or visitation order. If the person has continued to meet all other requirements for issuance or reinstatement during the suspension, issuance or reissuance of the license or certificate shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

(4) Any licensee or certificate of competency holder who is aggrieved by an order of the state director of fire protection suspending or revoking a license may, within thirty days after notice of such suspension or revocation, appeal under chapter 34.05 RCW. This subsection does not apply to actions taken under subsection (3) of this section.

**Sec. 22.** RCW 18.130.160 and 2008 c 134 s 10 are each amended to read as follows:

Upon a finding, after hearing, that a license holder has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority shall issue an order including sanctions adopted in accordance with the schedule adopted under RCW 18.130.390 giving proper consideration to any prior findings of fact under RCW 18.130.110, any stipulations to informal disposition under RCW 18.130.172, and any action taken by other in-state or out-of-state disciplining authorities. The order must provide for one or any combination of the following, as directed by the schedule, except as provided in section 3 of this act:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program of remedial education or treatment;
- (5) The monitoring of the practice by a supervisor approved by the disciplining authority;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) Payment of a fine for each violation of this chapter, not to exceed five thousand dollars per violation. Funds received shall be placed in the health professions account;
- (9) Denial of the license request;
- (10) Corrective action;
- (11) Refund of fees billed to and collected from the consumer;
- (12) A surrender of the practitioner's license in lieu of other sanctions, which must be reported to the federal data bank.

Any of the actions under this section may be totally or partly stayed by the disciplining authority. Safeguarding the public's health and safety is the paramount responsibility of every disciplining authority. In determining what action is appropriate, the disciplining authority must consider the schedule adopted under RCW 18.130.390. Where the schedule allows flexibility in determining the appropriate sanction, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designed to rehabilitate the license holder. All costs associated with compliance with orders issued under this section are the obligation of the license holder. The disciplining authority may order permanent revocation of a license if it finds that the license holder can never be rehabilitated or can never regain the ability to practice with reasonable skill and safety.

Surrender or permanent revocation of a license under this section is not subject to a petition for reinstatement under RCW 18.130.150.

The disciplining authority may determine that a case presents unique circumstances that the schedule adopted under RCW 18.130.390 does not adequately address. The disciplining authority may deviate from the

schedule adopted under RCW 18.130.390 when selecting appropriate sanctions, but the disciplining authority must issue a written explanation of the basis for not following the schedule.

The license holder may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the license holder has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or inability to practice, or a statement by the license holder acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct or inability to practice. The stipulation entered into pursuant to this subsection shall be considered formal disciplinary action for all purposes.

**NEW SECTION. Sec. 23.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 24.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

**NEW SECTION. Sec. 25.** Sections 2 and 3 of this act constitute a new chapter in Title 9 RCW."  
Correct the title.

Representative Walkinshaw spoke in favor of the adoption of the amendment.

Amendment (792) was adopted.

The bill was ordered engrossed.

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

Representatives Walkinshaw and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 1553.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 1553, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative MacEwen.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2619, by Representatives Haler, Pettigrew, Klippert, Reykdal, Zeiger, Frame and Pollet**

**Providing postsecondary education to enhance education opportunities and public safety.**

The bill was read the second time.

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

Representatives Haler and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2619.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2619, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kirby, Klippert, Kochmar, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford,

Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Dye, Kilduff, Kretz, McCaslin, Pike, Schmick, Scott, Shea, Short, Taylor and Vick.

Excused: Representative MacEwen.

HOUSE BILL NO. 2619, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2439, by Representatives Kagi, Walsh, Senn, Johnson, Orwall, Dent, McBride, Reykdal, Jinkins, Tharinger, Fey, Tarleton, Stanford, Springer, Frame, Kilduff, Sells, Bergquist and Goodman**

**Increasing access to adequate and appropriate mental health services for children and youth.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2439 was substituted for House Bill No. 2439 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2439 was read the second time.

Representative Dent moved the adoption of amendment (776):

On page 2, beginning on line 1, after "and" strike all material through "youth" on line 2 and insert "only prescribe medications for children and youth as a last resort"

Representatives Dent and Kagi spoke in favor of the adoption of the amendment.

Amendment (776) was adopted.

Representative Kagi moved the adoption of amendment (762):

On page 9, line 14, after "ages" strike "eleven" and insert "thirteen"

Representatives Kagi and Dent spoke in favor of the adoption of the amendment.

Amendment (762) was adopted.

With the consent of the house, amendment (745) was withdrawn.

The bill was ordered engrossed.

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

Representatives Kagi, Dent, Senn and Johnson spoke in favor of the passage of the bill.

Representative Scott spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2439.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2439, and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Clibborn, Cody, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hargrove, Harris, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilcox, Wilson, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dye, Haler, Harmsworth, Hawkins, Hayes, Kretz, McCaslin, Pike, Schmick, Scott, Shea, Short, Smith, Taylor, Vick, Young and Zeiger.

Excused: Representative MacEwen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2439, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 1037, by Representatives Moeller, Ormsby and Kilduff

#### Implementing changes to child support based on the child support schedule work group report.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1037 was substituted for House Bill No. 1037 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1037 was read the second time.

Representative Shea moved the adoption of amendment (756):

On page 20, beginning after line 35, strike all material through "(" on page 21, at the beginning of line 9 and insert the following:

~~"((d) Residential schedule. The court may deviate from the standard calculation if the child spends a significant amount of time with the parent who is obligated to make a support transfer payment. The court may not deviate on that basis if the deviation will result in insufficient funds in the household receiving the support to meet the basic needs of the child or if the child is receiving temporary assistance for needy families. When determining the amount of the deviation, the court shall consider evidence concerning the increased expenses to a parent making support transfer payments resulting from the significant amount of time spent with that parent and shall consider the decreased expenses, if any, to the party receiving the support resulting from the significant amount of time the child spends with the parent making the support transfer payment."~~

On page 23, after line 27, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 26.19 RCW to read as follows:

(1) The court shall make an adjustment to the standard calculation for a shared residential schedule subject to the provisions in this section.

(2) An adjustment to the standard calculation based on the residential schedule may be made if there is a court order or findings made by an administrative law judge regarding the number of overnights the child or children spend with the obligor parent, and the number of overnights allocated to the obligor is equivalent to at least fourteen percent of annual overnights. The number of overnights in the court order or administrative law judge's findings must be used to calculate the residential adjustment. The findings made by an administrative law judge may be based upon a written agreement between the parents or upon sworn testimony provided by a party at the administrative hearing for child support.

(3) The adjustment must be based on the table in section 8 of this act and the formula set forth in the worksheet for calculating residential credit.

(4) An adjustment may not be made to the standard calculation based on the shared residential schedule if:

(a) The adjustment would result in insufficient funds in the household receiving the support transfer payment to meet the basic needs of the child;

(b) The obligee's net income before receiving the support transfer payment is at or below one hundred twenty-five percent of the federal poverty level guidelines for one person; or

(c) The child is receiving temporary assistance for needy families.

(5) To help parties estimate residential credit, the division of child support shall, if feasible and within available resources, create a residential credit calculator available online.

NEW SECTION. Sec. 8. A new section is added to chapter 26.19 RCW to read as follows:

Residential time table. The TOTAL column represents the anticipated total out-of-pocket expenses expressed as a percentage of the basic child support obligation that will be incurred by the parent who will pay child support. The total expenses are the sum of transferred and duplicated expenses. The DUPLICATED column represents the duplicated expenses and reflects the assumption that when there is an equal sharing of residential time, fifty percent of the basic child support obligation will be duplicated. The number of annual

overnights column will determine the particular fractions of TOTAL and DUPLICATED to be used in the residential time credit worksheet.

## ANNUAL OVERNIGHTS

FROM	TO	TOTAL	DUPLICATED
1	51	0.000	0.000
52	55	0.062	0.011
56	60	0.070	0.014
61	65	0.080	0.020
66	70	0.093	0.028
71	75	0.108	0.038
76	80	0.127	0.052
81	85	0.150	0.070
86	90	0.178	0.093
91	95	0.211	0.122
96	100	0.250	0.156
101	105	0.294	0.195
106	110	0.341	0.237
111	115	0.388	0.280
116	120	0.434	0.321
121	125	0.476	0.358
126	130	0.513	0.390
131	135	0.544	0.417
136	140	0.570	0.438
141	145	0.591	0.454
146	150	0.609	0.467
151	155	0.623	0.476
156	160	0.634	0.483
161	165	0.644	0.488
166	170	0.652	0.491
171	175	0.660	0.494
176	180	0.666	0.495
181	183	0.675	0.500

"

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 25, after line 29, insert the following:

"**Sec. 8.** RCW 26.19.050 and 2005 c 282 s 37 are each amended to read as follows:

(1) The administrative office of the courts shall develop and adopt worksheets and instructions to assist the parties and courts in establishing the appropriate child support level and apportionment of support. The administrative office of the courts shall develop and adopt a worksheet for calculating residential credit that is consistent with the intent set forth in section 1 of this act. The administrative office of the courts shall attempt to the greatest extent possible to make the worksheets and instructions understandable by persons who are not represented by legal counsel.

(2) The administrative office of the courts shall develop and adopt standards for the printing of worksheets and shall establish a process for certifying printed worksheets. The administrator may maintain a register of sources for approved worksheets.

(3) The administrative office of the courts should explore methods to assist pro se parties and judges in the courtroom to calculate support payments through automated software, equipment, or personal assistance."

Renumber the remaining section consecutively and correct the title.

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (756) was not adopted.

Representative Klippert moved the adoption of amendment (754):

On page 23, beginning on line 28, strike all of section 7 and insert the following:

"**Sec. 7.** RCW 26.19.090 and 1991 sp.s. c 28 s 7 are each amended to read as follows:

~~((1))~~ The child support schedule shall ~~((be advisory and))~~ not ~~((mandatory for))~~ apply to postsecondary educational support. The court shall not establish a support order that requires a parent to contribute to a child's postsecondary educational expenses.

~~((2))~~ ~~When considering whether to order support for postsecondary educational expenses, the court shall determine whether the child is in fact dependent and is relying upon the parents for the reasonable necessities of life. The court shall exercise its discretion when determining whether and for how long to award postsecondary educational support based upon consideration of factors that include but are not limited to the following: Age of the child; the child's needs; the expectations of the parties for their children when the parents were together; the child's prospects, desires, aptitudes, abilities or disabilities; the nature of the~~

postsecondary education sought; and the parents' level of education, standard of living, and current and future resources. Also to be considered are the amount and type of support that the child would have been afforded if the parents had stayed together.

~~(3) The child must enroll in an accredited academic or vocational school, must be actively pursuing a course of study commensurate with the child's vocational goals, and must be in good academic standing as defined by the institution. The court ordered postsecondary educational support shall be automatically suspended during the period or periods the child fails to comply with these conditions.~~

~~(4) The child shall also make available all academic records and grades to both parents as a condition of receiving postsecondary educational support. Each parent shall have full and equal access to the postsecondary education records as provided in RCW 26.09.225.~~

~~(5) The court shall not order the payment of postsecondary educational expenses beyond the child's twenty-third birthday, except for exceptional circumstances, such as mental, physical, or emotional disabilities.~~

~~(6) The court shall direct that either or both parents' payments for postsecondary educational expenses be made directly to the educational institution if feasible. If direct payments are not feasible, then the court in its discretion may order that either or both parents' payments be made directly to the child if the child does not reside with either parent. If the child resides with one of the parents the court may direct that the parent making the support transfer payments make the payments to the child or to the parent who has been receiving the support transfer payments.)"~~

Representative Klippert spoke in favor of the adoption of the amendment.

Representative Kilduff spoke against the adoption of the amendment.

Amendment (754) was not adopted.

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

Representatives Moeller and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1037.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1037, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth,

Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dent, Klippert and Taylor.

Excused: Representative MacEwen.

SECOND SUBSTITUTE HOUSE BILL NO. 1037, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1499, by Representatives Goodman, Jinkins, Johnson, Orwall, Appleton, Lytton and Tharinger**

**Concerning vulnerable adults.**

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1499 was substituted for House Bill No. 1499 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1499 was read the second time.

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

Representatives Goodman, Klippert, Hudgins and Goodman (again) spoke in favor of the passage of the bill.

Representatives Young, Shea, Young (again) and Scott spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1499.

### ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1499, and the bill passed the House by the following vote: Yeas, 70; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kuderer, Lytton, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby,

Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Harmsworth, Harris, Holy, Kristiansen, Magendanz, McCaslin, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Taylor, Van Werven, Vick, Wilcox, Wilson and Young.

Excused: Representative MacEwen.

THIRD SUBSTITUTE HOUSE BILL NO. 1499, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2350, by Representatives Cody and Jinkins**

**Defining the administration of medication by medical assistants.**

The bill was read the second time.

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

Representatives Cody, Schmick, Manweller and Cody (again) spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2350.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2350, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives DeBolt and Ortiz-Self.

Excused: Representative MacEwen.

HOUSE BILL NO. 2350, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2498, by Representatives Caldier, Cody, DeBolt, Manweller, Walsh, Johnson, Pike, Appleton, Jinkins, Kilduff and Gregerson**

**Concerning prior authorization for dental services and supplies in medical assistance programs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2498 was substituted for House Bill No. 2498 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2498 was read the second time.

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

Representatives Caldier and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2498.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2498, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative MacEwen.

SUBSTITUTE HOUSE BILL NO. 2498, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2800, by Representative Haler**

**Correcting a double amendment concerning county legislative authorities.**

The bill was read the second time.

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

Representatives Haler, Goodman and Appleton spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2800.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2800, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 2800, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2659, by Representatives Jinkins, Hansen, Magendanz, Kilduff and Goodman**

#### **Developing a plan for the consolidation of traffic-based financial obligations.**

The bill was read the second time.

Representative Goodman moved the adoption of amendment (763):

On page 3, line 3, after "established," insert "how community restitution in lieu of all or part of a monetary penalty may be incorporated in the payment plans,"

Representatives Goodman and Rodne spoke in favor of the adoption of the amendment.

Amendment (763) was adopted.

Representative Condotta moved the adoption of amendment (771):

On page 3, line 4, after "program;" strike "and"

On page 3, line 5, after "(c)" insert "Provide recommendations regarding which traffic-based financial obligations should be included and whether any should not be included. These recommendations must address whether or not to include obligations arising out of red-light camera, parking, and other non-moving violations; and  
(d)"

Representatives Condotta and Jinkins spoke in favor of the adoption of the amendment.

Amendment (771) was adopted.

The bill was ordered engrossed.

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

Representatives Jinkins and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2659.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2659, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative MacEwen.

ENGROSSED HOUSE BILL NO. 2659, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 1605, by Representatives Peterson, Van De Wege, Griffey, Riccelli and Fitzgibbon**

**Modifying certain provisions governing benefit charges of fire protection districts and regional fire protection service authorities. Revised for 2nd Substitute: Concerning benefit charges of fire protection districts and regional fire protection service authorities.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1605 was substituted for House Bill No. 1605 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1605 was read the second time.

Representative Peterson moved the adoption of amendment (755):

On page 10, after line 16, insert the following:

**"NEW SECTION. Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Peterson and Stokesbary spoke in favor of the adoption of the amendment.

Representative Shea spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 56 - YEAS; 41 - NAYS.

Amendment (755) was adopted.

The bill was ordered engrossed.

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

Representatives Peterson and Stokesbary spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1605.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1605, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harmsworth, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, McBride,

McCabe, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Haler, Hargrove, Harris, Hawkins, Holy, Johnson, Klippert, Kretz, Kristiansen, Magendanz, Manweller, McCaslin, Nealey, Orcutt, Parker, Pike, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson and Young.

Excused: Representative MacEwen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1605, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2321, by Representatives Stokesbary, Reykdal, Peterson, Fitzgibbon, Tharinger and Van De Wege**

**Removing disincentives to the voluntary formation of regional fire protection service authorities by equalizing certain provisions with existing laws governing fire protection districts and by clarifying the formation process.**

The bill was read the second time.

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

Representatives Stokesbary and Peterson spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2321.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2321, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kristiansen, Kuderer, Lytton, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Hargrove, Harris, Holy, Klippert, Kretz,

Magendanz, Manweller, McCaslin, Nealey, Orcutt, Pike, Schmick, Scott, Shea, Short, Taylor, Van Werven, Vick and Wilson.

Excused: Representative MacEwen.

HOUSE BILL NO. 2321, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2831, by Representative Hurst**

**Assisting small businesses licensed to sell liquor in Washington state.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2831 was substituted for House Bill No. 2831 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2831 was read the second time.

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

Representatives Hurst and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2831.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2831, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative MacEwen.

SUBSTITUTE HOUSE BILL NO. 2831, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2148, by Representatives Chandler, Pike and Hudgins**

**Concerning the state auditor including allowing for audits to be conducted by a private entity and establishing an appeal process. Revised for 1st Substitute: Concerning the state auditor including allowing for audits to be conducted by a private entity and establishing an appeal process. (REVISED FOR ENGROSSED: Concerning the state auditor including allowing for audits to be conducted by a private entity.)**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2148 was substituted for House Bill No. 2148 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2148 was read the second time.

Representative Hudgins moved the adoption of amendment (782):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.09.245 and 1995 c 301 s 14 are each amended to read as follows:

(1) The state auditor has the power to examine all the financial affairs of every local government and its officers and employees.

(2) Local governments may request a financial audit from a certified public accountant firm licensed under RCW 18.04 in lieu of an audit by the state auditor. Any firm performing a financial audit under this section must comply with generally accepted government auditing standards. At least once every four financial audits local governments must have a financial audit by the state auditor.

(3) Following the completion of a local government financial audit by the state auditor, the state auditor must provide up to 60 days to discuss with the local entity being audited and reconcile the audit report and findings prior to publishing the report.

Correct the title.

Representative Hudgins spoke in favor of the adoption of the amendment.

Representative Chandler spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Orwall presiding) divided the House. The result was 50 - YEAS; 47 - NAYS.

Amendment (782) was adopted.

The bill was ordered engrossed.

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

Representatives Chandler, Hudgins and Pike spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2148.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2148, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Pollet and Young.  
Excused: Representative MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2148, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1651, by Representatives Ryu, Goodman, Rodne, Griffey, Van Werven, Wylie, Moscoso, Ormsby and Santos**

**Concerning definitions related to human trafficking.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1651 was substituted for House Bill No. 1651 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1651 was read the second time.

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

Representatives Ryu and Manweller spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1651.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1651, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative MacEwen.

SECOND SUBSTITUTE HOUSE BILL NO. 1651, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2332, by Representative Kirby**

**Removing an expiration date concerning the filing and public disclosure of health care provider compensation.**

The bill was read the second time.

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

Representatives Kirby and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2332.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2332, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes,

Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 2332, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Moeller to preside.

**HOUSE BILL NO. 2841, by Representatives Senn and Buys**

**Concerning the state building code council.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2841 was substituted for House Bill No. 2841 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2841 was read the second time.

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

Representatives Senn, Buys and Senn (again) spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2841.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2841, and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Chandler, Condotta, DeBolt, Dent, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kretz, Kristiansen, Magendanz, Manweller, McCabe, McCaslin, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Taylor, Van Werven, Wilcox, Wilson, Young and Zeiger.

Excused: Representative MacEwen.

SUBSTITUTE HOUSE BILL NO. 2841, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2518, by Representatives Sawyer, Walsh, Kagi, Kilduff, Zeiger, Reykdal, Frame, McBride, Ormsby, Walkinshaw, Gregerson, Bergquist and Stanford**

**Promoting the reduction of intergenerational poverty.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2518 was substituted for House Bill No. 2518 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2518 was read the second time.

Representative Zeiger moved the adoption of amendment (795):

On page 2, beginning on line 13, strike all of subsection (4) Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Zeiger and Kagi spoke in favor of the adoption of the amendment.

Amendment (795) was adopted.

The bill was ordered engrossed.

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

Representatives Sawyer, Walsh, Zeiger and Magendanz spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2518.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2518, and the bill

passed the House by the following vote: Yeas, 75; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Calder, Clibborn, Cody, Condotta, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harmsworth, Harris, Hawkins, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Dent, Dye, Haler, Hargrove, Hayes, Holy, Klippert, Kretz, Kristiansen, McCaslin, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Taylor, Vick and Young.

Excused: Representative MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2518, having received the necessary constitutional majority, was declared passed.

#### SECOND READING SUSPENSION

#### **HOUSE BILL NO. 2876, by Representatives Orwall, Kirby and Griffey**

##### **Addressing the foreclosure of deeds of trust.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2876 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2876.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2876, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride,

McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative MacEwen.

SUBSTITUTE HOUSE BILL NO. 2876, having received the necessary constitutional majority, was declared passed.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

#### SECOND READING

#### **HOUSE BILL NO. 2346, by Representatives Morris, Smith, Haler, Rossetti, Tarleton, Hayes and Peterson**

##### **Promoting a sustainable, local renewable energy industry through modifying renewable energy system tax incentives and providing guidance for renewable energy system component recycling.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2346 was substituted for House Bill No. 2346 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2346 was read the second time.

Representative Morris moved the adoption of amendment (764):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds and declares that stimulating local investment in distributed renewable energy generation is an important part of a state energy strategy, helping to increase energy independence from fossil fuels, promote economic development, hedge against the effects of climate change, and attain environmental benefits. The legislature intends to increase the effectiveness of the existing renewable energy investment cost recovery program by reducing the maximum incentive rate provided for each kilowatt-hour of electricity generated by a renewable energy system over the period of the program and by creating opportunities for broader participation by low-income individuals and others who may not own the premises where a renewable energy system may be installed. The legislature intends to provide an incentive sufficient to promote installation of systems through 2020, at which point the legislature expects that the state's renewable energy industry will be capable of

sustained growth and vitality without the cost recovery incentive.

**NEW SECTION. Sec. 2.** A new section is added to chapter 82.16 RCW to read as follows:

(1) This section is the tax preference performance statement for the tax preference and incentives created under RCW 82.16.130 and section 7 of this act. This performance statement is only intended to be used for subsequent evaluation of the tax preference and incentives. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes the tax preference created under RCW 82.16.130 and incentive payments authorized in section 7 of this act as intended to:

(a) Induce participating utilities to make incentive payments to utility customers who invest in renewable energy systems; and

(b) By inducing utilities, nonprofit organizations, and utility customers to acquire and install renewable energy systems, retain jobs in the clean energy sector and create additional jobs.

(3) The legislature's public policy objectives are to:

(a) Increase energy independence from fossil fuels; and

(b) Promote economic development through increasing and improving investment in, development of, and use of clean energy technology in Washington; and

(c) Increase the number of jobs in and enhance the sustainability of the clean energy technology industry in Washington.

(4) It is the legislature's intent to provide the incentives in section 7 of this act and RCW 82.16.130 in order to ensure the sustainable job growth and vitality of the state's renewable energy sector. The purpose of the incentive is to reduce the costs associated with installing and operating solar energy systems by persons or entities receiving the incentive.

(5) As part of its 2019 tax preference reviews conducted under chapter 43.136 RCW, the joint legislative audit and review committee must review the tax preferences and incentives in section 7 of this act and RCW 82.16.130. The legislature intends for the legislative auditor to determine that the incentive has achieved its desired outcomes if the following objectives are achieved:

(a) Achievement of two hundred megawatts of solar photovoltaic capacity in Washington by 2020; and

(b) Growth of solar-related employment from 2015 levels, as evidenced by:

(i) An increased per capita rate of solar energy-related jobs in Washington, which may be determined by consulting a relevant trade association in the state; or

(ii) Achievement of an improved national ranking for solar energy-related employment and per capita solar energy-related employment, as reported in a nationally recognized report.

(6) In order to obtain the data necessary to perform the review, the joint legislative audit and review committee may refer to data collected by the Washington State University extension energy program and may obtain

employment data from the employment security department.

(7) The Washington State University extension energy program shall collect, through the application process, data from persons claiming the tax credit under RCW 82.16.130 and persons receiving the incentive payments created in section 7 of this act, as necessary, and may collect data from other interested persons as necessary to report on the performance of this act.

(8) All recipients of tax credits or incentive payments awarded under this chapter must provide necessary data requested by the Washington State University extension energy program or the joint legislative audit and review committee. Failure to comply may result in the loss of a tax credit award or incentive payment in the following year.

**Sec. 3.** RCW 82.16.120 and 2011 c 179 s 3 are each amended to read as follows:

(1)(a) Any individual, business, local governmental entity, not in the light and power business or in the gas distribution business, or a participant in a community solar project may apply to the light and power business serving the situs of the system, each fiscal year beginning on July 1, 2005, and ending June 30, 2016, for an investment cost recovery incentive for each kilowatt-hour from a customer-generated electricity renewable energy system.

(b) In the case of a community solar project as defined in RCW 82.16.110(2)(a)(i), the administrator must apply for the investment cost recovery incentive on behalf of each of the other owners.

(c) In the case of a community solar project as defined in RCW 82.16.110(2)(a)(iii), the company owning the community solar project must apply for the investment cost recovery incentive on behalf of each member of the company.

(2)(a) Before submitting for the first time the application for the incentive allowed under subsection (4) of this section, the applicant must submit to the department of revenue and to the climate and rural energy development center at the Washington State University, established under RCW 28B.30.642, a certification in a form and manner prescribed by the department that includes, but is not limited to, the ~~(following)~~ information ~~(=)~~ described in (c) of this subsection.

(b) No person may submit a certification to the department under (a) of this subsection after May 31, 2016.

(c) The certification must include:

(i) The name and address of the applicant and location of the renewable energy system.

(A) If the applicant is an administrator of a community solar project as defined in RCW 82.16.110(2)(a)(i), the certification must also include the name and address of each of the owners of the community solar project.

(B) If the applicant is a company that owns a community solar project as defined in RCW 82.16.110(2)(a)(iii), the certification must also include the name and address of each member of the company;

(ii) The applicant's tax registration number;

(iii) That the electricity produced by the applicant meets the definition of "customer-generated electricity" and that the renewable energy system produces electricity with:

- (A) Any solar inverters and solar modules manufactured in Washington state;
- (B) A wind generator powered by blades manufactured in Washington state;
- (C) A solar inverter manufactured in Washington state;
- (D) A solar module manufactured in Washington state;
- (E) A stirling converter manufactured in Washington state; or
- (F) Solar or wind equipment manufactured outside of Washington state;

(iv) That the electricity can be transformed or transmitted for entry into or operation in parallel with electricity transmission and distribution systems; and

(v) The date that the renewable energy system received its final electrical (~~(permit)~~) inspection from the applicable local jurisdiction.

~~((b))~~ (d) Within thirty days of receipt of the certification the department of revenue must notify the applicant by mail, or electronically as provided in RCW 82.32.135, whether the renewable energy system qualifies for an incentive under this section. The department may consult with the climate and rural energy development center to determine eligibility for the incentive. System certifications and the information contained therein are not confidential tax information under RCW 82.32.330 and are subject to disclosure (~~(under RCW 82.32.330(3)(1))~~).

(3)(a) By August 1st of each year ~~through August 1, 2016, the~~ application for the incentive must be made to the light and power business serving the situs of the system by certification in a form and manner prescribed by the department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system.

(A) If the applicant is an administrator of a community solar project as defined in RCW 82.16.110(2)(a)(i), the application must also include the name and address of each of the owners of the community solar project.

(B) If the applicant is a company that owns a community solar project as defined in RCW 82.16.110(2)(a)(iii), the application must also include the name and address of each member of the company;

(ii) The applicant's tax registration number;

(iii) The date of the notification from the department of revenue stating that the renewable energy system is eligible for the incentives under this section; and

(iv) A statement of the amount of kilowatt-hours generated by the renewable energy system in the prior fiscal year.

(b) Within sixty days of receipt of the incentive certification the light and power business serving the situs of the system must notify the applicant in writing whether the incentive payment will be authorized or denied. The business may consult with the climate and rural energy development center to determine eligibility for the incentive payment. Incentive certifications and the

information contained therein are not confidential tax information under RCW 82.32.330 and are subject to disclosure (~~(under RCW 82.32.330(3)(1))~~).

(c)(i) Persons, administrators of community solar projects, and companies receiving incentive payments must keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of incentive applied for and received. Such records must be open for examination at any time upon notice by the light and power business that made the payment or by the department. If upon examination of any records or from other information obtained by the business or department it appears that an incentive has been paid in an amount that exceeds the correct amount of incentive payable, the business may assess against the person for the amount found to have been paid in excess of the correct amount of incentive payable and must add thereto interest on the amount. Interest is assessed in the manner that the department assesses interest upon delinquent tax under RCW 82.32.050.

(ii) If it appears that the amount of incentive paid is less than the correct amount of incentive payable the business may authorize additional payment.

(4) Except for community solar projects, the investment cost recovery incentive may be paid fifteen cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For community solar projects, the investment cost recovery incentive may be paid thirty cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For the purposes of this section, the rate paid for the investment cost recovery incentive may be multiplied by the following factors:

(a) For customer-generated electricity produced using solar modules manufactured in Washington state or a solar stirling converter manufactured in Washington state, two and four-tenths;

(b) For customer-generated electricity produced using a solar or a wind generator equipped with an inverter manufactured in Washington state, one and two-tenths;

(c) For customer-generated electricity produced using an anaerobic digester, or by other solar equipment or using a wind generator equipped with blades manufactured in Washington state, one; and

(d) For all other customer-generated electricity produced by wind, eight-tenths.

(5)(a) No individual, household, business, or local governmental entity is eligible for incentives provided under subsection (4) of this section for more than five thousand dollars per year.

(b) Except as provided in (c) through (e) of this subsection (5), each applicant in a community solar project is eligible for up to five thousand dollars per year.

(c) Where the applicant is an administrator of a community solar project as defined in RCW 82.16.110(2)(a)(i), each owner is eligible for an incentive but only in proportion to the ownership share of the project, up to five thousand dollars per year.

(d) Where the applicant is a company owning a community solar project that has applied for an investment

cost recovery incentive on behalf of its members, each member of the company is eligible for an incentive that would otherwise belong to the company but only in proportion to each ownership share of the company, up to five thousand dollars per year. The company itself is not eligible for incentives under this section.

(e) In the case of a utility-owned community solar project, each ratepayer that contributes to the project is eligible for an incentive in proportion to the contribution, up to five thousand dollars per year.

~~(6) (If requests for the investment cost recovery incentive exceed the amount of funds available for credit to the participating light and power business, the incentive payments must be reduced proportionately.~~

~~(7))~~ The climate and rural energy development center at Washington State University energy program may establish guidelines and standards for technologies that are identified as Washington manufactured and therefore most beneficial to the state's environment.

~~((8))~~ (7) The environmental attributes of the renewable energy system belong to the applicant, and do not transfer to the state or the light and power business upon receipt of the investment cost recovery incentive.

~~((9))~~ (8) No incentive may be paid under this section for kilowatt-hours generated before July 1, 2005, or after June 30, ~~((2020))~~ 2016.

(9) Beginning July 1, 2016, program management, technical review, and tracking responsibilities of the department under this section are transferred to the Washington State University extension energy program. At the earliest date practicable and no later than June 30, 2016, the department must transfer all records necessary for the administration of the remaining incentive payments due under this section to the Washington State University extension energy program.

**NEW SECTION. Sec. 4.** A new section is added to chapter 82.16 RCW to read as follows:

(1) The legislature intends to allow participants in the renewable energy investment cost recovery program under RCW 82.16.120 to continue to receive payments for electricity produced through June 2020, at the rates they anticipated when they first received notice of eligibility from the department under RCW 82.16.120, unless and until requests for the incentive under RCW 82.16.120, this section, and section 7 of this act cumulatively exceed the amount of funds available for credit under RCW 82.16.130, as amended by this act.

(2) A person or community solar project administrator who has, before June 1, 2016, submitted a complete certification to the department under RCW 82.16.120(2) may apply to the Washington State University extension energy program to receive a certification authorizing the utility serving the situs of the renewable energy system to remit an investment cost recovery incentive for each kilowatt-hour generated by the renewable energy system beginning July 1, 2016, and ending June 30, 2020.

(a) The person or community solar project administrator must submit the application to the Washington State University extension energy program

before July 15, 2016, or within fifteen days of receiving a notice of eligibility from the department under RCW 82.16.120, whichever is later.

(b) The Washington State University extension energy program must review the data provided by the department under RCW 82.16.120(2) and the application requirements under section 7(7) of this act and establish an application process by which to collect system operation data including global positioning system coordinates, tilt, shading, and azimuth, and any additional information that it requires in order to issue the certification under this section. The Washington State University extension energy program must notify participants that providing such additional information is a condition of retaining certification to receive any payments otherwise due from utilities under this section beginning with the program year ending June 30, 2017.

(3) The Washington State University extension energy program must assess a fee of up to seventy-five dollars per applicant under this section. The fee must be deducted by each participating utility from the incentive payments due to such customers for the program year ending June 30, 2016, and must be remitted by the utility to the Washington State University extension energy program by September 30, 2016. The Washington State University extension energy program must deposit all revenue generated by this fee into the state general fund.

**Sec. 5.** RCW 82.16.130 and 2010 c 202 s 3 are each amended to read as follows:

(1) A light and power business shall be allowed a credit against taxes due under this chapter in an amount equal to ~~((investment cost recovery))~~ incentive payments made in any fiscal year under RCW 82.16.120 and section 7 of this act.

(2) The credits ~~((shall))~~ must be taken in a form and manner as required by the department. The credit under this section for the fiscal year may not exceed ~~((one-half))~~ two percent of the businesses' taxable power sales generated in calendar year 2014 and due under RCW 82.16.020(1)(b) or ~~((one))~~ two hundred fifty thousand dollars, whichever is greater. Incentive payments to participants in a ~~((utility-owned))~~ community solar project ~~((as defined in RCW 82.16.110(2)(a)(ii)))~~ may only account for up to twenty-five percent of the total allowable credit. Incentive payments ~~((to participants in a company owned community solar project as defined in RCW 82.16.110(2)(a)(iii) may only account for up to five percent of the total))~~ for electricity produced by commercial-scale systems may only account for up to twenty-five percent of the allowable credit.

(3) The credit may not exceed the tax that would otherwise be due under this chapter. Refunds shall not be granted in the place of credits. Expenditures not used to earn a credit in one fiscal year may not be used to earn a credit in subsequent years.

~~((2))~~ (4) For any business that has claimed credit for amounts that exceed the correct amount of the incentive payable under RCW 82.16.120, the amount of tax against which credit was claimed for the excess payments shall be

immediately due and payable. The department may deduct amounts due from future credits claimed by the business.

(a) Except as provided in (b) of this subsection, the department (~~shall~~) must assess interest but not penalties on the taxes against which the credit was claimed. Interest (~~shall~~) must be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and (~~shall~~) accrues until the taxes against which the credit was claimed are repaid.

~~((3))~~ (b) A business is not liable for excess payments made in reliance on amounts reported by the Washington State University extension energy program as due and payable as provided under section 7(19) of this act, if such amounts are later found to be abnormal or inaccurate due to no fault of the business.

(5) The amount of credit taken under this section is not confidential taxpayer information under RCW 82.32.330 and is subject to disclosure.

(6) The right to earn tax credits under this section expires June 30, (~~(2020)~~) 2030. Credits may not be claimed after June 30, (~~(2024)~~) 2031.

**NEW SECTION. Sec. 6.** A new section is added to chapter 82.16 RCW to read as follows:

The definitions in this section apply throughout this section and sections 7 and 8 of this act unless the context clearly requires otherwise.

(1) "Certification" means the authorization issued by the Washington State University extension energy program establishing a person's eligibility to receive annual incentive payments from the person's utility for a term of ten years.

(2) "Commercial-scale system" means a renewable energy system or systems other than a community solar project with a combined nameplate capacity greater than twelve kilowatts that meets the applicable system eligibility requirements established in section 7 of this act.

(3) "Community solar project" means a solar energy system that has a direct current nameplate generating capacity that is no larger than five hundred kilowatts and meets the applicable eligibility requirements established in sections 7 and 8 of this act.

(4) "Community solar program" means a program organized and administered by a utility or a nonprofit organization to develop community solar projects pursuant to section 8 of this act.

(5) "Consumer-owned utility" has the same meaning as in RCW 19.280.020.

(6) "Customer-owner" means the owner of a residential-scale or commercial-scale renewable energy system, where such owner is not a utility and such owner either owns the premises where the renewable energy system is installed or occupies the premises.

(7) "Nonprofit organization" means an entity or organization that is exempt from taxation under section 501(c)(3) of the internal revenue code.

(8) "Person" means any individual, firm, partnership, corporation, company, association, agency, or any other legal entity.

(9) "Renewable energy system" means a solar energy system, including a community solar project, an anaerobic digester as defined in RCW 82.08.900, or a wind generator used for producing electricity.

(10) "Residential-scale system" means a renewable energy system or systems located at a single situs with combined nameplate capacity of twelve kilowatts or less that meets the applicable system eligibility requirements established in section 7 of this act.

(11) "Utility" means a consumer-owned utility or investor-owned utility as those terms are defined in RCW 19.280.020.

**NEW SECTION. Sec. 7.** A new section is added to chapter 82.16 RCW to read as follows:

(1) Beginning July 1, 2016, the following persons may apply to the Washington State University extension energy program to receive a certification authorizing the utility serving the situs of a renewable energy system in the state of Washington to remit an annual production incentive for each kilowatt-hour of alternating current electricity generated by the renewable energy system:

(a) The utility's customer who is the customer-owner of a residential-scale or commercial-scale renewable energy system; or

(b) The nonprofit organization or utility that administers a community solar project meeting the eligibility requirements outlined in section 8 of this act and applies for certification on behalf of each of the project participants.

(2) No person is eligible to receive incentive payments provided under subsection (1)(a) of this section of more than twenty-five thousand dollars per year.

(3)(a) No new certification may be issued under this section for a renewable energy system that was certified under RCW 82.16.120 and submitted a request for or received an annual incentive payment, or for a renewable energy system served by a utility that has elected not to participate in the incentive program, as provided in subsection (4) of this section.

(b) No new certification may be issued under this section for an additional system, either residential-scale or commercial-scale, if a residential-scale or commercial-scale system at the same situs or at the same billing meter has already been certified under this section. Instead, an applicant may seek recertification of an expanded system, as provided in (c) of this subsection.

(c) The Washington State University extension energy program may issue a recertification for a residential-scale or commercial-scale system if a customer makes investments resulting in an expansion of the system's nameplate capacity. Such recertification expires on the same day as the original certification for the residential-scale or commercial-scale system and applies to the entire system the incentive rates and program rules in effect as of the date of the recertification.

(4) A utility's participation in the incentive program provided in this section is voluntary.

(a) A utility electing to participate in the incentive program must notify the Washington State University extension energy program of such election in writing.

(b) The utility may terminate its voluntary participation in the production incentive program by providing notice in writing to the Washington State University extension energy program to cease issuing new certifications for renewable energy systems that would be served by that utility.

(c) Such notice of termination of participation is effective after fifteen days, at which point the Washington State University extension energy program may not accept new applications for certification of renewable energy systems that would be served by that utility.

(d) Upon receiving a utility's notice of termination of participation in the incentive program, the Washington State University extension energy program must report on its web site that customers of that utility are no longer eligible to receive new certifications under the program.

(e) A utility's termination of participation does not affect the utility's obligation to continue to make annual incentive payments for electricity generated by systems that were certified prior to the effective date of the notice. The Washington State University extension energy program must continue to process and issue certifications for renewable energy systems that were received by the Washington State University extension energy program before the effective date of the notice of termination.

(f) A utility that has terminated participation in the program may resume participation upon filing notice with the Washington State University extension energy program.

(5)(a) The Washington State University extension energy program may certify a renewable energy system that is connected to equipment capable of measuring the electricity production of the system and interconnecting with the utility's system in a manner that allows the utility, or the customer at the utility's option, to measure and report to the Washington State University extension energy program the total amount of electricity produced by the renewable energy system.

(b) If the utility opts to require the customer to report electricity production data to the Washington State University extension energy program or opts to provide the report by mail rather than in an electronic format, the utility must negotiate with the Washington State University extension energy program a fee-for-service arrangement that covers the program's costs of obtaining the electricity production data and incorporating it into an electronic format. The Washington State University extension energy program must deposit all revenue generated by this fee into the state general fund. This fee-for-service arrangement is also applicable to a utility's exercise of the option of requiring customer reporting or by mail reporting, described in subsection (18) of this section.

(6) The Washington State University extension energy program may issue a certification authorizing annual incentive payments up to the following annual dollar limits:

(a) For community solar projects, five thousand dollars per project participant;

(b) For residential-scale systems, five thousand dollars; and

(c) For commercial-scale systems, twenty-five thousand dollars.

(7) To obtain certification under this section, a person must submit to the Washington State University extension energy program an application, including:

(a) An affidavit that the applicant has not previously received a notice of eligibility from the department under RCW 82.16.120 entitling the applicant to receive annual incentive payments for electricity generated by the renewable energy system at the same meter location;

(b) System operation data including global positioning system coordinates, tilt, shading, and azimuth;

(c) Any other information the Washington State University extension energy program deems necessary in determining eligibility and incentive levels, administering the program, tracking progress toward achieving the limits on program participation established in RCW 82.16.130, or facilitating the review of the performance of the tax preferences by the joint legislative audit and review committee, as described in section 2 of this act; and

(d)(i) Except as provided in (d)(ii) of this subsection (7), the date that the renewable energy system received its final electrical inspection from the applicable local jurisdiction, as well as a copy of the permit or, if the permit is available online, the permit number.

(ii) The Washington State University extension energy program may waive the requirement in (d)(i) of this subsection (7), accepting an application and granting provisional certification prior to proof of final electrical inspection. Provisional certification expires one hundred eighty days after issuance, unless the applicant submits proof of the final electrical inspection from the applicable local jurisdiction or the Washington State University extension energy program extends the certification, for a term or terms of thirty days, due to extenuating circumstances.

(8) No incentive payments may be authorized or accrued until the final electrical inspection and executed interconnection agreement are submitted to the Washington State University extension energy program.

(9) Within thirty days of receipt of the application for certification, the Washington State University extension energy program must notify the applicant and, except when a utility is the applicant, the utility serving the situs of the system, by mail or electronically, whether certification has been granted. The certification notice must state the rate to be paid per kilowatt-hour of electricity generated by the renewable energy system, as provided in subsection (12) of this section, subject to any applicable cap on total annual payment provided in subsection (6) of this section.

(10) Certification is valid for ten years and may not be retroactively changed except to correct later discovered errors that were made during the original application or certification process.

(11) System certification follows the system if the following conditions are met using procedures established by the Washington State University extension energy program:

(a) The renewable energy system is transferred to a new owner who notifies the Washington State University extension energy program of the transfer; and

(b) The new owner provides an executed interconnection agreement with the utility serving the premises.

(12) The Washington State University extension energy program must determine the total incentive rate for a new renewable energy system certification by adding to the base rate any applicable made-in-Washington bonus rate. A made-in-Washington bonus rate is provided for a renewable energy system or a community solar project with solar modules made in Washington or with a wind turbine or tower that is made in Washington. Both the base rates and bonus rate vary, depending on the fiscal year in which the system is certified and the type of renewable energy system being certified, as provided in the following table:

Fiscal year of system certification	Base rate - residential-scale	Base rate - commercial-scale	Base rate - community solar	Base rate - Washington bonus
2017	\$0.13	\$0.08	\$0.13	\$0.05
2018	\$0.11	\$0.06	\$0.10	\$0.05
2019	\$0.09	\$0.04	\$0.07	\$0.04
2020	\$0.07	\$0.02	\$0.05	\$0.04

Certification of a renewable energy system entitles the recipient to receive incentive payments for electricity generated for a period of ten years from the date the system commences operation or the date the system is certified, whichever date is later. For purposes of this section, the Washington State University extension energy program must define when a renewable energy system commences operation and provide notice of such date to the recipient and the utility serving the situs of the system.

(13) The Washington State University extension energy program must cease to issue new certifications:

(a) For community solar projects in any fiscal year that twenty-five percent of available funds for credit that year under RCW 82.16.130 have been allocated to community solar projects; and

(b) For any additional renewable energy system served by a utility, if certification is likely to result in incentive payments by that utility exceeding the utility's available funds for credit under RCW 82.16.130, taking into consideration funds allocated for participants under RCW 82.16.120 and section 4 of this act.

(14) If the Washington State University extension energy program ceases issuing new certifications during a fiscal year or biennium as provided in subsection (13) of this section, in the following fiscal year or biennium, or when additional funds are available for credit such that the thresholds described in subsection (13) of this section are no longer exceeded, the Washington State University extension energy program shall resume issuing new certifications using a method of awarding certifications that results in equitable and orderly allocation of benefits to applicants.

(15) In order to begin to receive annual incentive payments, a person who has been issued a certification for the incentive as provided in subsection (9) of this section must submit the certification to the utility serving the situs of the system and must obtain an executed interconnection agreement with the utility.

(16) The Washington State University extension energy program must establish a list of equipment that is eligible for the bonus rates described in subsection (12) of this section. The Washington State University extension

energy program shall, in consultation with the department of commerce, develop technical specifications and guidelines to ensure consistent and predictable determination of eligibility. A solar module is made in Washington for purposes of receiving the bonus rate only if the lamination of the module takes place in Washington. A wind turbine is made in Washington only if it is powered by a turbine or built with a tower manufactured in Washington.

(17) The manufacturer of a renewable energy system component subject to a bonus rate under subsection (12) of this section may apply to the Washington State University extension energy program to receive a determination of eligibility for such bonus rates. The Washington State University extension energy program must publish a list of components that have been certified as eligible for such bonus rates. The Washington State University extension energy program may assess an equipment certification fee to recover its costs. The Washington State University extension energy program must deposit all revenue generated by this fee into the state general fund.

(18) Annually, the utility, or the customer at the utility's option, must report to the Washington State University extension energy program, by mail or electronically, the amount of gross kilowatt-hours generated by each renewable energy system since the prior annual report.

(19)(a) The Washington State University extension energy program must calculate for the year and provide to the utility the amount of the incentive payment due to each participant and the total amount of credit against tax due available to the utility under RCW 82.16.130 that has been allocated as annual incentive payments. Upon notice to the Washington State University extension energy program, a utility may opt to directly perform this calculation and provide its results to the Washington State University extension energy program.

(b) If the Washington State University extension energy program identifies an abnormal production claim, it must notify the utility, the department of revenue, and the applicant, and must recommend withholding payment until the applicant has demonstrated that the production claim is accurate and valid. The utility is not liable to the customer for withholding payments pursuant to such recommendation unless and until the Washington State University extension energy program notifies the utility to resume incentive payments.

(20)(a) The utility must issue the incentive payment within thirty days of receipt of the information required under subsection (19)(a) of this section from the Washington State University extension energy program. The utility must resume the incentive payments withheld under subsection (19)(b) of this section within thirty days of receiving notice from the Washington State University extension energy program that the claim has been demonstrated accurate and valid and payment should be resumed.

(b) A utility is not liable for incentive payments to a customer-owner if the utility has disconnected the customer due to a violation of a customer service

agreement, such as nonpayment of the customer's bill, or a violation of an interconnection agreement.

(21) Beginning January 1, 2017, the Washington State University extension energy program must post on its web site and update at least monthly a report, by utility, of:

(a) The number of certifications issued for renewable energy systems, including estimated system sizes, costs, and annual energy production and incentive yields for various system types; and

(b) An estimate of the amount of credit that has not yet been allocated for incentive payments under each utility's credit limit and remains available for new renewable energy system certifications.

(22) Persons receiving incentive payments under this section must keep and preserve, for a period of five years for the duration of the consumer contract, suitable records as may be necessary to determine the amount of incentive payments applied for and received. The Washington State University extension energy program may direct a utility to cease issuing incentive payments if the records are not made available for examination upon request. A utility receiving such a directive is not liable to the applicant for any incentive payments or other damages for ceasing payments pursuant to the directive.

(23) The nonpower attributes of the renewable energy system belong to the utility customer who owns or hosts the system or, in the case of a community solar project, the participant, and can be kept, sold, or transferred at the utility customer's discretion unless, in the case of a utility-owned system, a contract between the customer and the utility clearly specifies that the attributes will be retained by the utility.

(24) All lists, technical specifications, determinations, and guidelines developed under this section must be made publicly available online by the Washington State University extension energy program.

(25) No certification may be issued under this section after June 30, 2020.

(26) The Washington State University extension energy program must establish a one-time fee for applications under this section not to exceed seventy-five dollars per applicant. The Washington State University extension energy program must deposit all revenue generated by this fee into the state general fund. The Washington State University extension energy program must administer and budget for the program established in RCW 82.16.120, this section, and sections 4 and 8 of this act in a manner that ensures its administrative costs through June 30, 2021, are completely met by the revenues from this fee. If the Washington State University extension energy program determines that the fee authorized in this subsection is insufficient to cover the administrative costs through June 30, 2021, the Washington State University extension energy program must report to the legislature on costs incurred and fees collected and demonstrate why a different fee amount or funding mechanism should be authorized.

(27) The Washington State University extension energy program may, through a public process, develop any program requirements and policies necessary for the administration of this section, RCW 82.16.120, and sections 2, 6, and 8 of this act. The department is

authorized, in consultation with the Washington State University extension energy program, to adopt any rules necessary for administration of the program.

(28) Applications, certifications, requests for incentive payments under this section, and the information contained therein are not deemed tax information under RCW 82.32.330 and are subject to disclosure.

**NEW SECTION. Sec. 8.** A new section is added to chapter 82.16 RCW to read as follows:

(1) The purpose of the community solar project is to facilitate broad, equitable community investment in and access to solar power. Beginning July 1, 2016, a utility or nonprofit organization may organize and administer a community solar project as provided in this section.

(2) A community solar project must have a direct current nameplate capacity that is no more than five hundred kilowatts and must have at least ten participants. Except for community solar projects authorized under subsection (5) of this section, each participant must be a customer of the utility providing service at the situs of the community solar project.

(3) A utility or nonprofit administrator of a community solar project must administer the project in a transparent manner that allows for fair and nondiscriminatory opportunity for participation by utility customers.

(4) The utility or nonprofit administrator of a community solar project may establish a reasonable fee to cover costs incurred in organizing and administering the community solar project. Project participants, prior to making the commitment to participate in the project, must be given clear and conspicuous notice of the portion of the incentive payment that will be used for this purpose.

(5) A public utility district that is engaged in distributing electricity to more than one retail electric customer in the state and a joint operating agency organized under chapter 43.52 RCW on or before January 1, 2016, may enter into an agreement with each other to construct and own a community solar project that is located on property owned by a joint operating agency or on property that receives electric service from a participating public utility district. Each participant of a community solar project under this subsection must be a customer of at least one of the public utility districts that is a party to the agreement with a joint operating agency to construct and own a community solar project.

**NEW SECTION. Sec. 9. (1) Findings.** The legislature finds that a convenient, safe, and environmentally sound system for the recycling of solar modules, minimization of hazardous waste, and recovery of commercially valuable materials must be established. The legislature further finds that the responsibility for this system must be shared among all stakeholders, with manufacturers financing the takeback and recycling system.

(2) **Definitions.** For purposes of this section the following definitions apply:

(a) "Department" means the department of ecology.

(b) "Manufacturer" means any person in business or no longer in business but having a successor in interest who, irrespective of the selling technique used, including by means of distance or remote sale:

(i) Manufactures or has manufactured a solar module under its own brand names for sale in or into this state;

(ii) Assembles or has assembled a solar module that uses parts manufactured by others for sale in or into this state under the assembler's brand names;

(iii) Resells or has resold in or into this state under its own brand names a solar module produced by other suppliers, including retail establishments that sell solar modules under their own brand names;

(iv) Manufactures or has manufactured a cobranded solar module product for sale in or into this state that carries the name of both the manufacturer and a retailer;

(v) Imports or has imported a solar module into the United States that is sold in or into this state. However, if the imported solar module is manufactured by any person with a presence in the United States meeting the criteria of manufacturer under (a) through (d) of this subsection, that person is the manufacturer;

(vi) Sells at retail a solar module acquired from an importer that is the manufacturer and elects to register as the manufacturer for those products; or

(vii) Elects to assume the responsibility and register in lieu of a manufacturer as defined under (b)(i) through (vi) of this subsection.

(c) "Rare earth element" means lanthanum, cerium, praseodymium, neodymium, promethium, samarium, europium, gadolinium, terbium, dysprosium, holmium, erbium, thulium, ytterbium, lutetium, yttrium, or scandium.

(d) "Reuse" means any operation by which a solar module or a component of a solar module changes ownership and is used for the same purpose for which it was originally purchased.

(e) "Solar module" means the smallest nondivisible, environmentally protected, essentially planar assembly of solar cells, or other solar collector technology and ancillary parts intended to generate direct current power under sunlight, including but not limited to interconnections, terminals, and protective devices such as diodes, that is capable of interconnecting with the electric grid.

(f) "Stewardship plan" means the plan developed by a manufacturer or its designated stewardship organization for a self-directed stewardship program.

(g) "Stewardship program" means the activities conducted by a manufacturer or a stewardship organization to fulfill the requirements of this chapter and implement the activities described in its stewardship plan.

### (3) Program guidance, review, and approval.

The department must develop guidance for a solar module stewardship and takeback program to guide manufacturers in preparing and implementing a self-directed program to ensure the convenient, safe, and environmentally sound takeback and recycling of solar modules and their components and materials. By January 1, 2017, the department must establish a process to develop guidance for solar module stewardship plans by working with manufacturers, stewardship organizations, and other stakeholders on the content, review, and approval of

stewardship plans. The department's process must be fully implemented and stewardship plan guidance completed by January 1, 2018.

(4) **Stewardship organization as agent of manufacturer.** A stewardship organization may be designated to act as an agent on behalf of a manufacturer or manufacturers in operating and implementing the stewardship program required under this chapter. Any stewardship organization that has obtained such designation must provide to the department a list of the manufacturers and brand names that the stewardship organization represents within sixty days of its designation by a manufacturer as its agent, or within sixty days of removal of such designation.

(5) **Stewardship plans.** Each manufacturer must prepare and submit a stewardship plan to the department by the later of January 1, 2019, or within thirty days of its first sale of a solar module in or into the state.

(a) A stewardship plan must, at a minimum:

(i) Include an adequate funding mechanism to finance the costs of collection, management, and recycling of solar modules and residuals sold in or into the state by the manufacturer with a mechanism that ensures that solar modules can be delivered to takeback locations without cost to the last owner or holder;

(ii) Accept all solar modules sold in or into the state after July 1, 2016;

(iii) Describe how the program will minimize the release of hazardous substances into the environment and maximize the recovery of other components, including rare earth elements and commercially valuable materials;

(iv) Provide for takeback of solar modules at locations that are within the region of the state in which the solar modules were used and are as convenient as reasonably practicable, and if no such location within the region of the state exists, include an explanation for the lack of such location;

(v) Identify how relevant stakeholders, including consumers, installers, building demolition firms, and recycling and treatment facilities, will receive information required in order for them to properly dismantle, transport, and treat the end-of-life solar modules in a manner consistent with the objectives described in (a)(iii) of this subsection;

(vi) Establish performance goals, including a goal for the rate of combined reuse and recycling of collected solar modules as a percentage of the total weight of solar modules collected, which rate must be no less than eighty-five percent.

(b) A manufacturer must implement the stewardship plan.

(c) A manufacturer may periodically amend its stewardship plan. The department must approve the amendment if it meets the requirements for plan approval outlined in the department's guidance. When submitting proposed amendments, the manufacturer must include an explanation of why such amendments are necessary.

(6) **Plan approval.** The department shall approve a stewardship plan if it determines the plan addresses each element outlined in the department's guidance.

(7) **Annual report.** (a) Beginning April 1, 2021, and by April 1st in each subsequent year, a manufacturer,

or its designated stewardship organization, must provide to the department a report for the previous calendar year that documents implementation of the plan and assesses achievement of the performance goals established in subsection (5)(a)(vi) of this section.

(b) The report may include any recommendations to the department or the legislature on modifications to the program that would enhance the effectiveness of the program, including management of program costs and mitigation of environmental impacts of solar modules.

(c) The manufacturer or stewardship organization must post this report on a publicly accessible web site.

(8) **Enforcement.** Beginning January 1, 2020, no manufacturer may sell or offer for sale a solar module in or into the state unless the manufacturer has submitted to the department a stewardship plan and received plan approval. The department shall send a written warning to a manufacturer that is not participating in a plan. The written warning must inform the manufacturer that it must submit a plan or participate in a plan within thirty days of the notice. The department may assess a penalty of up to ten thousand dollars for each sale of a solar module in or into the state that occurs after the initial written warning. A manufacturer may appeal a penalty issued under this section to the superior court of Thurston county within one hundred eighty days of receipt of the notice.

(9) **Fee.** The department may collect a flat fee from participating manufacturers to recover costs associated with the plan guidance, review, and approval process described in subsection (3) of this section. Other administrative costs incurred by the department for program implementation activities, including stewardship plan review and approval, enforcement, and any rule making, may be recovered by charging every manufacturer an annual fee calculated by dividing department administrative costs by the manufacturer's pro rata share of the Washington state solar module sales in the most recent preceding calendar year, based on best available information. The sole purpose of assessing the fees authorized in this subsection is to predictably and adequately fund the department's costs of administering the solar module recycling program.

(10) **Account.** The solar module recycling account is created in the custody of the state treasurer. All fees collected from manufacturers under this chapter must be deposited in the account. Expenditures from the account may be used only for administering this chapter. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Funds in the account may not be diverted for any purpose or activity other than those specified in this section.

(11) **Rule making.** The department may adopt rules as necessary for the purpose of implementing, administering, and enforcing this chapter.

(12) **National program.** In lieu of preparing a stewardship plan and as provided by subsection (5) of this section, a manufacturer may participate in a national program for the convenient, safe, and environmentally sound takeback and recycling of solar modules and their components and materials. The department must determine that the manufacturer's participation in the national

program is likely to achieve environmental outcomes in the state of Washington substantially equivalent to those achieved by a departmentally approved stewardship plan and is likely to be more cost-effective for the manufacturer than participation in a departmentally approved stewardship plan. The department may determine substantial equivalence if it determines that the national program adequately addresses each of the elements of a stewardship plan outlined in subsection (5)(a) of this section and includes an enforcement mechanism reasonably calculated to ensure a manufacturer's compliance with the national program. Upon issuing a determination of substantial equivalence, the department must notify affected stakeholders including the manufacturer. If the national program is discontinued or the department determines the national program no longer provides equivalent environmental outcomes in Washington, the department must notify the manufacturer. The manufacturer must provide a stewardship plan as described in subsection (5)(a) of this section to the department for approval within thirty days of notification.

**Sec. 10.** RCW 82.08.962 and 2013 2nd sp.s. c 13 s 1502 are each amended to read as follows:

(1)(a) Except as provided in RCW 82.08.963, purchasers who have paid the tax imposed by RCW 82.08.020 on machinery and equipment used directly in generating electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas as the principal source of power, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, are eligible for an exemption as provided in this section, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating not less than one thousand watts of electricity.

(b) Beginning on July 1, 2009, through June 30, 2011, the tax levied by RCW 82.08.020 does not apply to the sale of machinery and equipment described in (a) of this subsection that are used directly in generating electricity or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment.

(c) Beginning on July 1, 2011, through January 1, 2020, the amount of the exemption under this subsection (1) is equal to seventy-five percent of the state and local sales tax paid. The purchaser is eligible for an exemption under this subsection (1)(c) in the form of a remittance.

(2) For purposes of this section and RCW 82.12.962, the following definitions apply:

(a) "Biomass energy" includes: (i) By-products of pulping and wood manufacturing process; (ii) animal waste; (iii) solid organic fuels from wood; (iv) forest or field residues; (v) wooden demolition or construction debris; (vi) food waste; (vii) liquors derived from algae and other sources; (viii) dedicated energy crops; (ix) biosolids; and (x) yard waste. "Biomass energy" does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old growth forests; or municipal solid waste.

(b) "Fuel cell" means an electrochemical reaction that generates electricity by combining atoms of hydrogen and oxygen in the presence of a catalyst.

(c) "Landfill gas" means biomass fuel, of the type qualified for federal tax credits under Title 26 U.S.C. Sec. 29 of the federal internal revenue code, collected from a "landfill" as defined under RCW 70.95.030.

(d)(i) "Machinery and equipment" means fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas as the principal source of power.

(ii) "Machinery and equipment" does not include: (A) Hand-powered tools; (B) property with a useful life of less than one year; (C) repair parts required to restore machinery and equipment to normal working order; (D) replacement parts that do not increase productivity, improve efficiency, or extend the useful life of machinery and equipment; (E) buildings; or (F) building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building.

(3)(a) Machinery and equipment is "used directly" in generating electricity by wind energy, solar energy, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas power if it provides any part of the process that captures the energy of the wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas, converts that energy to electricity, and stores, transforms, or transmits that electricity for entry into or operation in parallel with electric transmission and distribution systems.

(b) Machinery and equipment is "used directly" in generating electricity by fuel cells if it provides any part of the process that captures the energy of the fuel, converts that energy to electricity, and stores, transforms, or transmits that electricity for entry into or operation in parallel with electric transmission and distribution systems.

(4)(a) A purchaser claiming an exemption in the form of a remittance under subsection (1)(c) of this section must pay the tax imposed by RCW 82.08.020 and all applicable local sales taxes imposed under the authority of chapters 82.14 and 81.104 RCW. The purchaser may then apply to the department for remittance in a form and manner prescribed by the department. A purchaser may not apply for a remittance under this section more frequently than once per quarter. The purchaser must specify the amount of exempted tax claimed and the qualifying purchases for which the exemption is claimed. The purchaser must retain, in adequate detail, records to enable the department to determine whether the purchaser is entitled to an exemption under this section, including: Invoices; proof of tax paid; and documents describing the machinery and equipment.

(b) The department must determine eligibility under this section based on the information provided by the purchaser, which is subject to audit verification by the department. The department must on a quarterly basis remit

exempted amounts to qualifying purchasers who submitted applications during the previous quarter.

(5) The exemption provided by this section expires June 30, 2016, as it applies to: (a) Machinery and equipment that is used directly in the generation of electricity using solar energy and capable of generating no more than five hundred kilowatts of electricity; or (b) sales of or charges made for labor and services rendered in respect to installing such machinery and equipment.

(6) This section expires January 1, 2020.

**Sec. 11.** RCW 82.08.963 and 2013 2nd sp.s. c 13 s 1602 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of machinery and equipment used directly in generating electricity or producing thermal heat using solar energy, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating not more than ten kilowatts of electricity or producing not more than three million British thermal units per day and provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files. For sellers who electronically file their taxes, the department must provide a separate tax reporting line for exemption amounts claimed by a buyer under this section.

(2) For purposes of this section and RCW 82.12.963:

(a) "Machinery and equipment" means industrial fixtures, devices, and support facilities that are integral and necessary to the generation of electricity or production and use of thermal heat using solar energy;

(b) "Machinery and equipment" does not include: (i) Hand-powered tools; (ii) property with a useful life of less than one year; (iii) repair parts required to restore machinery and equipment to normal working order; (iv) replacement parts that do not increase productivity, improve efficiency, or extend the useful life of machinery and equipment; (v) buildings; or (vi) building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building;

(c) Machinery and equipment is "used directly" in generating electricity with solar energy if it provides any part of the process that captures the energy of the sun, converts that energy to electricity, and stores, transforms, or transmits that electricity for entry into or operation in parallel with electric transmission and distribution systems; and

(d) Machinery and equipment is "used directly" in producing thermal heat with solar energy if it uses a solar collector or a solar hot water system that (i) meets the certification standards for solar collectors and solar hot water systems developed by the solar rating and certification corporation; or (ii) is determined by the Washington State University extension whether a solar collector or solar hot water system is an equivalent collector or system.

(3) The exemption provided by this section for the sales of machinery and equipment that is used directly in the generation of electricity using solar energy, or for sales of or charges made for labor or services rendered in respect to installing such machinery and equipment, expires June 30, 2016.

(4) This section expires June 30, 2018.

**Sec. 12.** RCW 82.12.962 and 2013 2nd sp.s. c 13 s 1505 are each amended to read as follows:

(1)(a) Except as provided in RCW 82.12.963, consumers who have paid the tax imposed by RCW 82.12.020 on machinery and equipment used directly in generating electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas as the principal source of power, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, are eligible for an exemption as provided in this section, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating not less than one thousand watts of electricity.

(b) Beginning on July 1, 2009, through June 30, 2011, the provisions of this chapter do not apply in respect to the use of machinery and equipment described in (a) of this subsection that are used directly in generating electricity or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment.

(c) Beginning on July 1, 2011, through January 1, 2020, the amount of the exemption under this subsection (1) is equal to seventy-five percent of the state and local sales tax paid. The consumer is eligible for an exemption under this subsection (1)(c) in the form of a remittance.

(2)(a) A person claiming an exemption in the form of a remittance under subsection (1)(c) of this section must pay the tax imposed by RCW 82.12.020 and all applicable local use taxes imposed under the authority of chapters 82.14 and 81.104 RCW. The consumer may then apply to the department for remittance in a form and manner prescribed by the department. A consumer may not apply for a remittance under this section more frequently than once per quarter. The consumer must specify the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The consumer must retain, in adequate detail, records to enable the department to determine whether the consumer is entitled to an exemption under this section, including: Invoices; proof of tax paid; and documents describing the machinery and equipment.

(b) The department must determine eligibility under this section based on the information provided by the consumer, which is subject to audit verification by the department. The department must on a quarterly basis remit exempted amounts to qualifying consumers who submitted applications during the previous quarter.

(3) Purchases exempt under RCW 82.08.962 are also exempt from the tax imposed under RCW 82.12.020.

(4) The definitions in RCW 82.08.962 apply to this section.

(5) The exemption provided in subsection (1) of this section does not apply:

(a) To machinery and equipment used directly in the generation of electricity using solar energy and capable of generating no more than five hundred kilowatts of electricity, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, when first use within this state of such machinery and equipment, or labor and services, occurs after June 30, 2016; and

(b) To any other machinery and equipment described in subsection (1)(a) of this section, or to sales of or charges made for labor and services rendered in respect to installing such machinery or equipment, when first use within this state of such machinery and equipment, or labor and services, occurs after December 31, 2019.

(6) This section expires January 1, 2020.

**Sec. 13.** RCW 82.12.963 and 2013 2nd sp.s. c 13 s 1603 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to machinery and equipment used directly in generating not more than ten kilowatts of electricity or producing not more than three million British thermal units per day using solar energy, or to the use of labor and services rendered in respect to installing such machinery and equipment.

(2) The definitions in RCW 82.08.963 apply to this section.

(3) The exemption provided by this section does not apply:

(a) To the use of machinery and equipment used directly in the generation of electricity using solar energy, or to the use of labor and services rendered in respect to installing such machinery and equipment, when first use within this state of such machinery and equipment, or labor and services, occurs after June 30, 2016; and

(b) To the use of any machinery or equipment used directly in producing thermal heat using solar energy, or to the use of labor and services rendered in respect to installing such machinery or equipment, when first use within this state of such machinery and equipment, or labor and services, occurs after June 30, 2018.

(4) This section expires June 30, 2018.

**NEW SECTION. Sec. 14.** Section 9 of this act constitutes a new chapter in Title 70 RCW.

**NEW SECTION. Sec. 15.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." Correct the title.

Representatives Morris and Smith spoke in favor of the adoption of the amendment.

Amendment (764) was adopted.

The bill was ordered engrossed.

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

Representatives Morris, Smith and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2346.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2346, and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Chandler, Dye, Hargrove, Kretz, Kristiansen, McCaslin, Muri, Nealey, Parker, Rodne, Schmick, Scott, Shea, Short, Stokesbary, Taylor, Vick, Wilcox and Zeiger.

Excused: Representative MacEwen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2346, having received the necessary constitutional majority, was declared passed.

### RESOLUTION

#### **HOUSE RESOLUTION NO. 2016-4664, by Representative Smith**

WHEREAS, A convenient, safe, equitable, and environmentally sound system for the financing, takeback, and recycling of solar modules is an important component of Washington's renewable energy industry; and

WHEREAS, There are numerous stakeholders with valuable insight and experience in this field who can help to support legislators in formulating such policy;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives, through its committee with jurisdiction over energy issues, shall convene and complete a stakeholder process to develop recommendations as to how to equitably ensure financing,

takeback, and recycling of solar modules sold prior to July 1, 2016, in or into the state, and solar modules of any manufacturer that is no longer solvent or doing business at the end of the modules' useful lives.

Representative Smith moved adoption of HOUSE RESOLUTION NO. 4664

Representatives Smith and Morris spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4664 was adopted.

#### **HOUSE BILL NO. 2356, by Representatives Kirby and Vick**

**Concerning employer agreements to reimburse certain employee costs for the use of personal vehicles for business purposes.**

The bill was read the second time.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2356.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2356, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 2356, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 1578, by Representatives Kirby and Vick**

**Authorizing insurers to offer customer satisfaction benefits.**

The bill was read the second time.

Representative Kirby moved the adoption of amendment (767):

On page 1, at the beginning of line 6, insert "(1)"

On page 1, line 14, after "48.18.170." insert "A policy premium reduced by such a credit will be taxed on the full cost of the premium before application of the customer satisfaction credit.

(2) This section applies only to personal insurance as defined in RCW 48.18.545(1)(g)."

Representatives Kirby and Vick spoke in favor of the adoption of the amendment.

Amendment (767) was adopted.

The bill was ordered engrossed.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1578.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1578, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative MacEwen.

ENGROSSED HOUSE BILL NO. 1578, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2793, by Representatives Orwall, Blake, Kretz, Sullivan, Cody, Jinkins, Kagi, Goodman, Ormsby, Tharinger, Rossetti and Reykdal**

**Providing for suicide awareness and prevention education for safer homes.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2793 was substituted for House Bill No. 2793 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2793 was read the second time.

Representative Blake moved the adoption of amendment (718):

On page 4, line 7, after "(i)" insert "Conduct a survey of firearms dealers and firearms ranges in the state to determine the types and amounts of incentives that would be effective in encouraging those entities to participate in the safe homes project created in section 3 of this act;

(j)"

Representatives Blake and Rodne spoke in favor of the adoption of the amendment.

Amendment (718) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2793.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2793, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos,

Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, McCaslin, Shea and Taylor.

Excused: Representative MacEwen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2793, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Second Substitute House Bill No. 2793.

Representative Scott, 39th District

#### SECOND READING

**HOUSE BILL NO. 2427, by Representatives Springer, Stokesbary, Fitzgibbon, Muri, Appleton and Kilduff**

##### Concerning local government modernization.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2427 was substituted for House Bill No. 2427 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2427 was read the second time.

With the consent of the house, amendments (668) and (669) were withdrawn.

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

Representatives Springer and Stokesbary spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2427.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2427, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi,

Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin and Taylor.

Excused: Representative MacEwen.

SUBSTITUTE HOUSE BILL NO. 2427, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2778, by Representatives Fey, Orcutt, Clibborn, McBride, Moscoso, Hickel, Stambaugh, Bergquist, Tharinger and Tarleton**

**Modifying retail sales and use tax exemption criteria for certain clean alternative fuel vehicles.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2778 was substituted for House Bill No. 2778 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2778 was read the second time.

Representative Condotta moved the adoption of amendment (749):

Strike everything after the enacting clause and insert the following:

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

(1) The legislature categorizes the tax preference as one intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(2) It is the legislature's specific public policy objective to increase the use of clean alternative fuel vehicles in Washington. It is the legislature's intent to extend the existing sales and use tax exemption on certain clean alternative fuel vehicles in order to reduce the price charged to customers for clean alternative fuel vehicles.

(3) To measure the effectiveness of the tax preferences in sections 2 and 3 of this act in achieving the public policy objectives described in subsection (2) of this section, the joint legislative audit and review committee must evaluate the number of clean alternative fuel vehicles registered in the state.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the department of licensing must provide data needed for the joint legislative audit and review committee analysis. In addition to the data source described under this subsection, the joint legislative audit and review committee may use any other data it deems necessary.

**Sec. 2.** RCW 82.08.809 and 2015 3rd sp.s. c 44 s 408 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, the tax levied by RCW 82.08.020 does not apply to sales of new passenger cars, light duty trucks, and medium duty passenger vehicles, which (a) are exclusively powered by a clean alternative fuel or (b) use at least one method of propulsion that is capable of being reenergized by an external source of electricity and are capable of traveling at least thirty miles using only battery power.

(2) The seller must keep records necessary for the department to verify eligibility under this section.

(3) As used in this section, "clean alternative fuel" means natural gas, propane, hydrogen, or electricity, when used as a fuel in a motor vehicle that meets the California motor vehicle emission standards in Title 13 of the California code of regulations, effective January 1, 2005, and the rules of the Washington state department of ecology.

(4)(a) A sale, other than a lease, made on or after July 1, 2016, is not exempt from sales tax as described under subsection (1) of this section ~~((#))~~ on the portion of the selling price of the vehicle ((plus trade-in property of like kind)) that exceeds thirty-five thousand dollars.

(b) For leased vehicles for which the lease agreement is signed on or after July 1, 2016, lease payments are not exempt from sales tax as described under subsection (1) of this section on the percentage of each lease payment that corresponds to the amount of the total fair market value of the vehicle being leased in excess of thirty-five thousand dollars at the inception of the lease divided by the total fair market value of the vehicle being leased at the inception of the lease.

~~((c))~~ (c) For leased vehicles for which the lease agreement is signed ~~((on or after))~~ between July 15, 2015, and June 30, 2016, lease payments are not exempt from sales tax as described under subsection (1) of this section if the fair market value of the vehicle being leased exceeds thirty-five thousand dollars at the inception of the lease. ~~((For the purposes of this subsection (4)(b), "fair market value" has the same meaning as "value of the article used" in RCW 82.12.010.~~

~~((d))~~ (d) For leased vehicles for which the lease agreement was signed before July ~~((45))~~ 1, 2015, lease payments due on or after July 1, 2016, are exempt from sales tax as described under subsection (1) of this section regardless of the vehicle's fair market value at the inception of the lease.

(e) For the purposes of this subsection (4), "fair market value" has the same meaning as "value of the article used" in RCW 82.12.010, except that "fair market value" also includes the value of trade-in property of like kind.

(5) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns. For purposes of this section, the first transfer for the calendar quarter after July 15, 2015, must be calculated assuming only those revenues that should have been deposited into the general fund beginning July 1, 2015.

(6) Lease payments due on or after July 1, 2019, are subject to the taxes imposed under this chapter.

(7) This section expires July 1, 2019.

**Sec. 3.** RCW 82.12.809 and 2015 3rd sp.s. c 44 s 409 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, until July 1, 2019, the provisions of this chapter do not apply in respect to the use of new passenger cars, light duty trucks, and medium duty passenger vehicles, which (a) are exclusively powered by a clean alternative fuel or (b) use at least one method of propulsion that is capable of being reenergized by an external source of electricity and are capable of traveling at least thirty miles using only battery power.

(2) The definitions in RCW 82.08.809 apply to this section.

(3) A taxpayer is not liable for the tax imposed in RCW 82.12.020 on the use, on or after July 1, 2019, of a passenger car, light duty truck, or medium duty passenger vehicle that is exclusively powered by a clean alternative fuel or uses at least one method of propulsion that is capable of being reenergized by an external source of electricity and is capable of traveling at least thirty miles using only battery power, if the taxpayer used such vehicle in this state before July 1, 2019, and the use was exempt under this section from the tax imposed in RCW 82.12.020.

(4)(a) For vehicles purchased on or after July 1, 2016, or for leased vehicles for which the lease agreement was signed on or after July 1, 2016, a vehicle is not exempt from use tax as described under subsection (1) of this section on the portion of the fair market value of the vehicle in excess of thirty-five thousand dollars or on the percentage of each lease payment that corresponds to the amount of the total fair market value of the vehicle being leased in excess of thirty-five thousand dollars at the inception of the lease divided by the total fair market value of the vehicle being leased at the inception of the lease.

~~((b))~~ (b) For ~~((vehicles purchased on or after July 15, 2015, or for))~~ leased vehicles for which the lease agreement was signed ~~((on or after))~~ between July 15, 2015, and June 30, 2016, a vehicle is not exempt from use tax as described under subsection (1) of this section if the fair market value of the vehicle exceeds thirty-five thousand dollars ~~((at the~~

time the tax is imposed for purchased vehicles, or)) at the inception of the lease ((for leased vehicles)).

((~~(b)~~)) (c) For leased vehicles for which the lease agreement was signed before July ((~~15~~)) 1, 2015, lease payments due on or after July 1, 2016, are exempt from use tax as described under subsection (1) of this section regardless of the vehicle's fair market value at the inception of the lease.

(5) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data. For purposes of this section, the first transfer for the calendar quarter after July 15, 2015, must be calculated assuming only those revenues that should have been deposited into the general fund beginning July 1, 2015.

(6) Lease payments due on or after July 1, 2019, are subject to the taxes imposed under this chapter.

NEW SECTION. Sec. 4. This act takes effect July 1, 2016."

Correct the title.

Representatives Condotta and Magendanz spoke in favor of the adoption of the amendment.

Representatives Fey and Orcutt spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 40 - YEAS; 57 - NAYS.

Amendment (749) was not adopted.

Representative Fey moved the adoption of amendment (770):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 5. This section is the tax preference performance statement for the tax preferences contained in sections 2 and 3 of this act. The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(1) The legislature categorizes the tax preference as one intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(2) It is the legislature's specific public policy objective to increase the use of clean alternative fuel vehicles in Washington. It is the legislature's intent to extend the existing sales and use tax exemption on certain

clean alternative fuel vehicles in order to reduce the price charged to customers for clean alternative fuel vehicles.

(3) To measure the effectiveness of the tax preferences in sections 2 and 3 of this act in achieving the public policy objectives described in subsection (2) of this section, the joint legislative audit and review committee must evaluate the number of clean alternative fuel vehicles registered in the state.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the department of licensing must provide data needed for the joint legislative audit and review committee analysis. In addition to the data source described under this subsection, the joint legislative audit and review committee may use any other data it deems necessary.

**Sec. 6.** RCW 82.08.809 and 2015 3rd sp.s. c 44 s 408 are each amended to read as follows:

(1)(a) Except as provided in subsection (4) of this section, the tax levied by RCW 82.08.020 does not apply to sales of new passenger cars, light duty trucks, and medium duty passenger vehicles, which ((~~(a)~~)) (i) are exclusively powered by a clean alternative fuel or ((~~(b)~~)) (ii) use at least one method of propulsion that is capable of being reenergized by an external source of electricity and are capable of traveling at least thirty miles using only battery power.

(b) Beginning with sales made or lease agreements signed on or after July 1, 2016, the exemption in this section is only applicable for up to thirty-five thousand dollars of a vehicle's selling price or the total lease payments made plus the selling price of the leased vehicle if the original lessee purchases the leased vehicle.

(2) The seller must keep records necessary for the department to verify eligibility under this section.

(3) As used in this section, "clean alternative fuel" means natural gas, propane, hydrogen, or electricity, when used as a fuel in a motor vehicle that meets the California motor vehicle emission standards in Title 13 of the California code of regulations, effective January 1, 2005, and the rules of the Washington state department of ecology.

(4)(a) A sale, other than a lease, of a vehicle identified in subsection (1) of this section made on or after July 15, 2015, and before July 1, 2016, is not exempt from sales tax as described under subsection (1)(a) of this section if the adjusted selling price of the vehicle ((~~plus trade-in property of like kind~~)) exceeds thirty-five thousand dollars.

(b) A sale, other than a lease, of a vehicle identified in subsection (1) of this section made on or after July 1, 2016, and before July 1, 2019, is not exempt from sales tax as described under subsection (1) of this section unless either of the following applies:

(i) The adjusted selling price of the vehicle is thirty-eight thousand five hundred dollars or less; or

(ii) The adjusted selling price of the vehicle is more than thirty-eight thousand five hundred dollars but no more than forty-two thousand five hundred dollars and either:

(A) The vehicle's rated battery energy capacity is thirty kilowatt-hours or more; or

(B) The vehicle's driving range on a full battery charge using only battery power is one hundred miles or more.

(c) For leased vehicles for which the lease agreement is signed on or after July 1, 2016, and before July 1, 2019, lease payments are not exempt from sales tax as described under subsection (1) of this section unless either of the following applies:

(i) The adjusted fair market value of the vehicle being leased is thirty-eight thousand five hundred dollars or less at the inception of the lease; or

(ii) The adjusted fair market value of the vehicle being leased is more than thirty-eight thousand five hundred dollars but no more than forty-two thousand five hundred dollars at the inception of the lease and either:

(A) The vehicle's rated battery energy capacity is thirty kilowatt-hours or more; or

(B) The vehicle's driving range on a full battery charge using only battery power is one hundred miles or more.

(d) For leased vehicles for which the lease agreement is signed on or after July 15, 2015, and before July 1, 2016, lease payments are not exempt from sales tax as described under subsection (1)(a) of this section if the adjusted fair market value of the vehicle being leased exceeds thirty-five thousand dollars at the inception of the lease. ~~((For the purposes of this subsection (4)(b), "fair market value" has the same meaning as "value of the article used" in RCW 82.12.010.~~

~~((e))~~ (e) For leased vehicles for which the lease agreement was signed before July ~~((45))~~ 1, 2015, lease payments are exempt from sales tax as described under subsection (1)(a) of this section regardless of the vehicle's adjusted fair market value at the inception of the lease.

(f) The adjusted selling price and adjusted fair market value limits used to determine exemption eligibility in (b)(i), (b)(ii), (c)(i), and (c)(ii) of this subsection are raised by five hundred dollars on January 1st of each calendar year, beginning January 1, 2017. The adjusted selling price and the adjusted fair market value limits used to determine exemption eligibility for a sale or lease under this section are the limits in effect for the calendar year during which the sale is made or the lease agreement is signed. Exemption eligibility for a leased vehicle is determined at the time a lease agreement is signed, and applies to the sale of the leased vehicle by the lessor to the original lessee during or at the end of the lease term, but before July 1, 2019.

(5) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns. For purposes of this section, the first transfer for the calendar quarter after July 15, 2015, must be calculated

assuming only those revenues that should have been deposited into the general fund beginning July 1, 2015.

(6) Lease payments due on or after July 1, 2019, and the purchase of a leased vehicle exempt under this section that is purchased on or after July 1, 2019, are subject to the taxes imposed under this chapter.

(7) For the purposes of this section:

(a) "Adjusted fair market value" has the same meaning as "value of the article used" as defined in RCW 82.12.010 plus the value of any trade-in property of like kind.

(b) "Adjusted selling price" has the same meaning as "selling price" as defined in RCW 82.08.010 plus the value of any trade-in property of like kind.

(8) This section expires July 1, 2019.

**Sec. 7.** RCW 82.12.809 and 2015 3rd sp.s. c 44 s 409 are each amended to read as follows:

(1)(a) Except as provided in subsection (4) of this section, ~~((until July 1, 2019,))~~ the provisions of this chapter do not apply in respect to the use of new passenger cars, light duty trucks, and medium duty passenger vehicles, which ~~((a))~~ (i) are exclusively powered by a clean alternative fuel or ~~((b))~~ (ii) use at least one method of propulsion that is capable of being reenergized by an external source of electricity and are capable of traveling at least thirty miles using only battery power.

(b) Beginning with purchases made or lease agreements signed on or after July 1, 2016, the exemption in this section is only applicable for up to thirty-five thousand dollars of a vehicle's purchase price or the total lease payments made plus the purchase price of the leased vehicle if the original lessee purchases the leased vehicle.

(2) The definitions in RCW 82.08.809 apply to this section.

(3) A taxpayer is not liable for the tax imposed in RCW 82.12.020 on the use, on or after July 1, 2019, of a passenger car, light duty truck, or medium duty passenger vehicle that is exclusively powered by a clean alternative fuel or uses at least one method of propulsion that is capable of being reenergized by an external source of electricity and is capable of traveling at least thirty miles using only battery power, if the taxpayer used such vehicle in this state before July 1, 2019, and the use was exempt under this section from the tax imposed in RCW 82.12.020.

(4)(a) For vehicles identified in subsection (1) of this section purchased on or after July 1, 2016, and before July 1, 2019, or for leased vehicles identified in subsection (1) of this section for which the lease agreement was signed on or after July 1, 2016, and before July 1, 2019, a vehicle is not exempt from use tax as described under subsection (1)(a) of this section unless either of the following applies:

(i) The adjusted fair market value of the vehicle is thirty-eight thousand five hundred dollars or less at the time the tax is imposed for purchased vehicles or at the inception of the lease for leased vehicles; or

(ii) The adjusted fair market value of the vehicle is more than thirty-eight thousand five hundred dollars but no more than forty-two thousand five hundred dollars at the time the tax is imposed for purchased vehicles or at the inception of the lease for leased vehicles and either:

(A) The vehicle's rated battery energy capacity is thirty kilowatt-hours or more; or

(B) The vehicle's driving range on a full battery charge using only battery power is one hundred miles or more.

(b) For vehicles purchased on or after July 15, 2015, and before July 1, 2016, or for leased vehicles for which the lease agreement was signed on or after July 15, 2015, and before July 1, 2016, a vehicle is not exempt from use tax as described under subsection (1) of this section if the adjusted fair market value of the vehicle exceeds thirty-five thousand dollars at the time the tax is imposed for purchased vehicles, or at the inception of the lease for leased vehicles.

~~((b))~~ (c) For leased vehicles for which the lease agreement was signed before July ~~((45))~~ 1, 2015, lease payments are exempt from use tax as described under subsection (1) of this section regardless of the vehicle's adjusted fair market value at the inception of the lease.

(d) The adjusted fair market value limits used to determine exemption eligibility in (a)(i) and (ii) of this subsection are raised by five hundred dollars on January 1st of each calendar year, beginning January 1, 2017. The adjusted fair market value limits used to determine exemption eligibility for a sale or lease under this section are the limits in effect for the calendar year during which the sale is made or the lease agreement is signed. Exemption eligibility for a leased vehicle is determined at the time a lease agreement is signed, and applies to the sale of the leased vehicle by the lessor to the original lessee during or at the end of the lease term, but before July 1, 2019.

(5) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data. For purposes of this section, the first transfer for the calendar quarter after July 15, 2015, must be calculated assuming only those revenues that should have been deposited into the general fund beginning July 1, 2015.

(6) Lease payments due on or after July 1, 2019, and the purchase of a leased vehicle exempt under this section that is purchased on or after July 1, 2019, are subject to the taxes imposed under this chapter.

NEW SECTION. Sec. 8. This act takes effect July 1, 2016."

Correct the title.

Representative Condotta moved the adoption of amendment (784) to amendment (770):

On page 2, line 10, after "up to" strike "thirty-five" and insert "twenty-seven"

On page 2, line 29, after "is" strike "not"

On page 2, beginning on line 30, after "section" strike all material through "more" on line 40

On page 3, beginning on line 4, after "section" strike all material through "more" on line 15 and insert "on the percentage of each lease payment that corresponds to the amount of the total fair market value of the vehicle being leased in excess of twenty-seven thousand dollars at the inception of the lease divided by the total fair market value of the vehicle being leased at the inception of the lease"

On page 3, beginning on line 29, strike all of subsection (f)

On page 4, line 39, after "up to" strike "thirty-five" and insert "twenty-seven"

On page 5, line 19, after "(1)" strike "(a)"

On page 5, beginning on line 19, after "section" strike all material through "more" on line 33 and insert "on the portion of the fair market value of the vehicle in excess of twenty-seven thousand dollars or on the percentage of each lease payment that corresponds to the amount of the total fair market value of the vehicle being leased in excess of twenty-seven thousand dollars at the inception of the lease divided by the total fair market value of the vehicle being leased at the inception of the lease"

On page 6, beginning on line 8, strike all of subsection (d)

Representative Condotta spoke in favor of the adoption of the amendment to the amendment.

Representatives Fey and Orcutt spoke against the adoption of the amendment to the amendment.

Amendment (784) to amendment (770) was not adopted.

Representative Fey moved the adoption of amendment (788) to amendment (770):

On page 5, line 19, after "(1)" strike "(a)"

Representatives Fey and Orcutt spoke in favor of the adoption of the amendment to the amendment.

Amendment (788) to amendment (770) was adopted.

Representatives Fey and Orcutt spoke in favor of the adoption of the amendment as amended.

Representative Condotta spoke against the adoption of the amendment as amended.

Amendment (770), as amended, was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2778.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2778, and the bill passed the House by the following vote: Yeas, 65; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pike, Pollet, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Griffey, Haler, Harris, Hawkins, Holy, Johnson, Klippert, Kretz, Kristiansen, Magendanz, Manweller, McCabe, McCaslin, Nealey, Parker, Reykdal, Schmick, Scott, Shea, Short, Smith, Stokesbary, Taylor, Van Werven, Vick, Walsh and Wilson.

Excused: Representative MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2778, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2441, by Representatives Kirby, Sells and S. Hunt

#### Restricting the social security offset to disability compensation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2441 was substituted for House Bill No. 2441 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2441 was read the second time.

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

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

Representative Manweller spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2441.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2441, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Wilcox, Wilson, Young and Zeiger.

Excused: Representative MacEwen.

SUBSTITUTE HOUSE BILL NO. 2441, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

### HOUSE BILL NO. 1561, by Representatives Hudgins, Scott, Stanford, Magendanz, Ormsby, Smith, S. Hunt and Wylie

#### Concerning the consideration of information technology security matters.

The bill was read the third time.

Representatives Hudgins and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1561.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1561, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes,

Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 1561, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1512, by Representatives Sells, Hayes, Moscoso and Ormsby**

**Encouraging fairness in disciplinary actions of peace officers.**

The bill was read the third time.

Representatives Sells and Manweller spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1512.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 1512, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative MacEwen.

HOUSE BILL NO. 1512, having received the necessary constitutional majority, was declared passed.

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

**SECOND READING**

**HOUSE BILL NO. 2061, by Representatives Short and Kretz**

**Authorizing county legislative authorities to approve certain group B water systems based upon their delivery of water meeting safe drinking water standards.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2061 was substituted for House Bill No. 2061 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2061 was read the second time.

Representative Short moved the adoption of amendment (600):

On page 4, line 17, after "jurisdiction." insert "The county legislative authority must designate at least one county employee as a point of contact for questions, problems, and other issues relating to group B public water systems. The county legislative authority must provide a notice identifying the county's point of contact to a group B public water system owner and operator upon the system's approval under this section, and either party must notify the other if there is a change in ownership, operator, or the county's point of contact."

Representatives Short and Peterson spoke in favor of the adoption of the amendment.

Amendment (600) was adopted.

Representative Short moved the adoption of amendment (671):

On page 4, line 18, after "(3)" insert "Prior to a county's approval of a group B public water system where raw groundwater does not meet water quality standards under this section, the group B public water system must review alternate sources of water and share that review with its owners and the county. The alternative sources that a group B public water system should consider includes, but is not limited to, rainwater collection, truck and storage systems, or other nontraditional conveyance methods. The county legislative authority may require that a group B public water system treat any alternative water sources that it relies upon.

(4)"

Representatives Short and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (671) was adopted.

The bill was ordered engrossed.

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

Representatives Short and Fitzgibbon spoke in favor of the passage of the bill.

Representative Robinson spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2061.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2061, and the bill passed the House by the following vote: Yeas, 70; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Buys, Calder, Chandler, Clibborn, Condotta, DeBolt, Dent, Dye, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hurst, Johnson, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Muri, Nealey, Orcutt, Orwall, Parker, Peterson, Pettigrew, Rodne, Rossetti, Schmick, Scott, Sells, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Appleton, Bergquist, Cody, Dunshee, Farrell, Hudgins, Hunt, Jenkins, Kagi, Kilduff, Kuderer, Moscoso, Ormsby, Ortiz-Self, Pike, Pollet, Reykdal, Riccelli, Robinson, Ryu, Santos, Sawyer, Senn, Taylor, Tharinger, Walkinshaw and Wylie.

Excused: Representative MacEwen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2061, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2928, by Representatives Kretz, Blake, Schmick, Dunshee, Short, Haler, Stanford and Chandler**

**Ensuring that restrictions on outdoor burning for air quality reasons do not impede measures necessary to ensure forest resiliency to catastrophic fires.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2928 was substituted for House Bill No. 2928 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2928 was read the second time.

Representative Kretz moved the adoption of amendment (722):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The department of natural resources shall conduct a forest resiliency burning pilot project. The goal of the pilot project is to monitor and evaluate the benefits of forest resiliency burning and the impacts on ambient air quality. The department of natural resources is responsible for establishing the processes and procedures necessary to administer the pilot project, including the review and approval of qualifying forest resiliency burning proposals.

(2)(a) The department of natural resources must, as the primary focus of the pilot project, arrange with interested third parties to perform forest resiliency burning on land prone to forest or wildland fires in coordination with the following forest health collaboratives as recognized by the United States forest service:

(i) North Central Washington forest health collaborative;

(ii) Northeast Washington forestry collaborative; and

(iii) Tapash sustainable forest collaborative.

(b) The department of natural resources must also coordinate with at least one organized group of public agencies and interested stakeholders whose purpose is to protect, conserve, and expand the safe and responsible use of prescribed fire on the Washington landscape.

(3)(a) The department of natural resources must, as part of the pilot project, approve single day or multiple day forest resiliency burns if the burning is unlikely to significantly contribute to an exceedance of air quality standards established by chapter 70.94 RCW. Once approved, forest resiliency burns spanning multiple days may only be revoked or postponed midway through the duration of the approved burn if necessary for the safety of adjacent property or upon a determination by the department of natural resources or the department of ecology that the burn has significantly contributed to an exceedance of air quality standards under chapter 70.94 RCW.

(b) Approved forest resiliency burning must be initiated no later than twenty-four hours after being approved by the department of natural resources.

(4) Forest resiliency burning, when conducted under the pilot project authorized by this section, is not subject to the outdoor burning restrictions in RCW 70.94.6512 and 70.94.6514.

(5) The implementation of the pilot project authorized in this section is not:

(a) Intended to require the department of natural resources to update the smoke management plan defined in RCW 70.94.6536. However, information obtained through the pilot project's implementation may be used to inform any future updates to the smoke management plan; and

(b) Subject to the provisions of chapter 43.21C RCW.

(6) Forest resiliency burning, and the implementation of the pilot project authorized in this section, must not be conducted at a scale that would require a revision to the state implementation plan under the federal clean air act.

(7) The department of natural resources shall submit a report to the legislature, consistent with RCW

43.01.036, by December 1, 2018. The report must include information and analyses regarding the following elements:

(a) The amount of forest resiliency burns proposed, approved, and conducted;

(b) The quantity and severity of air quality exceedances by pollutant type;

(c) A comparative analysis between the predicted smoke conditions and the actual smoke conditions observed on location by qualified meteorological personnel or trained prescribed burning professionals during the forest resiliency burn; and

(d) Recommendations relating to continuing or expanding forest resiliency burning and creating forest resiliency burning as a new type of outdoor burning permitted by the department of natural resources.

(8) The report to the legislature required by this section may include recommendations for the updating of the smoke management plan defined in RCW 70.94.6536.

(9) For the purposes of this section, "forest resiliency burning" means silvicultural burning carried out under the supervision of qualified silvicultural, ecological, or fire management professionals and used to improve fire dependent ecosystems, mitigate wildfire potential, decrease forest susceptibility to forest insect or disease as defined in RCW 76.06.020, or otherwise enhance forest resiliency to fire.

(10) This section expires July 1, 2019.

**NEW SECTION. Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Kretz and Blake spoke in favor of the adoption of the amendment.

Amendment (722) was adopted.

The bill was ordered engrossed.

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

Representatives Kretz and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2928.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2928, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey,

Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative MacEwen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2928, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2856, by Representatives DeBolt, Tharinger, Van De Wege and Stanford**

**Establishing the office of Chehalis river basin flood risk reduction.**

The bill was read the second time.

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

Representatives DeBolt and Tharinger spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2856.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2856, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler and Taylor.

Excused: Representative MacEwen.

HOUSE BILL NO. 2856, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2388, by Representatives Hudgins, MacEwen, Stanford, Rossetti and Bergquist**

**Concerning theatrical wrestling.**

The bill was read the second time.

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

Representatives Hudgins and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2388.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2388, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Dye, Hargrove, Orcutt, Parker, Taylor and Van Werven.

Excused: Representative MacEwen.

HOUSE BILL NO. 2388, having received the necessary constitutional majority, was declared passed.

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

**INTRODUCTION & FIRST READING**

HB 2985 by Representatives Riccelli, Short, Ormsby, Parker, Holy, Manweller, McCaslin, Tharinger, Peterson, Stanford, Kretz, Magendanz and Moscoso

AN ACT Relating to excluding certain school facilities from the inventory of educational space for determining eligibility for state assistance for common school construction; and amending RCW 28A.525.055.

Referred to Committee on Capital Budget.

HB 2986 by Representatives Santos, Moscoso and Hudgins

AN ACT Relating to health care for Pacific Islanders residing in Washington under a compact of free association; adding a new chapter to Title 43 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2987 by Representatives Wilson, Van Werven, Stambaugh, Kochmar, Hickel, Caldier, Walsh, Dye, Short, Scott, Pike and Muri

AN ACT Relating to providing tax relief to females by exempting feminine hygiene products from retail sales and use tax; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

SSB 5206 by Senate Committee on Ways & Means (originally sponsored by Senators Becker, Miloscia, Bailey, Braun, Padden, Hewitt, Hill, Dammeier, Honeyford and Parlette)

AN ACT Relating to state audit findings of noncompliance with state law; amending RCW 43.09.310; and adding a new section to chapter 43.09 RCW.

Referred to Committee on General Government & Information Technology.

SB 5277 by Senators Kohl-Welles, Darneille, Padden, Pedersen, Fain, Frockt, Keiser, Chase and Fraser

AN ACT Relating to making the crime of patronizing a prostitute a gross misdemeanor; amending RCW 9A.88.110; and prescribing penalties.

Referred to Committee on Public Safety.

2ESSB 5575 by Senate Committee on Ways & Means (originally sponsored by Senators Braun, Honeyford and Hatfield)

AN ACT Relating to providing sales and use tax exemptions, in the form of a remittance of tax paid, to encourage coal-fired electric generation plants or biomass energy facilities to convert to natural gas-fired plants; amending RCW 82.14.050 and 82.14.060; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Technology & Economic Development.

SSB 5583 by Senate Committee on Ways & Means  
(originally sponsored by Senator Dansel)

AN ACT Relating to providing the fish and wildlife commission with the tools necessary to enact changes to the status of a species; amending RCW 77.12.020, 77.04.090, and 77.04.012; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Agriculture & Natural Resources.

ESSB 5635 by Senate Committee on Law & Justice  
(originally sponsored by Senators Pedersen and O'Ban)

AN ACT Relating to the uniform power of attorney act; amending RCW 11.88.080, 11.86.021, 11.88.010, 11.103.030, 30A.22.170, 70.122.130, 71.32.020, 71.32.050, 71.32.060, 71.32.100, 71.32.180, 71.32.200, and 71.32.260; adding a new chapter to Title 11 RCW; creating a new section; and repealing RCW 11.94.010, 11.94.020, 11.94.030, 11.94.040, 11.94.043, 11.94.046, 11.94.050, 11.94.060, 11.94.070, 11.94.080, 11.94.090, 11.94.100, 11.94.110, 11.94.120, 11.94.130, 11.94.140, 11.94.150, 11.94.900, and 11.94.901.

Referred to Committee on Judiciary.

SB 6148 by Senators Warnick, Keiser, Schoesler and Conway

AN ACT Relating to the handling of certain personal property in a self-service storage facility; and amending RCW 19.150.060 and 19.150.160.

Referred to Committee on Business & Financial Services.

SB 6156 by Senators Rivers, Keiser, Frockt, Miloscia, Pedersen, Litzow, O'Ban, Sheldon, Rolfes, Conway, Mullet, Hasegawa and Benton

AN ACT Relating to the medicaid fraud false claims act; and amending RCW 43.131.419 and 43.131.420.

Referred to Committee on Judiciary.

SSB 6210 by Senate Committee on Health Care  
(originally sponsored by Senators Dammeier, O'Ban, Fain, Darneille, Rivers, Becker, Conway and Hargrove)

AN ACT Relating to the creation of the Washington achieving a better life experience program; amending RCW 43.33A.190; reenacting and amending RCW 43.79A.040; adding new sections to chapter 43.330 RCW; and providing an expiration date.

Referred to Committee on Early Learning & Human Services.

SSB 6254 by Senate Committee on Transportation  
(originally sponsored by Senators Sheldon, Bailey, Rivers, Roach, O'Ban, Hill, Becker, Miloscia, Angel, Warnick, Honeyford, Padden, Hobbs, Pearson, Hargrove, Braun, Dammeier, Fain, Parlette, Hewitt, Schoesler, Baumgartner, Ericksen, Rolfes, Conway, Mullet and Chase)

AN ACT Relating to Purple Heart license plates; amending RCW 46.18.280, 46.68.425, and 43.60A.140; reenacting and amending RCW 46.17.220; and providing an effective date.

Referred to Committee on Transportation.

SSB 6261 by Senate Committee on Law & Justice  
(originally sponsored by Senators Padden, Pedersen and Miloscia)

AN ACT Relating to human remains; amending RCW 68.50.050 and 68.50.020; and prescribing penalties.

Referred to Committee on Public Safety.

SB 6262 by Senators O'Ban, Pedersen and Padden

AN ACT Relating to a coroner's warrant authority; amending RCW 36.24.100; and repealing RCW 36.24.110 and 36.24.120.

Referred to Committee on Judiciary.

SSB 6267 by Senate Committee on Law & Justice  
(originally sponsored by Senators Schoesler, Bailey, Warnick, Hobbs, Takko, Padden, Carlyle, Ericksen, Hargrove, Brown, Conway, Honeyford, Keiser, Dansel, Parlette, Hewitt, Pearson, Sheldon and Chase)

AN ACT Relating to notice to the licensee before a concealed pistol license expires; and amending RCW 9.41.070.

Referred to Committee on Judiciary.

SSB 6295 by Senate Committee on Law & Justice  
(originally sponsored by Senators Hasegawa and McCoy)

AN ACT Relating to clarifying the venue in which coroner's inquests are to be convened and payment of related costs; and amending RCW 36.24.020.

Referred to Committee on Judiciary.

SB 6343 by Senators Warnick, Takko, Hobbs and Chase

AN ACT Relating to modifying the powers and duties of the Washington dairy products commission to include research and education related to the economic uses of nutrients produced by dairy farms; and amending RCW 15.44.060.

Referred to Committee on Agriculture & Natural Resources.

SB 6401 by Senators Rolfes and Warnick

AN ACT Relating to recordkeeping requirements of secondary commercial fish receivers; and amending RCW 77.15.568.

Referred to Committee on Agriculture & Natural Resources.

SSB 6463 by Senate Committee on Law & Justice (originally sponsored by Senators Pearson, Darneille, O'Ban, Padden and Dammeier)

AN ACT Relating to luring; amending RCW 9A.40.090; and prescribing penalties.

Referred to Committee on Public Safety.

ESSB 6470 by Senate Committee on Commerce & Labor (originally sponsored by Senators King, Hasegawa, Conway, Keiser, Hewitt, Rivers and Chase)

AN ACT Relating to provisions concerning wineries in respect to the licensing of private collections of wine, allowing wineries to make sales for off-premises consumption at special occasion licensed events, modifying special occasion licenses, and making certain related technical corrections; amending RCW 66.24.380, 66.12.110, 66.12.120, 66.12.240, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.20.210, 66.24.210, 66.28.030, 66.28.035, 66.28.040, and 66.44.350; reenacting and amending RCW 66.24.170 and 66.20.010; and repealing RCW 66.24.440.

Referred to Committee on Commerce & Gaming.

SSB 6483 by Senate Committee on Ways & Means (originally sponsored by Senators Hill, Hobbs, Becker, Hargrove, Bailey, Miloscia, Benton, Braun, Parlette, Angel, Dammeier, Warnick, Litzow, Padden, Rivers, Brown, Dansel, King, Sheldon, Fain and Darneille)

AN ACT Relating to the Dan Thompson memorial developmental disabilities community trust account; and amending RCW 71A.20.170.

Referred to Committee on Capital Budget.

SSB 6558 by Senate Committee on Health Care (originally sponsored by Senators Parlette and Cleveland)

AN ACT Relating to allowing a hospital pharmacy license to include individual practitioner offices and multipractioner clinics owned and operated by a hospital and ensuring such offices and clinics are inspected according to the level of service provided; amending RCW 18.64.043; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health Care & Wellness.

SJM 8019 by Senators Conway, Dammeier, Hobbs, Darneille, King, O'Ban, Roach and Hasegawa

Requesting that a portion of state route number 509 be named the Philip Martin Lelli Memorial Highway.

Referred to Committee on Transportation.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2700  
HOUSE BILL NO. 2746

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

There being no objection, the House adjourned until 9:00 a.m., February 17, 2016, the 38th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## THIRTY EIGHTH DAY

House Chamber, Olympia, Wednesday, February 17, 2016

The House was called to order at 9:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Allison Van De Wege and Mac Stauffacher. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Eric Trout, Open Door Church, Kenmore, Washington.

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

## MESSAGES FROM THE SENATE

February 16, 2016

MR. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5243,  
SENATE BILL NO. 5894,  
SENATE BILL NO. 6169,  
SUBSTITUTE SENATE BILL NO. 6265,  
SUBSTITUTE SENATE BILL NO. 6289,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6293,  
ENGROSSED SENATE BILL NO. 6321,  
ENGROSSED SENATE BILL NO. 6349,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6356,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6426,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6427,  
SENATE BILL NO. 6459,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6525,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6534,  
SUBSTITUTE SENATE BILL NO. 6583,  
ENGROSSED SENATE BILL NO. 6589,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6601,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

February 16, 2016

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5094,  
SENATE BILL NO. 5265,  
SENATE BILL NO. 5271,  
SENATE BILL NO. 5363,  
SUBSTITUTE SENATE BILL NO. 6117,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6149,  
SENATE BILL NO. 6155,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6195,

SENATE BILL NO. 6196,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6242,  
SUBSTITUTE SENATE BILL NO. 6337,  
SUBSTITUTE SENATE BILL NO. 6354,  
SUBSTITUTE SENATE BILL NO. 6409,  
SUBSTITUTE SENATE BILL NO. 6466,  
SENATE BILL NO. 6475,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6513,  
SUBSTITUTE SENATE BILL NO. 6529,  
SENATE BILL NO. 6545,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6564,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6606,  
ENGROSSED SENATE BILL NO. 6617,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

February 16, 2016

MR. SPEAKER:

The Senate has passed:

SENATE BILL NO. 5549,  
SUBSTITUTE SENATE BILL NO. 5640,  
SENATE BILL NO. 5937,  
SENATE BILL NO. 6171,  
SUBSTITUTE SENATE BILL NO. 6238,  
SECOND SUBSTITUTE SENATE BILL NO. 6239,  
SUBSTITUTE SENATE BILL NO. 6286,  
SENATE BILL NO. 6292,  
SUBSTITUTE SENATE BILL NO. 6326,  
SUBSTITUTE SENATE BILL NO. 6327,  
SENATE BILL NO. 6376,  
SUBSTITUTE SENATE BILL NO. 6445,  
SENATE BILL NO. 6488,  
SECOND SUBSTITUTE SENATE BILL NO. 6497,  
SUBSTITUTE SENATE BILL NO. 6498,  
SUBSTITUTE SENATE BILL NO. 6519,  
SENATE BILL NO. 6607,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

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

## INTRODUCTION &amp; FIRST READING

SSB 5597 by Senate Committee on Commerce & Labor (originally sponsored by Senator Roach)

AN ACT Relating to real estate appraisers; and amending RCW 18.140.010 and 18.140.120.

Referred to Committee on Business & Financial Services.

SB 6200 by Senators Hewitt, Rolfes and Benton

AN ACT Relating to providing funding for steelhead conservation through the issuance of Washington's fish license plate collection; amending RCW 46.68.425; reenacting and amending RCW 46.18.200, 46.17.220, and 77.12.170; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

SB 6205 by Senators Pedersen, O'Ban, Frockt and Fain

AN ACT Relating to clarifying when a person is an acquiring person of a target corporation with more than one class of voting stock; and amending RCW 23B.19.020, 23B.19.030, and 23B.19.040.

Referred to Committee on Judiciary.

ESB 6207 by Senators Rivers and Liias

AN ACT Relating to public disclosure of information submitted to the liquor and cannabis board regarding marijuana product traceability and operations; and amending RCW 42.56.270.

Referred to Committee on Commerce & Gaming.

SSB 6283 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Benton, Mullet and Angel)

AN ACT Relating to clarifying, and making department of financial institutions technical regulatory changes to, the securities act of Washington; amending RCW 21.20.040, 21.20.110, 21.20.120, 21.20.140, 21.20.270, 21.20.275, 21.20.280, 21.20.300, 21.20.325, 21.20.340, 21.20.360, 21.20.390, 21.20.710, 21.20.727, and 21.20.883; and reenacting RCW 21.20.400.

Referred to Committee on Business & Financial Services.

SSB 6301 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Benton and Mullet)

AN ACT Relating to employer agreements to reimburse certain employee costs for the use of personal vehicles for business purposes; and reenacting and amending RCW 48.110.015.

Referred to Committee on Business & Financial Services.

SB 6325 by Senators Baumgartner, Ranker and Bailey

AN ACT Relating to aligning the alcohol content definition of cider with the federal definition; and amending RCW 66.24.210.

Referred to Committee on Commerce & Gaming.

SSB 6329 by Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators O'Ban, Conway, Becker, Fain, Cleveland, Dammeier, Keiser, Darneille, Rolfes, Hobbs, Litzow, Angel, McAuliffe, Habib and Jayapal)

AN ACT Relating to creating the parent to parent program for individuals with developmental disabilities; adding new sections to chapter 71A.14 RCW; and creating a new section.

Referred to Committee on Early Learning & Human Services.

SSB 6338 by Senate Committee on Law & Justice (originally sponsored by Senators Padden, Billig and Baumgartner)

AN ACT Relating to the rights of dissenting members of cooperative associations in certain mergers; and amending RCW 23.86.145.

Referred to Committee on Judiciary.

SB 6350 by Senators O'Ban, Padden, Miloscia, Roach, Hewitt, Schoesler and Dammeier

AN ACT Relating to motor vehicle property offenses; amending RCW 9.94A.525 and 9.94A.515; and prescribing penalties.

Referred to Committee on Public Safety.

SSB 6358 by Senate Committee on Transportation (originally sponsored by Senators King and Hobbs)

AN ACT Relating to rail fixed guideway public transportation system safety and security oversight, requiring rule making; amending RCW 81.112.180, 35.21.228, 35A.21.300, 36.01.210, 36.57.120, 36.57A.170, 81.104.015, and 81.104.115; and declaring an emergency.

Referred to Committee on Transportation.

SSB 6408 by Senate Committee on Ways & Means (originally sponsored by Senators Hill, McAuliffe, Litzow, Hobbs, Mullet, Benton, Rolfes, Frockt and Conway)

AN ACT Relating to paraeducators; amending RCW 28A.630.400, 28A.150.203, 28A.410.062, and 28B.50.891; adding a new section to chapter 28A.410 RCW; and creating new sections.

Referred to Committee on Education.

SSB 6411 by Senate Committee on Law & Justice  
(originally sponsored by Senators Angel, Bailey,  
Rivers, Becker, Warnick and Padden)

AN ACT Relating to professional service corporations;  
and amending RCW 18.100.118.

Referred to Committee on Judiciary.

ESB 6413 by Senators Mullet, Benton, Pedersen and  
Frockt

AN ACT Relating to tenant screening, evictions, and  
refunds under the residential landlord-tenant act;  
amending RCW 59.18.257 and 59.18.280; reenacting  
and amending RCW 59.18.030; and adding a new  
section to chapter 59.18 RCW.

Referred to Committee on Judiciary.

SSB 6421 by Senate Committee on Health Care  
(originally sponsored by Senators Ranker, Becker,  
McAuliffe and Mullet)

AN ACT Relating to authorized health care providers  
prescribing epinephrine autoinjectors in the name of  
authorized entities; and adding a new section to chapter  
70.54 RCW.

Referred to Committee on Health Care & Wellness.

SB 6538 by Senators Padden and Pedersen

AN ACT Relating to the superior court judges'  
association; amending RCW 2.16.010 and 9.94A.860;  
and creating a new section.

Referred to Committee on Judiciary.

SJR 8210 by Senators Schoesler, Nelson and Mullet

Amending the Constitution to advance the date for  
completion of the redistricting plan.

Referred to Committee on State Government.

There being no objection, the bills and resolution listed  
on the day's introduction sheet under the fourth order of  
business were referred to the committees so designated.

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

## SECOND READING

**HOUSE BILL NO. 1213, by Representatives Orwall,  
Klippert, MacEwen, Moeller, Hayes, Moscoso, Ormsby,  
Muri, Kilduff and Tarleton**

**Concerning the definition of veteran for the purposes  
of the county veterans assistance fund.**

The bill was read the second time.

There being no objection, Substitute House Bill No.  
1213 was substituted for House Bill No. 1213 and the  
substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1213 was read the  
second time.

With the consent of the house, amendment (619) was  
withdrawn.

Representative Johnson moved the adoption of  
amendment (618):

On page 3, line 15, after "discharge" insert ";

(iv) A former member of the armed forces reserve or  
national guard who was released before their term ended and  
was released with an honorable discharge"

Representatives Johnson and Ryu spoke in favor of the  
adoption of the amendment.

Amendment (618) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Moeller presiding) stated  
the question before the House to be the final passage of  
Engrossed Substitute House Bill No. 1213.

## ROLL CALL

The Clerk called the roll on the final passage of  
Engrossed Substitute House Bill No. 1213, and the bill  
passed the House by the following vote: Yeas, 98; Nays, 0;  
Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis,  
Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody,  
Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey,  
Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler,  
Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes,  
Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi,  
Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen,  
Kuderer, Lytton, MacEwen, Magendanz, Manweller,  
McBride, McCabe, McCaslin, Moeller, Morris, Moscoso,  
Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker,  
Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli,  
Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick,  
Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh,  
Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger,  
Van De Wege, Van Werven, Vick, Walkinshaw, Walsh,  
Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1213, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2390, by Representatives Klippert, Orwall, Zeiger, Kilduff, MacEwen, Johnson, Haler, Chandler, Short, Kretz, Reykdal, Magendanz, Stanford, Muri, McBride, Moscoso and Wilson**

**Concerning the enforcement of employment rights arising from state active duty service by a member of the national guard.**

The bill was read the second time.

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

Representatives Klippert and Ryu spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2390.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2390, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2390, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2534, by Representatives Kilduff, Orwall, Muri, McCabe, Appleton, Zeiger, Frame, McBride, Sells and Bergquist**

**Creating a community care and supportive services program for veterans.**

The bill was read the second time.

Representative Taylor moved the adoption of amendment (617):

On page 3, beginning on line 23, strike all of section 3  
Renumber the remaining sections consecutively and correct any internal references accordingly.  
Correct the title.

Representatives Taylor and Kilduff spoke in favor of the adoption of the amendment.

Amendment (617) was adopted.

The bill was ordered engrossed.

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

Representatives Kilduff and Wilson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2534.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2534, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2534, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1351, by Representatives Blake, Harris, DeBolt and Stanford**

**Concerning license fees for national guard members under Title 77 RCW.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1351 was substituted for House Bill No. 1351 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1351 was read the second time.

There being no objection, the committee amendment by the Committee on General Government & Information Technology was adopted. (For Committee amendment, see Journal, Day 30, February 9, 2016).

The bill was ordered engrossed.

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

Representatives Blake and Buys spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Harris, Representative Klippert was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1351.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1351, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Klippert.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1351, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2496, by Representatives Kilduff, Muri, Shea, Orwall, Klippert, Hayes, Sawyer, Hansen, Rodne, Haler, Goodman, Jinkins, Kuderer, Appleton, Zeiger, Frame, Rossetti, Magendanz, Wilson, McBride, Ormsby, Bergquist, Gregerson, Sells, Stanford and Scott**

**Concerning pro bono legal services for military service members, veterans, and their families.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2496 was substituted for House Bill No. 2496 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2496 was read the second time.

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

Representatives Kilduff and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2496.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2496, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2496, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2679, by Representatives Morris and Stanford**

**Consolidating the duties, powers, missions, functions, and funds of the life sciences discovery fund authority and the cancer research endowment authority within a center of excellence for life sciences and cancer research.**

The bill was read the second time.

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

Representatives Morris and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2679.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2679, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, DeBolt, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Dent, Harmsworth, MacEwen, McCaslin, Scott, Shea and Taylor.

HOUSE BILL NO. 2679, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2884, by Representatives Clibborn, Fey and Moscoso

#### Modifying the business and occupation tax and public utility tax credits for alternative fuel commercial vehicles.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2884 was substituted for House Bill No. 2884 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2884 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2884.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2884, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2884, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2674, by Representatives Jinkins, Rodne, Kilduff, Reykdal and Fey

#### Concerning filing fee surcharges for funding dispute resolution centers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2674 was substituted for House Bill No. 2674 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2674 was read the second time.

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

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

Representative Manweller spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2674.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2674, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dent, Dunshee, Farrell, Fey,

Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Johnson, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Parker, Pike, Schmick, Scott, Shea, Short, Smith, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson and Young.

SUBSTITUTE HOUSE BILL NO. 2674, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2871, by Representatives Cody, Harris, Schmick, Tharinger, Kagi, Ortiz-Self and Ormsby**

**Creating a task force on high patient out-of-pocket costs.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2871 was substituted for House Bill No. 2871 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2871 was read the second time.

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

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2871.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2871, and the bill passed the House by the following vote: Yeas, 83; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker,

Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Dye, Griffey, Hayes, Holy, MacEwen, McCaslin, Pike, Scott, Shea, Taylor, Van Werven, Vick and Young.

SUBSTITUTE HOUSE BILL NO. 2871, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2700, by Representatives Goodman, Klippert, Orwall, Hayes, Kuderer, Pettigrew, Muri, Ortiz-Self and Kilduff**

**Concerning impaired driving.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2700 was substituted for House Bill No. 2700 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2700 was read the second time.

With the consent of the house, amendment (711) was withdrawn.

Representative Shea moved the adoption of amendment (806):

On page 4, line 23, after "~~subsection.~~" insert ") After fifteen years from the date of conviction or adjudication, the director shall destroy all records of the conviction if the offense was originally charged as one of the offenses designated in (a) of this subsection and the court entered written findings of fact and conclusions of law holding that the person was not intoxicated by liquor, marijuana, or a controlled substance under chapter 69.50 RCW unless the person had a valid prescription for such drug."

On page 4, at the beginning of line 24, strike "(e))" and insert "(c)"

Representatives Shea and Goodman spoke in favor of the adoption of the amendment.

Amendment (806) was adopted.

Representative Klippert moved the adoption of amendment (748):

~~Beginning on page 42, line 37, strike all of section 17 and insert the following:~~

~~"Sec. 17. RCW 46.61.5055 and 2015 2nd sp.s. e-3 s-9 are each amended to read as follows:~~

~~(1) No prior offenses in seven years. Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person~~

who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

**(a) Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than three hundred sixty-four days. Twenty-four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring or a ninety-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

**(b) Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than three hundred sixty-four days. Forty-eight consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring or a one hundred twenty-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also

require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

**(2) One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

**(a) Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. In lieu of the mandatory minimum term of sixty days electronic home monitoring, the court may order at least an additional four days in jail or, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and the court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

**(b) Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. In lieu of the mandatory minimum term of ninety days electronic home monitoring, the court may order at least an additional six days in jail or, if available in that county or city, a six-

month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and the court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

**(3) Two or three prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or three prior offenses within seven years shall be punished as follows:

**(a) Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty four days, if available in that county or city, a six month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred twenty days of electronic home monitoring, the court may order at least an additional eight days in jail. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

**(b) Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty four days, if available in that county or city, a six month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred fifty days of electronic home monitoring, the court may order at least an additional ten days in jail. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

**(4) Four or more prior offenses in ten years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has four or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out of state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

**(5) Monitoring.**

**(a) Ignition interlock device.** The court shall require any person convicted of a violation of RCW

46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) ~~(Ignition interlock device substituted for)~~ **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional six months;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment and a fine of not less than one thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment and a fine of not less than two thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two or three prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment and a fine of not less than three thousand dollars and not more than ten thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting

penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety-day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty-day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day for day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day for day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

**(10) Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

**(11) Conditions of probation.** (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to

believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720(((3))). The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

**(12) Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty four days.

**(13) Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be

granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9A.94A.728(1)(c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

- (a) A "prior offense" means any of the following:
  - (i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;
  - (ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;
  - (iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;
  - (iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;
  - (v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;
  - (vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;
  - (vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;
  - (viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;
  - (ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;
  - (x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;
  - (xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;
  - (xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;
  - (xiii) An out of state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;
  - (xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;
  - (xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW

46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out of state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means alcohol or drug treatment approved by the department of social and health services;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only."

Representatives Klippert and Goodman spoke in favor of the adoption of the amendment.

Amendment (748) was adopted.

The bill was ordered engrossed.

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

Representatives Goodman, Klippert and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2700.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2700, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey,

Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2698, by Representatives Lytton, Magendanz, Sullivan, Ortiz-Self, Reykdal, Rossetti, Senn, Sawyer, S. Hunt and Pollet**

**Delaying implementation of revisions to the school levy lid and local effort assistance.**

The bill was read the second time.

Representative Lytton moved the adoption of amendment (739):

On page 10, after line 7, insert the following:

"**NEW SECTION. Sec. 10.** A new section is added to chapter 28A.500 to read as follows:

The local effort assistance transition account is created in the state treasury. Expenditures from the account may be made only for the local effort assistance program in this chapter during the 2017-19 fiscal biennium as the state transitions to full funding of its statutory program of basic education. Moneys in the account may be spent only pursuant to appropriation."

Renumber remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Lytton and Magendanz spoke in favor of the adoption of the amendment.

Amendment (739) was adopted.

The bill was ordered engrossed.

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

Representatives Lytton and Magendanz spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2698.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2698, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, DeBolt, McCaslin, Orcutt, Scott, Shea and Taylor.

ENGROSSED HOUSE BILL NO. 2698, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2023, by Representatives Parker, Lytton, Magendanz, Riccelli, Ormsby, Fagan and Santos**

**Changing the deadline for notices of nonrenewal of contracts for certificated school employees.**

The bill was read the second time.

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

Representatives Parker and Ortiz-Self spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2023.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2023, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes,

Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2023, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2573, by Representatives Santos, Magendanz, Kilduff, Reykdal, Rossetti, Muri, Pollet and Hickel**

**Concerning the shortage of public school teachers and substitute teachers.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2573 was substituted for House Bill No. 2573 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2573 was read the second time.

With the consent of the house, amendments (713), (712), (714) and (690) were withdrawn.

Representative Springer moved the adoption of amendment (731):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 18.** A new section is added to chapter 28A.300 RCW to read as follows:

Subject to an appropriation specifically provided for this purpose, the superintendent of public instruction, in consultation with school district and educational service district personnel, shall develop and implement a comprehensive, statewide initiative to increase the number of qualified individuals who apply for teaching positions in Washington. In developing and implementing the initiative, the superintendent shall:

(1) Include a teacher recruitment component that targets groups of individuals who may be interested in teaching in Washington public schools, such as: College students who have not chosen a major; out-of-state teachers; military personnel and their spouses; and individuals with teaching certificates who are not currently employed as teachers;

(2) Contract for the development of a statewide system to provide recruitment and hiring services, including a centralized hiring portal, to school districts, and

a statewide central depository for applications of individuals interested in applying for certificated positions that can be accessed by school districts in the state for purposes of hiring teachers and other certificated positions. The services and tools developed under this subsection must be made available initially to small school districts, and to larger districts as resources are available. When defining small districts for the purpose of this subsection, the office of the superintendent of public instruction must consider whether a district has fewer than three hundred certificated staff;

(3) Create or enhance an existing web site that provides useful information to individuals who are interested in teaching in Washington; and

(4) Take other actions to increase the number of qualified individuals who apply for teaching positions in Washington.

**NEW SECTION. Sec. 19.** (1) Subject to an appropriation specifically provided for this purpose, the workforce training and education coordinating board, in collaboration with the professional educator standards board, shall work with the student achievement council, the office of the superintendent of public instruction, school districts, educational service districts, the state board for community and technical colleges, the institutions of higher education, major employers, and other parties to develop and disseminate information designed to increase recruitment into professional educator standards board-approved teacher preparation programs. The information must be disseminated statewide through existing channels.

(2) This section expires July 1, 2019.

**NEW SECTION. Sec. 20.** (1) Subject to an appropriation specifically provided for this purpose, the professional educator standards board shall create and administer the recruitment specialists grant program to provide funds to professional educator standards board-approved teacher preparation programs to hire, or contract with, recruitment specialists that focus on recruitment of individuals who are from traditionally underrepresented groups among teachers in Washington when compared to the common school population.

(2) This section expires July 1, 2018.

**Sec. 21.** RCW 28A.410.250 and 2005 c 498 s 2 are each amended to read as follows:

The agency responsible for educator certification shall adopt rules for professional certification that:

(1) Provide maximum program choice for applicants, promote portability among programs, and promote maximum efficiency for applicants in attaining professional certification;

(2) Require professional certification no earlier than the fifth year following the year that the teacher first completes provisional status, with an automatic two-year extension upon enrollment;

(3) Grant professional certification to any teacher who attains certification from the national board for professional teaching standards;

(4) Permit any teacher currently enrolled in or participating in a program leading to professional certification to continue the program under administrative rules in place when the teacher began the program;

(5) Provide criteria for the approval of educational service districts, beginning no later than August 31, 2007, to offer programs leading to professional certification. The rules shall be written to encourage institutions of higher education and educational service districts to partner with local school districts or consortia of school districts, as appropriate, to provide instruction for teachers seeking professional certification;

(6) Encourage institutions of higher education to offer professional certificate coursework as continuing education credit hours. This shall not prevent an institution of higher education from providing the option of including the professional certification requirements as part of a master's degree program;

(7) Provide criteria for a liaison relationship between approved programs and school districts in which applicants are employed;

(8) Identify an expedited professional certification process for out-of-state teachers who have five years or more of successful teaching experience ~~((to demonstrate skills and impact on student learning commensurate with Washington requirements for professional certification. The rules may require these teachers, within one year of the time they begin to teach in the state's public schools, take a course in or show evidence that they can teach to the state's essential academic learning requirements)), including a method to determine the comparability of rigor between the Washington professional certification process and the second-level teacher certification process of other states. A professional certificate must be issued to these experienced out-of-state teachers if the teacher holds: (a) A valid teaching certificate issued by the national board for professional teaching standards; or (b) a second-level teacher certificate from another state that has been determined to be comparable to the Washington professional certificate; and~~

(9) Identify an evaluation process of approved programs that includes a review of the program coursework and applicant coursework load requirements, linkages of programs to individual teacher professional growth plans, linkages to school district and school improvement plans, and, to the extent possible, linkages to school district professional enrichment and growth programs for teachers, where such programs are in place in school districts. The agency shall provide a preliminary report on the evaluation process to the senate and house of representatives committees on education policy by November 1, 2005. The board shall identify:

(a) A process for awarding conditional approval of a program that shall include annual evaluations of the program until the program is awarded full approval;

(b) A less intensive evaluation cycle every three years once a program receives full approval unless the responsible agency has reason to intensify the evaluation;

(c) A method for investigating programs that have received numerous complaints from students enrolled in the program and from those recently completing the program;

(d) A method for investigating programs at the reasonable discretion of the agency; and

(e) A method for using, in the evaluation, both program completer satisfaction responses and data on the impact of educators who have obtained professional certification on student work and achievement.

**NEW SECTION. Sec. 22.** A new section is added to chapter 41.32 RCW under the subchapter heading "provisions applicable to plan 2 and plan 3" to be codified between RCW 41.32.067 and 41.32.215 to read as follows:

In addition to the postretirement employment options available in RCW 41.32.802 or 41.32.862, and only until August 1, 2020, a teacher in plan 2 or plan 3 who has retired under the alternate early retirement provisions of RCW 41.32.765(3)(b) or 41.32.875(3)(b) may be employed with an employer that has documented a shortage of certificated substitute teachers for up to six hundred thirty hours per school year without suspension of the retiree's benefit if: (1) The retired teacher reenters employment more than one calendar month after his or her accrual date and after the effective date of this section, (2) the retired teacher is employed exclusively as a mentor to teachers or an adviser to students in professional educator standards board-approved teacher preparation programs, and (3) the retired teacher has received appropriate training as defined by the office of the superintendent of public instruction, such as national board certification or other specialized training.

**NEW SECTION. Sec. 23.** (1) Subject to an appropriation specifically provided for this purpose, the professional educator standards board shall coordinate meetings between the school districts that do not have professional educator standards board-approved alternate route teacher certification programs and the nearest public or private institution of higher education with a professional educator standards board-approved teacher preparation program. The purpose of the meetings is to determine whether the districts and institutions can partner to apply to the professional educator standards board to operate an alternate route teacher certification program.

(2) Subject to an appropriation specifically provided for this purpose, an institution of higher education as defined in RCW 28B.10.016 that does not operate a professional educator standards board-approved alternative route teacher certification program must seek approval from the professional educator standards board to offer an alternate route teacher certification program by submitting the proposal developed under RCW 28A.410.290, or an updated version of the proposal, by September 1, 2016. If approved, the institution of higher education must implement an alternate route teacher certification program according to a timeline suggested by the professional educator standards board.

(3) This section expires July 1, 2017.

**NEW SECTION. Sec. 24.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) By July 1, 2018, each institution of higher education with a professional educator standards board-approved alternate route teacher certification program must develop a plan describing how the institution of higher education will partner with school districts in the general geographic region of the school, or where its programs are offered, regarding placement of resident teachers. The plans must be developed in collaboration with school districts desiring to partner with the institutions of higher education, and may include use of unexpended federal or state funds to support residencies and mentoring for students who are likely to continue teaching in the district in which they have a supervised student teaching residency.

(2) The plans required under subsection (1) of this section must be updated at least biennially.

**Sec. 25.** RCW 28A.415.265 and 2013 2nd sp.s. c 18 s 401 are each amended to read as follows:

(1) For the purposes of this section, a mentor is an educator who has achieved appropriate training in assisting, coaching, and advising beginning teachers or student teaching residents as defined by the office of the superintendent of public instruction, such as national board certification or other specialized training.

(2)(a) The educator support program is established to provide professional development and mentor support for beginning educators, candidates in alternate route teacher programs under RCW 28A.660.040, and educators on probation under RCW 28A.405.100, to be composed of the beginning educator support team for beginning educators and continuous improvement coaching for educators on probation, as provided in this section.

~~((2)(a))~~ (b) The superintendent of public instruction shall notify school districts about the educator support program and encourage districts to apply for program funds.

(3) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction shall allocate funds for the beginning educator support team on a competitive basis to individual school districts or consortia of districts. School districts are encouraged to include educational service districts in creating regional consortia. In allocating funds, the office of the superintendent of public instruction shall give priority to:

(a) School districts with low-performing schools identified under RCW 28A.657.020 as being challenged schools in need of improvement; and

(b) School districts with a large influx of beginning classroom teachers.

(4) A portion of the appropriated funds may be used for program coordination and provision of statewide or regional professional development through the office of the superintendent of public instruction.

~~((4))~~ (5) A beginning educator support team must include the following components:

~~((4))~~ (a) A paid orientation or individualized assistance before the start of the school year for beginning educators;

~~((4))~~ (b) Assignment of a trained and qualified mentor for the first three years for beginning educators, with intensive support in the first year and decreasing support over the following years depending on the needs of the beginning educator;

~~((4))~~ (c) A goal to provide beginning teachers from underrepresented populations with a mentor who has strong ties to underrepresented populations;

(d) Professional development for beginning educators that is designed to meet their unique needs for supplemental training and skill development;

~~((4))~~ (e) Professional development for mentors;

~~((4))~~ (f) Release time for mentors and their designated educators to work together, as well as time for educators to observe accomplished peers; and

~~((4))~~ (g) A program evaluation using a standard evaluation tool provided from the office of the superintendent of public instruction that measures increased knowledge, skills, and positive impact on student learning for program participants.

~~((3))~~ (6) Subject to funds separately appropriated for this specific purpose, the beginning educator support team components under subsection ~~((2))~~ (3) of this section may be provided for continuous improvement coaching to support educators on probation under RCW 28A.405.100.

**NEW SECTION. Sec. 26.** (1) In fiscal year 2017, the office of the superintendent of public instruction, in collaboration with the professional educator standards board and institutions of higher education with professional educator standards board-approved teacher preparation programs, shall develop mentor training program goals for the institutions to use in their teacher preparation program curricula.

(2) Once the mentor training program goals are developed as required under subsection (1) of this section, the institutions of higher education with professional educator standards board-approved teacher preparation programs are encouraged to develop and implement curricula that meet the mentor training program goals.

(3) This section expires July 1, 2019.

**NEW SECTION. Sec. 27.** A new section is added to chapter 28A.330 RCW to read as follows:

By June 15th of each year, a school district shall report to the office of the superintendent of public instruction the number of classroom teachers the district projects will be hired in the following school year.

**Sec. 28.** RCW 28A.660.050 and 2015 3rd sp.s. c 9 s 2 are each amended to read as follows:

Subject to the availability of amounts appropriated for these purposes, the conditional scholarship programs in this chapter are created under the following guidelines:

(1) The programs shall be administered by the student achievement council. In administering the programs, the council has the following powers and duties:

(a) To adopt necessary rules and develop guidelines to administer the programs;

(b) To collect and manage repayments from participants who do not meet their service obligations; and

(c) To accept grants and donations from public and private sources for the programs.

(2) Requirements for participation in the conditional scholarship programs are as provided in this subsection (2).

(a) The alternative route conditional scholarship program is limited to interns of professional educator standards board-approved alternative routes to teaching programs under RCW 28A.660.040. For fiscal year 2011, priority must be given to fiscal year 2010 participants in the alternative route partnership program. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment in alternative certification routes through a professional educator standards board-approved program;

(ii) Continue to make satisfactory progress toward completion of the alternative route certification program and receipt of a residency teaching certificate; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed eight thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The council may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(b) The pipeline for paraeducators conditional scholarship program is limited to qualified paraeducators as provided by RCW 28A.660.042. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment at a community and technical college for no more than two years and attain an associate of arts degree;

(ii) Continue to make satisfactory progress toward completion of an associate of arts degree. This progress requirement is a condition for eligibility into a route one program of the alternative routes to teacher certification program for a mathematics, special education, or English as a second language endorsement; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed four thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The student achievement council may adjust the annual award by the average rate of tuition and fee increases at the state community and technical colleges.

(c) The educator retooling conditional scholarship program is limited to current K-12 teachers. In order to receive conditional scholarship awards:

(i) Individuals currently employed as teachers shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to((?)) mathematics, science, special education, elementary education, early childhood education, bilingual education, English language learner, computer science education, or environmental and sustainability education; or

(ii) Individuals who are certificated with an elementary education endorsement shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to((?)) mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education; and

(iii) Individuals shall use one of the pathways to endorsement processes to receive an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to((?)) mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education, which shall include passing an endorsement test plus observation and completing applicable coursework to attain the proper endorsement; and

(iv) Individuals shall receive no more than the annual amount of the scholarship, not to exceed three thousand dollars, for the cost of tuition, test fees, and educational expenses, including books, supplies, and transportation for the endorsement pathway being pursued.

(3) The Washington professional educator standards board shall select individuals to receive conditional scholarships. In selecting recipients, preference shall be given to eligible veterans or national guard members. In awarding conditional scholarships to support additional bilingual education or English language learner endorsements, the board shall also give preference to teachers assigned to schools required under state or federal accountability measures to implement a plan for improvement, and to teachers assigned to schools whose enrollment of English language learner students has increased an average of more than five percent per year over the previous three years.

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients who fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The student achievement council shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) The student achievement council may deposit all appropriations, collections, and any other funds received for the program in this chapter in the future teachers conditional scholarship account authorized in RCW 28B.102.080.

**NEW SECTION. Sec. 29.** A new section is added to chapter 28B.102 RCW to read as follows:

(1) Subject to an appropriation specifically provided for this purpose, the office shall develop and administer the teacher shortage conditional grant program as a subprogram within the future teachers conditional scholarship and loan repayment program. The purpose of the teacher shortage conditional grant program is to encourage individuals to become teachers by providing financial aid to individuals enrolled in professional educator standards-approved teacher preparation programs.

(2) The office has the power and duty to develop and adopt rules as necessary under chapter 34.05 RCW to administer the program described in this section.

(3) As part of the rule-making process under subsection (2) of this section, the office must collaborate with the professional educator standards board, the Washington state school directors' association, and the professional educator standards board-approved teacher preparation programs to develop a framework for the teacher shortage conditional grant program, including eligibility requirements, contractual obligations, conditional grant amounts, and loan repayment requirements.

(4)(a) In developing the eligibility requirements, the office must consider: Whether the individual has a financial need, is a first-generation college student, or is from a traditionally underrepresented group among teachers in Washington; whether the individual is completing an alternate route to teacher certification program; whether the individual plans to obtain an endorsement in a hard-to-fill subject, as defined by the professional educator standards board; the characteristic of any geographic shortage area, as defined by the professional educator standards board, that the individual plans to teach in; and whether a school district has committed to offering the individual employment once the individual obtains a residency teacher certificate.

(b) In developing the contractual obligations, the office must consider requiring the individual to: Obtain a Washington state residency teacher certificate; teach in a subject or geographic endorsement shortage area, as defined by the professional educator standards board; and commit to teach for five school years in an approved education program with a need for a teacher with such an endorsement at the time of hire.

(c) In developing the conditional grant award amounts, the office must consider whether the individual is: Enrolled in a public or private institution of higher education, a resident, in a baccalaureate or postbaccalaureate program, or in an alternate route to teacher certification program. In addition, the award amounts must not result in a reduction of the individual's federal or state grant aid, including Pell grants, state need grants, college bound scholarships, or opportunity scholarships.

(d) In developing the repayment requirements for a conditional grant that is converted into a loan, the terms and conditions of the loan must follow the interest rate and repayment terms of the federal direct subsidized loan program. In addition, the office must consider the following repayment schedule:

(i) For less than one school year of teaching completed, the loan obligation is eighty-five percent of the conditional grant the student received, plus interest and an equalization fee;

(ii) For less than two school years of teaching completed, the loan obligation is seventy percent of the conditional grant the student received, plus interest and an equalization fee;

(iii) For less than three school years of teaching completed, the loan obligation is fifty-five percent of the conditional grant the student received, plus interest and an equalization fee; and

(iv) For less than four school years of teaching completed, the loan obligation is forty percent of the conditional grant the student received, plus interest and an equalization fee.

(5) By November 1, 2018, and November 1, 2020, the office shall submit reports, in accordance with RCW 43.01.036, to the appropriate committees of the legislature that recommend whether the teacher shortage conditional grant program under this section should be continued, modified, or terminated, and that include information about the recipients of the grants under this program.

**NEW SECTION. Sec. 30.** A new section is added to chapter 28B.76 RCW to read as follows:

(1) Subject to funds appropriated specifically for this purpose, the office shall administer a student teaching residency grant program to provide additional funds to individuals completing student teaching residencies at public schools in Washington.

(2) To qualify for the grant, recipients must be enrolled in a professional educator standards board-approved alternate route to teacher certification program, be completing or about to start a student teaching residency at a Title I school, and demonstrate financial need, as defined by the office and consistent with the income criteria required to receive the state need grant established in chapter 28B.92 RCW.

(3) The office shall establish rules for administering the grants under this section."

Correct the title.

Representative Ortiz-Self moved the adoption of amendment (743) to amendment (731):

On page 12, line 37 of the striking amendment, after "board-approved" strike "alternate route to teacher certification" and insert "teacher preparation"

Representatives Ortiz-Self and Magendanz spoke in favor of the adoption of the amendment to the amendment.

Amendment (743) to amendment (731) was adopted.

Representatives Springer and Magendanz spoke in favor of the adoption of the amendment as amended.

Amendment (731), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Springer, Magendanz, Pollet, Ortiz-Self and Johnson spoke in favor of the passage of the bill.

Representative Scott spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2573.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2573, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, McCaslin, Scott, Shea and Taylor.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2573, having received the necessary constitutional majority, was declared passed.

#### SECOND READING SUSPENSION

**HOUSE BILL NO. 1111, by Representatives Kilduff, Stokesbary, Walkinshaw, Goodman, Gregerson, Jinkins, Muri, Rodne and Moeller**

##### Concerning court transcripts.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1111 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1111.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1111, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1111, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2371, by Representatives Kuderer, Magendanz, Hudgins, McBride, Goodman, Senn, Jinkins, Appleton and Kilduff**

**Requiring a court that consults the judicial information system in order to render a decision to file a copy of the information used in the court file upon request of a party.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kuderer and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2371.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2371, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody,

Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2371, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2403, by Representatives Kochmar, Senn, Griffey, Appleton, Walsh, Wylie, Scott, Ryu, McCabe, Stambaugh, Short, Magendanz, Caldier, Hickel, Wilson, Zeiger, Muri, Kilduff and McBride**

**Concerning Down syndrome resources.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kochmar, Senn and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2403.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2403, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

HOUSE BILL NO. 2403, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2413, by Representatives Dent, Tarleton, Dye, Gregerson, Griffey, Hargrove, Klippert, Pike, Muri, Condotta and McBride**

**Concerning aircraft registration simplification and fairness.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2413 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2413.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2413, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2413, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2425, by Representatives Kuderer, Schmick, S. Hunt, Chandler, Goodman, Rodne, Kilduff, Manweller and Jinkins**

**Concerning massage therapists.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2425 was read the second time.

The bill was placed on final passage.

Representatives Kuderer and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2425.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2425, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives DeBolt, Smith and Taylor.

SUBSTITUTE HOUSE BILL NO. 2425, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Orwall to preside.

### SECOND READING

#### HOUSE BILL NO. 2342, by Representative Hurst

**Concerning performance of personal services by members of the liquor industry to retailers.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2342 was substituted for House Bill No. 2342 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2342 was read the second time.

With the consent of the house, amendments (796) and (738) were withdrawn.

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

Representatives Hurst and Appleton spoke in favor of the passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2342.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2342, and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 1; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Absent: Representative Caldier

SUBSTITUTE HOUSE BILL NO. 2342, having received the necessary constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 2342 passed the House.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2342 on reconsideration.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2342 on reconsideration, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self,

Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

SUBSTITUTE HOUSE BILL NO. 2342, on reconsideration, having received the necessary constitutional majority, was declared passed.

### SECOND READING SUSPENSION

**HOUSE BILL NO. 2300, by Representatives Moeller, S. Hunt, Caldier, Appleton, Jinkins and Tharinger**

**Protecting the personal information of a person acting as a guardian ad litem.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2300 was read the second time.

The bill was placed on final passage.

Representatives Moeller and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2300.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2300, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De

Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler and Taylor.

SUBSTITUTE HOUSE BILL NO. 2300, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2359, by Representatives Goodman and Jinkins**

**Updating obsolete provisions and making technical corrections.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2359 was read the second time.

With the consent of the house, amendment (698) was withdrawn.

The bill was placed on final passage.

Representatives Goodman and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2359.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2359, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2359, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2435, by Representatives Hudgins, S. Hunt, Tarleton, Stanford, McBride and Bergquist**

**Enhancing election reconciliation reports.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2435 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2435.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2435, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2435, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2507, by Representatives Klippert, Blake, Walsh, Tharinger, Haler, Ormsby, Van De Wege, Nealey and Wilson****Clarifying reimbursement for employees who are victims of offender assaults.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2507.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2507, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2507, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2522, by Representatives Wylie and Kilduff****Establishing crimes related to minors entering, remaining in, or being served by a marijuana retail outlet.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Wylie, Condotta and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2522.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2522, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen,

Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2522, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2526, by Representatives McCaslin, Blake, Buys, Muri, Griffey, Goodman, Hargrove, Reykdal, Gregerson, Klippert, Kilduff, Hayes, Van De Wege, Shea and Stanford**

**Reducing the number of days that a person must maintain a permanent place of abode in Washington before qualifying as a state resident for the purposes of Title 77 RCW.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives McCaslin and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2526.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2526, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2526, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2936, by Representatives Senn and Chandler**

**Concerning public investments.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2936 was read the second time.

The bill was placed on final passage.

Representatives Senn and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2936.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2936, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Dye.

SUBSTITUTE HOUSE BILL NO. 2936, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Rules was relieved of ENGROSSED HOUSE BILL NO. 2745 and the bill was placed on the second reading calendar:

There being no objection, the Committee on Rules was relieved of ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754 and the bill was placed on the third reading calendar:

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

## SECOND READING SUSPENSION

### **HOUSE BILL NO. 2443, by Representatives Sells and Kilduff**

**Concerning the compliance of certain conversion vending units and medical units with certain department of labor and industries requirements.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2443 was read the second time.

The bill was placed on final passage.

Representatives Sells and Manweller spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2443.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2443, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

SUBSTITUTE HOUSE BILL NO. 2443, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2444, by Representatives Manweller, Sells and Kilduff**

**Eliminating the reference to the standard industrial classification system in the worker and community right to know fund.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Manweller and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2444.

## ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2444, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2444, having received the necessary constitutional majority, was declared passed.

### **HOUSE BILL NO. 2448, by Representatives Robinson, Harris and Stanford**

**Concerning the practice of certain East Asian medicine therapies.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2448 was read the second time.

The bill was placed on final passage.

Representatives Robinson and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2448.

## ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2448, and the bill passed the

House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler and Taylor.

SUBSTITUTE HOUSE BILL NO. 2448, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2462, by Representatives Kilduff, Goodman and Rodne**

**Concerning surrender of person under surety's bond.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kilduff and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2462.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2462, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh,

Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2462, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2476, by Representatives Johnson, Santos, Magendanz, Chandler, S. Hunt, DeBolt, Blake, McCabe, Reykdal, Tharinger, Dent, Hawkins, Rossetti, Muri, Haler and Hargrove**

**Concerning waivers from the one hundred eighty-day school year requirement.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Johnson and Ortiz-Self spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2476.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2476, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2476, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2493, by Representatives Smith and Tharinger**

**Extending the expiration date of the habitat and recreation lands coordinating group.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2493.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2493, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2493, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 2512, by Representatives Clibborn and Orcutt

##### Concerning the retention and maintenance of auto dealer and repair facility records.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2512.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2512, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2512, having received the necessary constitutional majority, was declared passed.

#### HOUSE BILL NO. 2520, by Representative Wylie

##### Concerning the sale of marijuana to regulated cooperatives.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Wylie and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2520.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2520, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives DeBolt, Dye, Haler, Klippert and Taylor.

HOUSE BILL NO. 2520, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2521, by Representatives Wylie and Condotta**

**Allowing for proper disposal of unsellable marijuana by a licensed marijuana retail outlet.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Wylie and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2521.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2521, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2521, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2580, by Representatives Cody, Rodne, Robinson, Johnson and Jinkins**

**Establishing a public registry for the transparency of blood establishments.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2580 was read the second time.

The bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2580.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2580, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2580, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2599, by Representatives Orcutt, Clibborn, Moscoso, Harmsworth, Tarleton, Zeiger, Hayes, Hargrove, Rossetti, McBride and Wilson**

**Authorizing the freight mobility strategic investment board to remove funding allocation for projects after a certain number of years without construction occurring.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2599.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2599, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2599, having received the necessary constitutional majority, was declared passed.

## SECOND READING

**HOUSE BILL NO. 2746, by Representatives Walkinshaw, Walsh, Kagi, Senn, Frame, Kilduff, Sawyer, McBride, Goodman, Ormsby and Tarleton**

**Concerning mental health and chemical dependency treatment for juvenile offenders.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2746 was substituted for House Bill No. 2746 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2746 was read the second time.

Representative Walkinshaw moved the adoption of amendment (805):

On page 2, line 34, after "professional" insert "and a funded bed is available"

On page 18, line 27, after "section")) insert "The court shall only order inpatient treatment under this section if a funded bed is available."

Representatives Walkinshaw and Walsh spoke in favor of the adoption of the amendment.

Amendment (805) was adopted.

The bill was ordered engrossed.

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

Representatives Walkinshaw and Walsh spoke in favor of the passage of the bill.

## MOTION

On motion of Representative Van De Wege, Representative Ortiz-Self was excused.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2746.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2746, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, McCaslin, Shea and Taylor.

Excused: Representative Ortiz-Self.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2746, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2578, by Representatives Jinkins, Manweller, Gregerson, McCabe, G. Hunt, Tharinger, Rossetti and Zeiger**

**Addressing job search requirements for unemployment compensation claimants.**

The bill was read the second time.

Representative Manweller moved the adoption of amendment (804):

On page 1, beginning on line 21, after "individual" strike "who has received five or more weeks of benefits under this title" and insert "~~((who has received five or more weeks of benefits under this title))~~"

On page 2, line 4, after "week" strike "beyond five" and insert "~~((beyond five))~~"

Representative Manweller spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (804) was not adopted.

The bill was ordered engrossed.

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

Representatives Jinkins and Manweller spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2578.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2578, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Ormsby, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, MacEwen, McCaslin, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson and Young.

Excused: Representative Ortiz-Self.

HOUSE BILL NO. 2578, having received the necessary constitutional majority, was declared passed.

### HOUSE BILL NO. 2705, by Representatives Klippert, Hayes, Wilson, Griffey, Muri and Smith

**Increasing the seriousness level of first degree rape and first degree rape of a child. Revised for 1st Substitute: Concerning first degree rape.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2705 was substituted for House Bill No. 2705 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2705 was read the second time.

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

Representatives Klippert and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2705.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2705, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2705, having received the necessary constitutional majority, was declared passed.

### ENGROSSED HOUSE BILL NO. 2745, by Representatives Fitzgibbon and Cody

**Modifying the authority to appoint members to a certain ferry advisory committee.**

The bill was read the second time.

Representative Fitzgibbon moved the adoption of amendment (808):

On page 1, line 20, after "council" strike "~~or the legislative authority of King county if the Vashon/Maury Island community council is unable to appoint~~" and insert ". If the Vashon/Maury Island community council fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the legislative authority of King County shall appoint a qualified person to fill the vacancy"

Representatives Fitzgibbon and Hargrove spoke in favor of the adoption of the amendment.

Amendment (808) was adopted.

The bill was ordered engrossed.

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

Representatives Fitzgibbon and Hargrove spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2745.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2745, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2745, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2708, by Representatives Appleton, Griffey, McBride, Fitzgibbon, Gregerson and Tarleton**

**Providing for fire protection district formation by the legislative authority of a city or town subject to voter approval.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2708 was substituted for House Bill No. 2708 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2708 was read the second time.

Representative McCaslin moved the adoption of amendment (740):

On page 1, line 13, after "town" insert ", except as provided otherwise in subsection (c) of this subsection,"

On page 2, line 8, after "(c)" insert the following:

"(i) The fire protection district established by the city or town legislative authority must be:

(A) Coextensive with the corporate boundaries of the city or town; or

(B) If a municipal airport is located in whole or in part within the corporate boundaries of the city or town and the governing body of the municipal airport has not approved inclusion of the municipal airport within the fire protection district, coextensive with the corporate boundaries of the city or town excluding any area containing the municipal airport. The boundaries of the proposed fire protection district may include land on which the municipal airport is located only if inclusion in the district is approved by a majority of the governing body of the municipal airport.

(ii) For purposes of this subsection, "municipal airport" means an airport owned or operated by a municipality, as defined in RCW 14.08.015, other than the city or town, for which the municipality provides fire protection or contracts with any private body or political subdivision of the state to furnish fire protection.

(d)(i) The resolution may authorize the fire protection district to establish an ambulance service to be operated by the district or operated by contract after a call for bids. However, the fire protection district may not provide for the establishment of an ambulance service that would compete with any existing private ambulance service, unless the district determines that the area served by the district, or a substantial portion of the area served by the district, is not adequately served by an existing private ambulance service.

(ii) In determining the adequacy of an existing private ambulance service, the fire protection district must take into consideration objective generally accepted medical standards and reasonable levels of service, which must be published by the district. If a fire protection district makes a preliminary conclusion that an existing private ambulance service is inadequate, the district must allow a minimum of sixty days for the private ambulance service to meet the generally accepted medical standards and accepted levels of service. If the fire protection district makes a second preliminary conclusion of inadequacy within a twenty-four-month period, the district may immediately issue a call for bids or establish its own ambulance service and is not required to afford the private ambulance service another sixty-day period to meet the generally accepted medical standards and reasonable levels of service.

(iii) A private ambulance service that is not licensed by the department of health, or has had its license denied, suspended, or revoked, is not entitled to a sixty-day period to demonstrate adequacy, and the district may immediately issue a call for bids or establish an ambulance service.

(e)"

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

On page 2, beginning on line 34, strike all of subsection (d)

Representative McCaslin spoke in favor of the adoption of the amendment.

Representative Appleton spoke against the adoption of the amendment.

Amendment (740) was not adopted.

Representative Appleton moved the adoption of amendment (780):

On page 2, line 4, after "(b)" insert "The financing plan in the resolution adopted by the city or town must contain the following information regarding property taxes that will be imposed by the fire protection district and city or town subsequent to the formation of the district:

(i) The total combined levy rate of the fire protection district in the first year in which the fire protection district imposes any of the regular property taxes in RCW 52.16.130, 52.16.140, or 52.16.160;

(ii) The reduction in the city or town general fund regular property tax levy rate in the first year in which the fire protection district imposes any of the property taxes in RCW 52.16.130, 52.16.140, or 52.16.160. In calculating the reduction in a city or town general fund regular property tax levy rate under this subsection (1)(b)(ii), the maximum allowable tax rate that the city could have imposed subject to the limitations of chapter 84.55 RCW must be used; and

(iii) The estimated aggregate net dollar amount impact on property owners within the city or town based on the levy rate changes described in (b)(i) and (ii) of this subsection (1).

(c)"

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

On page 2, line 29, after "authority." insert "The ballot title must include the information regarding property taxes that is required to be in the financing plan of the resolution under subsection (1)(b) of this section."

On page 2, after line 36, insert the following:

"(3) A city or town must reduce its general fund regular property tax levy by the total combined levy of the fire protection district. The tax rate reduction of the city or town must occur in the first year in which the fire protection district imposes any of the property taxes in RCW 52.16.130, 52.16.140, or 52.16.160 and must be specified in the financing plan and ballot proposition as provided in this section. If the fire protection district does not impose all three levies under RCW 52.16.130, 52.16.140, and 52.16.160 when it begins operations, the city must further reduce its general fund regular property tax levy if the district initially imposes any of the levies in subsequent years.

**Sec. 2.** RCW 84.55.092 and 1998 c 16 s 3 are each amended to read as follows:

(1) The regular property tax levy for each taxing district other than the state may be set at the amount which would be allowed otherwise under this chapter if the regular property tax levy for the district for taxes due in prior years beginning with 1986 had been set at the full amount allowed under this chapter including any levy authorized under RCW 52.16.160 that would have been imposed but for the limitation in RCW 52.18.065, applicable upon imposition of the benefit charge under chapter 52.18 RCW.

(2) The purpose of subsection (1) of this section is to remove the incentive for a taxing district to maintain its

tax levy at the maximum level permitted under this chapter, and to protect the future levy capacity of a taxing district that reduces its tax levy below the level that it otherwise could impose under this chapter, by removing the adverse consequences to future levy capacities resulting from such levy reductions.

(3) Subsection (1) of this section does not apply to any portion of a city or town's regular property tax levy that has been reduced as part of the formation of a fire protection district under section 1 of this act.

**Sec. 3.** RCW 29A.36.071 and 2015 c 172 s 3 are each amended to read as follows:

(1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a question. The ballot title must conform with the requirements and be displayed substantially as provided under RCW 29A.72.050, except that the concise description must not exceed seventy-five words; however, a concise description submitted on behalf of a proposed or existing regional transportation investment district or a proposed fire protection district, as provided in section 1 of this act, may exceed seventy-five words. If the local governmental unit is a city or a town, or if the ballot title is for a referendum under RCW 35.13A.115, the concise statement (~~shall~~) must be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement (~~shall~~) must be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement (~~shall~~) must be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(2) A referendum measure on the enactment of a unit of local government (~~shall~~) must be advertised in the manner provided for nominees for elective office.

(3) Subsection (1) of this section does not apply if another provision of law specifies the ballot title for a specific type of ballot question or proposition."

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

Representative Appleton spoke in favor of the adoption of the amendment.

Representative Taylor spoke against the adoption of the amendment.

Amendment (780) was adopted.

The bill was ordered engrossed.

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

Representatives Appleton and Griffey spoke in favor of the passage of the bill.

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2708.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2708, and the bill passed the House by the following vote: Yeas, 68; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, MacEwen, Magendanz, McBride, McCabe, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Hargrove, Harris, Hawkins, Hayes, Holy, Kretz, Kristiansen, Manweller, McCaslin, Muri, Nealey, Orcutt, Pike, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilson and Young.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2708, having received the necessary constitutional majority, was declared passed.

#### **ENGROSSED HOUSE BILL NO. 2883, by Representatives Senn, Chandler and Ormsby**

##### **Addressing government efficiency by eliminating or revising the requirements for state agency reports.**

The bill was read the second time.

Representative Holy moved the adoption of amendment (794):

On page 4, beginning on line 10, strike all of section 2  
Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Holy and Hunt spoke in favor of the adoption of the amendment.

Amendment (794) was adopted.

The bill was ordered engrossed.

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

Representatives Senn and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2883.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2883, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2883, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 2583, by Representatives McBride, Haler, Zeiger, Stambaugh, Moscoso, Bergquist, Fitzgibbon, Peterson, Van De Wege, Springer, Santos, Goodman, Hickel and Tharinger**

##### **Authorizing specified local governments to designate a portion of their territory as a creative district subject to certification by the Washington arts commission.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2583 was substituted for House Bill No. 2583 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2583 was read the second time.

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

Representatives McBride and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2583.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2583, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 1; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chopp, Clibborn, Cody, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, and Zeiger

Voting nay: Representatives Chandler, Dye, McCaslin, Schmick, Scott, Shea, Taylor, and Young

Absent: Representative Condotta

SUBSTITUTE HOUSE BILL NO. 2583, having received the necessary constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 2583 passed the House.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2583 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2583 on reconsideration, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege,

Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dye, McCaslin, Schmick, Scott, Shea and Taylor.

SUBSTITUTE HOUSE BILL NO. 2583, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2632, by Representatives Van Werven, S. Hunt, Moscoso, Dent, Wilson, Vick, Manweller, Muri, Scott and Magendanz**

**Concerning gender requirements in the election of chair and vice chair positions for state committees of political parties.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2632 was substituted for House Bill No. 2632 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2632 was read the second time.

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

Representatives Van Werven and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2632.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2632, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Hurst, Johnson, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stokesbary, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Bergquist, Hudgins, Jinkins, Kagi, Lytton, Morris, Stanford and Tarleton.

SUBSTITUTE HOUSE BILL NO. 2632, having received the necessary constitutional majority, was declared passed.

### SECOND READING SUSPENSION

**HOUSE BILL NO. 2605, by Representatives Kirby, Vick, Blake and Rossetti**

**Creating a special permit by a manufacturer of beer to hold a private event for the purpose of tasting and selling beer of its own production.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2605.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2605, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Johnson, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Harris, Jinkins, Kagi, Ormsby and Ryu.

HOUSE BILL NO. 2605, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2624, by Representatives S. Hunt and Bergquist**

**Concerning election errors involving measures.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunt and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2624.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2624, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2624, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2634, by Representatives Buys, Lytton, Dent, Blake, Stanford and McBride**

**Modifying the powers and duties of the Washington dairy products commission to include research and education related to the economic uses of nutrients produced by dairy farms.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Buys and Walkinshaw spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2634.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2634, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2634, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2637, by Representatives Manweller, DeBolt, G. Hunt and Zeiger**

**Creating the Washington state historic cemetery preservation capital grant program.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Manweller and Tharinger spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2637.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2637, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger,

Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2637, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2675, by Representatives Sells, Haler, Reykdal, Manweller, Ormsby, Ryu, Moscoso, Hayes, Zeiger, Johnson and Santos**

**Updating workforce investment act references and making no substantive changes.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Sells and Zeiger spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2675.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2675, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, McCaslin, Shea and Taylor.

HOUSE BILL NO. 2675, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2711, by Representatives McCabe, Walsh, Orwall, Cody, McBride, Caldier, Kilduff, Wylie, Senn, Smith, Gregerson, Tarleton, Ormsby, Pollet and Goodman**

**Increasing the availability of sexual assault nurse examiners.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2711 was read the second time.

The bill was placed on final passage.

Representatives McCabe and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2711.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2711, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2711, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 2741, by Representatives Kuderer, Hickel and Stanford**

##### **Addressing state and local government fiscal agents.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kuderer and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2741.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2741, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea and Taylor.

HOUSE BILL NO. 2741, having received the necessary constitutional majority, was declared passed.

#### **HOUSE BILL NO. 2771, by Representatives Bergquist and Johnson**

##### **Concerning public hospital district contracts for material and work.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2771.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2771, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick,

Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2771, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2781, by Representatives Harris, Cody, Senn and Moeller**

**Requiring the Washington state board of massage to adopt rules to allow approved massage programs to establish transfer programs.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Harris and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2781.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2781, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2781, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2859, by Representatives S. Hunt, Hudgins and Santos**

**Concerning credit report security freezes. Revised for 1st Substitute: Concerning credit report security freezes for minors and incapacitated persons.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2859 was read the second time.

The bill was placed on final passage.

Representatives Hunt and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2859.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2859, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2859, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2930, by Representatives Parker and Riccelli**

**Reducing the population requirement in a consortium of counties in order to operate a juvenile correctional facility.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Parker, Riccelli, Short and Reykdal spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2930.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2930, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

HOUSE BILL NO. 2930, having received the necessary constitutional majority, was declared passed.

**SECOND READING**

**HOUSE BILL NO. 2877, by Representatives Hickel, Zeiger, Riccelli, Sawyer, Wilcox, Kochmar, Stanford, Gregerson and Ormsby**

**Expanding distribution dates for supplemental nutrition assistance program benefits.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2877 was substituted for House Bill No. 2877 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2877 was read the second time.

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

Representatives Hickel, Kagi, Riccelli, Wilcox and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2877.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2877, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2877, having received the necessary constitutional majority, was declared passed.

**POINT OF PERSONAL PRIVILEGE**

Representative Wilcox congratulated Representative Hickel on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

**HOUSE BILL NO. 2842, by Representatives Schmick, Wylie, Nealey, Reykdal, Dye and Walsh**

**Financing of improvements for state-owned lands to be transferred for private development.**

The bill was read the second time.

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

Representatives Schmick, Ryu and Walsh spoke in favor of the passage of the bill.

Representative Magendanz spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Bill No. 2842.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2842, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Manweller, McBride, McCabe, Moeller,

Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Hargrove, Magendanz, McCaslin, Scott, Shea, Stokesbary, Taylor and Young.

HOUSE BILL NO. 2842, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2925, by Representatives Dent, Blake, McCabe, Schmick, Chandler, Short, Griffey, Johnson, Dye, Haler and Springer**

**Concerning accessing land during a fire suppression response for the purpose of protecting livestock from a wildland fire.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2925 was substituted for House Bill No. 2925 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2925 was read the second time.

Representative Blake moved the adoption of amendment (798):

On page 4, at the beginning of line 15, strike "qualified animal handling employees of a livestock owner" and insert "the owner's employees or agents"

On page 4, line 17, after "so is" insert "reasonably"

On page 4, line 30, after "another" insert "political"

On page 4, line 31, after "from" strike "a" and insert ":

(i) The department's reasonable efforts under this section to accommodate a livestock owner, or the owner's employees or agents, to retrieve or care for animals in his or her charge that are at risk due to a wildfire; or

(ii) A"

Representative Blake spoke in favor of the adoption of the amendment.

Amendment (798) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2925.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2925, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Van De Wege.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925, having received the necessary constitutional majority, was declared passed.

**HOUSE JOINT MEMORIAL NO. 4000, by Representatives Reykdal, Orwall, Stanford, Riccelli, Ormsby, Farrell and Pollet**

**Asking congress to call a limited convention, authorized under Article V of the United States Constitution, for the purpose of proposing a free and fair elections amendment to that Constitution.**

The bill was read the second time.

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

Representatives Reykdal, Jinkins, Hunt, Magendanz, Frame, Pollet, Hurst and Farrell spoke in favor of the passage of the bill.

Representatives Manweller, Holy, MacEwen, Stokesbary, Condotta and Smith spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4000.

### ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4000, and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, S. Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, Magendanz, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

HOUSE JOINT MEMORIAL NO. 4000, having received the necessary constitutional majority, was declared passed.

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

#### COMMITTEE APPOINTMENTS

The Speaker (Representative Orwall presiding) announced the following committee appointments:

Representative Barkis is appointed to the Committee on Business & Financial Services and the Committee on Local Government.

Representative MacEwen is removed from the Committee on Business & Financial Services.

Representative McCaslin is removed from the Committee on Local Government.

There being no objection, the House adjourned until 10:00 a.m., February 18, 2016, the 39th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## THIRTY NINTH DAY

House Chamber, Olympia, Thursday, February 18, 2016

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

The flags were escorted to the rostrum by the Nisei Veterans Color Guard, comprised of Yuzo Tokita, Tom Kometani and Frank Shinoda. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Sala Sekiya, Seattle Betsuin Buddhist Temple Washington.

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

**RESOLUTION****HOUSE RESOLUTION NO. 2016-4660, by Representative Santos**

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066 which authorized the military to forcibly remove and incarcerate more than 120,000 persons of Japanese ancestry from the West Coast, including 12,000 Japanese-American residents of Washington State; and

WHEREAS, The first Civilian Evacuation Order gave Japanese-Americans from Bainbridge Island less than one week to leave behind homes, personal belongings, farms, businesses, friends, and family and to report to hastily constructed detention centers like Camp Harmony on the grounds of the Western Washington Fair in Puyallup; and

WHEREAS, This drastic course of action allegedly aimed to prevent acts of espionage and sabotage by Japanese-Americans who were deemed untrustworthy and disloyal to the United States; and

WHEREAS, On March 23, 1943, the War Department organized a segregated unit of Japanese-Americans, many of whom reported for military duty from concentration camps surrounded by barbed wire in which they and their families were detained; and

WHEREAS, More than 12,000 volunteers responded to questions of their loyalty and patriotism by amassing a battle record unparalleled in United States military history; and

WHEREAS, Equally loyal and patriotic Japanese-Americans fought to protect our constitutional rights and liberties through dissent, like University of Washington

student Gordon Hirabayashi who was arrested, convicted, and imprisoned for defying the military curfew on select civilians and refusing to evacuate when ordered; and

WHEREAS, In 1982, the Congressional Commission on Wartime Relocation and Internment of Civilians found "no military or security reason for the internment" of persons of Japanese ancestry, but determined it "was caused by racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, As a result of this travesty of justice, Japanese-Americans suffered immense economic loss of property and assets, immeasurable physical and psychological harm, and were deprived of their constitutional liberties without due process of law; and

WHEREAS, In 1976, President Gerald Ford rescinded Executive Order 9066 calling upon the American people to "resolve that this kind of action shall never again be repeated"; and

WHEREAS, The Washington State Legislature enacted token compensatory redress to forty state workers who lost their jobs due to their incarceration; and

WHEREAS, Congressman Mike Lowry of Washington State introduced H.R. 5977 to provide reparations and an apology to former Japanese-American internees, thus initiating a ten-year legislative quest that ended when President Ronald Reagan signed the Civil Liberties Act of 1988; and

WHEREAS, General Douglas MacArthur's chief of intelligence claimed, "The Nisei saved a million lives and shortened the war by two years";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives pause to acknowledge the seventy-fourth anniversary of the signing of Executive Order 9066, to recognize and honor the heroism, sacrifice, patience, and loyalty of the Japanese-American World War II veterans, internees, and civil rights activists, and to remember the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Nisei Veterans Committee, the Military Intelligence Service — Northwest Association, the Japanese American Citizens League, the Japanese Cultural & Community Center of Washington

State, and the Wing Luke Museum of the Asian Pacific American Experience.

Representative Jinkins moved adoption of HOUSE RESOLUTION NO. 4660

Representatives Jinkins and Hickel spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4660 was adopted.

#### **SPEAKER'S PRIVILEGE**

The Speaker (Representative Moeller presiding) introduced Former Governor Mike Lowry to the Chamber and asked the members to acknowledge them.

The Speaker (Representative Moeller presiding) further introduced representatives of the Japanese American Citizens' League-Olympia, Seattle and Puyallup Chapter, Nisei Veterans Committee Foundation, Keiro Northwest, Nikkei Concerns Commission on Asian Pacific American Affairs Japanese Cultural and Community Center of Washington.

#### **RESOLUTION**

**HOUSE RESOLUTION NO. 2016-4657, by Representatives Buys, Tarleton, Fey, Lytton, Van Werven, and Frame**

WHEREAS, It is the policy of the Washington state House of Representatives to honor the successes and sacrifices of commercial fishers; and

WHEREAS, The Washington state commercial fishing fleet begins leaving in March and May, and the Blessing of the Fleet will occur at Fisherman's Terminal in Ballard; and

WHEREAS, This is the 88th year the Ballard First Lutheran Church has held the blessing and the 20th year Pastor Erik Wilson Weiberg has offered the blessing; and

WHEREAS, This is the 41st year the Blessing of the Fleet will occur at the Port of Bellingham, and will be presented at Zuanich Point Park in Squalicum Harbor on May 7, 2016, at 11:00 a.m.; and

WHEREAS, This is the 33rd year the Blessing of the Fleet will occur in Blaine Harbor, and will be presented at Blaine Boating Center on May 8, 2016, at 1:30 p.m.; and

WHEREAS, The Washington state commercial fishing fleet is one of the world's largest distant water fleets; and

WHEREAS, The commercial fishing industry directly and indirectly employs thousands of people and is one of the largest industries in Washington state; and

WHEREAS, The annual commercial fishing harvest is vital to the growth and stability of the Washington state economy; and

WHEREAS, The life of a fisher is fraught with danger and hardship most people will never face, strength and courage are requirements for anyone who chooses to work on the sea, braving the elements in order to harvest the ocean's resources; and

WHEREAS, The men and women who work on fishing boats, often in dangerous circumstances, deserve our admiration, thanks, and, when tragedy strikes, our remembrance; and

WHEREAS, Too often, the brave men and women of our fishing fleet lose their lives, a tragedy that not only impacts the close-knit community of fishing families in our region, but also our entire state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives extend its condolences to the families and friends of all our fishers who have lost their lives at sea, wish the entire commercial fishing fleet a safe and prosperous season, and express its hope that all of our fishers will return home safely to their families, friends, and communities.

The Speaker (Representative Moeller presiding) stated the question before the House to be adoption of House Resolution No. 4657.

HOUSE RESOLUTION NO. 4657 was adopted.

#### **RESOLUTION**

**HOUSE RESOLUTION NO. 2016-4658, by Representatives Sawyer, Haler, S. Hunt, Sullivan, Dunshee, Ormsby, and Klippert**

WHEREAS, The people of the great state of Washington join together to celebrate and honor the life, legacy, and work of Lane Allen Bray; and

WHEREAS, Mr. Bray was born in Highland Park, Illinois on September 21, 1928; and

WHEREAS, Mr. Bray passed on September 9, 2015, in Richland, WA in peace and dearly loved by his wife, Gwen, and their four children; and

WHEREAS, We remember Mr. Bray for his dedication to chemistry and government; and

WHEREAS, Mr. Bray worked in the Hanford Plutonium Finishing Plant for four years during World War II and served for two years in the Army; and

WHEREAS, Mr. Bray was a founder of IsoRay Medical Inc. and contributed to innovative techniques for treating prostate cancer; and

WHEREAS, Mr. Bray, along with Dr. Earl Wheelwright, were the first to separate and isolate highly purified Yttrium-90 for cancer research; and

WHEREAS, Mr. Bray received the Radiation Science and Technology Award from the American

Nuclear Society, and was nominated for "Engineer of the Year" by the American Nuclear Society in 1995; and

WHEREAS, Mr. Bray was known for being soft spoken yet effective as a leader both in his community and in Washington state; and

WHEREAS, Mr. Bray was elected as the representative from the 8th district, where he served for four years; and

WHEREAS, Mr. Bray was dedicated to public service, serving on the city council of Richland for nineteen years and as mayor of Richland for four years;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of the State of Washington, recognize and honor the life and work of Lane Allen Bray; and

BE IT FURTHER RESOLVED, That the House of Representatives call on the people of the State of Washington to join us in reflecting on Mr. Bray's life and achievements, and to be inspired by his dedication to his work, family, and state.

The Speaker (Representative Moeller presiding) stated the question before the House to be adoption of House Resolution No. 4658.

HOUSE RESOLUTION NO. 4658 was adopted.

#### RESOLUTION

**HOUSE RESOLUTION NO. 2016-4659, by Representatives Dent, Buys, Caldier, Chandler, Condotta, DeBolt, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger**

WHEREAS, The concept of Miss Rodeo America began in 1955 for the purpose of selecting a young woman to serve as an official spokesperson for the sport of professional rodeo and to provide educational opportunities for the young women who compete in the pageant; and

WHEREAS, The Miss Rodeo America Pageant is held annually in conjunction with the Wrangler National Finals Rodeo in Las Vegas, Nevada; and

WHEREAS, The reigning state rodeo royalty compete for the coveted crown of Miss Rodeo America by competing in the areas of presentation, horsemanship, and poise; and

WHEREAS, The Miss Rodeo America Pageant offers young women the opportunity to garner one of the richest experiences of their lives, while at the same time creating solid foundations for their future endeavors; and

WHEREAS, Lifelong friendships are made and many doors are opened to all competitors, as well as the young woman selected to wear the coveted crown; and

WHEREAS, Miss Rodeo America becomes a part of the great legacy of women to lay claim to the title; and

WHEREAS, The contestants are judged in the major categories of poise, presentation, horsemanship, and rodeo knowledge, demonstrating their skills in public speaking, personal interviewing, horsemanship, knowledge of rodeo and general equine science, current event awareness, and overall professionalism; and

WHEREAS, This year's reigning Miss Rodeo America is one of Washington's very own, Katherine Merck of Spokane, Washington; and

WHEREAS, Katherine Merck will be representing the sport of professional rodeo as she travels more than 100,000 miles around the country, appearing at nearly 100 rodeo performances, as well as appearances at schools, civic groups, and other special events, educating the public and creating awareness about the sport of rodeo, its sponsors, and the values that have made America great;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Katherine Merck for her many talents and achievements academically and in the rodeo profession; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives recognize the value and dedication of Miss Rodeo America in representing and promoting the professional sport of rodeo by serving as the official spokesperson for the Professional Rodeo Cowboys Association; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Katherine Merck and the Professional Rodeo Cowboys Association.

The Speaker (Representative Moeller presiding) stated the question before the House to be adoption of House Resolution No. 4659.

HOUSE RESOLUTION NO. 4659 was adopted.

#### RESOLUTION

**HOUSE RESOLUTION NO. 2016-4666, by Representatives Jinkins and Fey**

WHEREAS, Carla Santorno has received the 2016 Women in School Leadership Award from the American Association of School Administrators; and

WHEREAS, Ms. Santorno led her district in increasing graduation rates by almost 30 percent across all demographic groups; and

WHEREAS, Under Ms. Santorno's leadership, Tacoma Public Schools have initiated exceptional

partnerships which have had positive results for the Tacoma school community; and

WHEREAS, Ms. Santorno helped initiate and establish the formation of innovative schools throughout the district that serve unique student populations, including the School of the Arts (SOTA), the Science and Math Institute (SAMI), and Lincoln Center; and

WHEREAS, Under Ms. Santorno's leadership, the district worked with the University of Washington Tacoma to create the Whole Child Initiative, a program that focuses on the whole child, including their social and emotional well-being, as part of their educational experience; and

WHEREAS, Ms. Santorno was among the first in the state to adopt the academic acceleration policy for all students in the district, automatically enrolling students in Advanced Placement courses; and

WHEREAS, Ms. Santorno worked with the Tacoma School Board to implement all-day kindergarten classes before state funding was allocated for this purpose, and moved aggressively to create district-based prekindergarten classes, including a bilingual preschool class where students learn to value their culture and home language; and

WHEREAS, Ms. Santorno has had a huge positive impact on the housing voucher and social service investment at McCarver Elementary that has become a model program; and

WHEREAS, Ms. Santorno embodies the caliber of Washington's best educators;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the outstanding academic service of Carla Santorno as Superintendent of Tacoma Public Schools; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize and honor Ms. Santorno as a winner of the 2016 Women in School Leadership Award, as a community member of Tacoma, and as a nationally recognized educator of Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of the Representatives to the Governor, the Superintendent of Public Instruction, the School Superintendents Association, and Ms. Carla Santorno of Tacoma Public Schools.

The Speaker (Representative Moeller presiding) stated the question before the House to be adoption of House Resolution No. 4666.

HOUSE RESOLUTION NO. 4666 was adopted.

### RESOLUTION

**HOUSE RESOLUTION NO. 2016-4667, by Representative Hayes**

WHEREAS, The Navy Junior Reserve Officer Training Corps (NJROTC) program was established by public law in 1964 and may be found in Title 10, Chapter 102 of the United States Code; and

WHEREAS, The NJROTC program is conducted at accredited secondary schools throughout the nation, by instructors who are retired Navy, Marine Corps, and Coast Guard officers or enlisted personnel; and

WHEREAS, The NJROTC curriculum emphasizes citizenship and leadership development, as well as our maritime heritage, the significance of sea power, and naval topics such as the fundamentals of naval operations, seamanship, navigation, and meteorology; and

WHEREAS, Oak Harbor High School has had a NJROTC program for 43 years; and

WHEREAS, Oak Harbor belongs to NJROTC Area 13, based at Smokey Point, which is comprised of approximately 50 schools in Nevada, Northern California, Colorado, Oregon, Washington, Alaska, Hawaii, Guam, and Japan; and

WHEREAS, The top 15 percent of units are designated "Distinguished with Academic Honors"; and

WHEREAS, Oak Harbor NJROTC has been designated as a "Distinguished Unit with Academic Honors" for each of the past 10 years; and

WHEREAS, During the past two years, Oak Harbor NJROTC has represented NJROTC Area 13 in national competitions, including the Navy National Orienteering Championship and the JROTC National Air Rifle Championship in marksmanship; and

WHEREAS, Locally, Oak Harbor NJROTC teams compete in the Northwest Drill and Rifle Conference, comprised of approximately 30 high schools in Washington and Oregon, where they were conference champions in 2013 and 2014 and second place champions in 2015; and the Washington Interscholastic Orienteering League, where they were 2015 league champions; and

WHEREAS, Oak Harbor completed 3,500 hours of community service accomplished by students last year in support of the high school, school district, city of Oak Harbor, local civic groups, and Naval Air Station Whidbey Island;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the Oak Harbor Navy Junior Reserve Officer Training Corps for its accomplishments in classroom instruction, augmented throughout the year by community service activities, drill competitions, field meets, flights, visits to naval activities, marksmanship training, and other military training; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of

the House of Representatives to Commander Mike Black and the Oak Harbor NJROTC Program.

The Speaker (Representative Moeller presiding) stated the question before the House to be adoption of House Resolution No. 4667.

HOUSE RESOLUTION NO. 4667 was adopted.

### MESSAGES FROM THE SENATE

February 17, 2016

MR. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5109,  
 SENATE BILL NO. 5205,  
 SUBSTITUTE SENATE BILL NO. 5670,  
 SUBSTITUTE SENATE BILL NO. 5728,  
 SUBSTITUTE SENATE BILL NO. 5778,  
 FIFTH ENGROSSED SUBSTITUTE SENATE BILL NO. 5857,  
 ENGROSSED SENATE BILL NO. 6100,  
 SUBSTITUTE SENATE BILL NO. 6120,  
 SENATE BILL NO. 6147,  
 SUBSTITUTE SENATE BILL NO. 6165,  
 SENATE BILL NO. 6170,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6215,  
 SECOND SUBSTITUTE SENATE BILL NO. 6243,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6248,  
 SENATE BILL NO. 6263,  
 SUBSTITUTE SENATE BILL NO. 6264,  
 SUBSTITUTE SENATE BILL NO. 6268,  
 SECOND SUBSTITUTE SENATE BILL NO. 6297,  
 SUBSTITUTE SENATE BILL NO. 6314,  
 SUBSTITUTE SENATE BILL NO. 6360,  
 SUBSTITUTE SENATE BILL NO. 6363,  
 SENATE BILL NO. 6396,  
 SENATE BILL NO. 6414,  
 SUBSTITUTE SENATE BILL NO. 6430,  
 SUBSTITUTE SENATE BILL NO. 6439,  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6455,  
 SENATE BILL NO. 6491,  
 SUBSTITUTE SENATE BILL NO. 6523,  
 SUBSTITUTE SENATE BILL NO. 6536,  
 SUBSTITUTE SENATE BILL NO. 6569,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6605,  
 SENATE BILL NO. 6614,  
 SENATE BILL NO. 6633,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

February 17, 2016

MR. SPEAKER:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5915,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6309,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6317,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6334,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6406,  
 ENGROSSED SENATE BILL NO. 6631,

and the same are herewith transmitted.

Pablo G. Campos, Deputy Secretary

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

### INTRODUCTION & FIRST READING

HJM 4015 by Representative Fey

Requesting that the new state route number 529 Ebeys Slough bridge be named the Robert Rasmussen Sr. Memorial Bridge.

Referred to Committee on Transportation.

SB 5094 by Senators Brown, Hewitt, Sheldon and Hatfield

AN ACT Relating to allowing incremental electricity produced as a result of efficiency improvements to hydroelectric generation projects whose energy output is marketed by the Bonneville power administration to qualify as an eligible renewable resource under the energy independence act; and amending RCW 19.285.030 and 19.285.040.

Referred to Committee on Technology & Economic Development.

E2SSB 5243 by Senate Committee on Ways & Means (originally sponsored by Senators Honeyford, King, Keiser, Conway and Chase)

AN ACT Relating to services provided by residential habilitation centers; and amending RCW 71A.20.180.

Referred to Committee on Early Learning & Human Services.

SB 5265 by Senators Benton, Mullet, Angel and Keiser

AN ACT Relating to allowing a public depository to arrange for reciprocal deposits of public funds; and amending RCW 39.58.080 and 39.58.085.

Referred to Committee on Business & Financial Services.

SB 5271 by Senators Roach, Hasegawa, Liias and Benton

AN ACT Relating to standards adopted by the national fire protection association and the state building code council; and amending RCW 43.44.110, 46.37.467, and 70.951.080.

Referred to Committee on Local Government.

SB 5363 by Senators Padden, Dinsel, Pearson, Roach, Rivers, Angel, Schoesler, Braun, Dammeier, Honeyford and Hewitt

AN ACT Relating to prohibiting the use of eminent domain for economic development; amending RCW 35.81.080; and adding a new chapter to Title 8 RCW.

Referred to Committee on Judiciary.

SB 5549 by Senators Jayapal, Angel, Keiser and Cleveland

AN ACT Relating to the registration and disciplining of pharmacy assistants; and amending RCW 18.64A.030, 18.64A.050, and 18.64A.055.

Referred to Committee on Health Care & Wellness.

SSB 5640 by Senate Committee on Transportation  
(originally sponsored by Senator Ericksen)

AN ACT Relating to deficiency claims after auction of a private property vehicle impound; and amending RCW 46.55.140.

Referred to Committee on Transportation.

SB 5894 by Senators Sheldon, Warnick, King and Padden

AN ACT Relating to unlawful activities on certain properties; amending RCW 9A.52.070, 9A.52.090, 59.04.050, and 59.18.075; adding a new section to chapter 9A.52 RCW; and providing an effective date.

Referred to Committee on Judiciary.

SB 5937 by Senator Parlette

AN ACT Relating to the farm internship pilot project; amending RCW 49.12.470; and providing an expiration date.

Referred to Committee on Higher Education.

SSB 6117 by Senate Committee on Law & Justice  
(originally sponsored by Senator Sheldon)

AN ACT Relating to notice against trespass; reenacting and amending RCW 9A.52.010; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

ESSB 6149 by Senate Committee on Commerce & Labor (originally sponsored by Senators Keiser, Conway, Jayapal, Cleveland, Rolfes, Fraser, Litzow, Fain, Nelson, Habib, Chase, Mullet, Lias, Pedersen, Takko, Hasegawa, Ranker, Frockt, Hill, Benton and Billig)

AN ACT Relating to providing reasonable accommodations in the workplace for pregnant women; and adding a new section to chapter 43.10 RCW.

Referred to Committee on Labor & Workplace Standards.

SB 6155 by Senators Roach, McCoy, Takko and Warnick

AN ACT Relating to county payroll draw days; and amending RCW 36.17.040.

Referred to Committee on Local Government.

SB 6169 by Senators Angel and Habib

AN ACT Relating to easements in property tax foreclosures; and amending RCW 36.35.290.

Referred to Committee on Judiciary.

SB 6171 by Senators Roach, Lias and Benton

AN ACT Relating to civil penalties for knowing attendance by a member of a governing body at a meeting held in violation of the open public meetings act; amending RCW 42.30.120; and prescribing penalties.

Referred to Committee on State Government.

E2SSB 6195 by Senate Committee on Ways & Means  
(originally sponsored by Senators Rivers, Rolfes, Litzow and Billig)

AN ACT Relating to basic education obligations; amending RCW 28A.505.140 and 28A.400.200; creating new sections; and declaring an emergency.

SB 6196 by Senators McCoy and Ericksen

AN ACT Relating to administrative processes for the utilities and transportation commission in managing deposits and cost reimbursements of the energy facility site evaluation council; amending RCW 80.50.071; and creating a new section.

Referred to Committee on Technology & Economic Development.

SSB 6238 by Senate Committee on Health Care  
(originally sponsored by Senators Rivers, Keiser, Cleveland, Miloscia and Chase)

AN ACT Relating to the prescribing of schedule II controlled substances; and amending RCW 69.50.402.

Referred to Committee on Health Care & Wellness.

2SSB 6239 by Senate Committee on Ways & Means  
(originally sponsored by Senators Fain, Frockt, Cleveland, Rolfes, Keiser, Darneille, McAuliffe and Chase)

AN ACT Relating to providing local governments with options to preserve affordable housing in their communities; and adding a new chapter to Title 84 RCW.

Referred to Committee on Community Development, Housing & Tribal Affairs.

E2SSB 6242 by Senate Committee on Ways & Means (originally sponsored by Senators O'Ban, Pedersen, Padden, Roach, Hargrove, Pearson, Darneille, Frockt and Sheldon)

AN ACT Relating to the indeterminate sentence review board; adding a new section to chapter 9.95 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Public Safety.

SSB 6265 by Senate Committee on Transportation (originally sponsored by Senators King, Warnick, Bailey, Schoesler, Hasegawa, Conway, Takko, Nelson, Padden, Benton, Ericksen, Honeyford, Parlette and Hewitt)

AN ACT Relating to vehicle weight limits for the movement of agricultural commodities; and amending RCW 46.44.041, 46.44.091, and 36.75.270.

Referred to Committee on Transportation.

SSB 6286 by Senate Committee on Law & Justice (originally sponsored by Senators Pearson, Roach, Padden, Takko, Hargrove, Billig, Hewitt and Conway)

AN ACT Relating to reimbursement of correctional employees for offender assaults; and amending RCW 72.09.240.

Referred to Committee on General Government & Information Technology.

SSB 6289 by Senate Committee on Commerce & Labor (originally sponsored by Senators Baumgartner and Hobbs)

AN ACT Relating to employing certain independent contractors through the use of a digital platform; amending RCW 51.08.070; and adding a new section to chapter 51.08 RCW.

Referred to Committee on Labor & Workplace Standards.

SB 6292 by Senators Braun, Becker, Rivers and Sheldon

AN ACT Relating to eliminating the reduction in state basic education funding that occurs in counties with federal forest lands; amending RCW 28A.150.250 and 28A.520.020; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

ESSB 6293 by Senate Committee on Commerce & Labor (originally sponsored by Senators Braun, Bailey, Rivers, Conway and Sheldon)

AN ACT Relating to student volunteers and unpaid students; amending RCW 51.12.170; and creating a new section.

Referred to Committee on Labor & Workplace Standards.

ESB 6321 by Senators Baumgartner and Pedersen

AN ACT Relating to certain exclusions from the definition of worker under industrial insurance statutes; and amending RCW 51.08.181.

Referred to Committee on Labor & Workplace Standards.

SSB 6326 by Senate Committee on Transportation (originally sponsored by Senators King, Hobbs and Fain)

AN ACT Relating to the retention and maintenance of auto dealer and repair facility records; amending RCW 46.70.120 and 46.71.060; and creating a new section.

Referred to Committee on Business & Financial Services.

SSB 6327 by Senate Committee on Health Care (originally sponsored by Senators Bailey, Keiser, Nelson, Conway, Mullet and Dammeier)

AN ACT Relating to hospital discharge planning with lay caregivers; amending RCW 70.41.320; reenacting and amending RCW 70.41.020; and adding new sections to chapter 70.41 RCW.

Referred to Committee on Health Care & Wellness.

SSB 6337 by Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators Darneille, Miloscia, McCoy, Hasegawa, Conway and Chase)

AN ACT Relating to disposing tax foreclosed property to cities for affordable housing purposes; and amending RCW 36.35.150.

Referred to Committee on Community Development, Housing & Tribal Affairs.

ESB 6349 by Senators Benton and Mullet

AN ACT Relating to public funds and deposits; amending RCW 39.58.010, 39.58.050, 39.58.105, 39.58.108, 39.58.135, and 39.58.155; and repealing RCW 39.58.120 and 39.58.045.

Referred to Committee on Business & Financial Services.

SSB 6354 by Senate Committee on Higher Education (originally sponsored by Senators Liias, Baumgartner, Carlyle, Frockt and Bailey)

AN ACT Relating to developing higher education reverse transfer agreement plans; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education.

ESSB 6356 by Senate Committee on Government Operations & Security (originally sponsored by Senators Roach, Ranker, Takko, McCoy, Hobbs, Litzow, Fain, Hasegawa and Chase)

AN ACT Relating to disclosure of financial, commercial, and proprietary criminal background check information of employees of private cloud service providers; and amending RCW 42.56.270.

Referred to Committee on State Government.

SB 6376 by Senators Fraser, Roach, McCoy, Conway, Hasegawa, Padden, Carlyle, Liias, Nelson, O'Ban, Darneille, Chase and Jayapal

AN ACT Relating to recognizing human trafficking awareness day; reenacting and amending RCW 1.16.050; and creating a new section.

Referred to Committee on State Government.

SSB 6409 by Senate Committee on Ways & Means (originally sponsored by Senators Bailey, Frockt, Braun, Becker, Carlyle and Chase)

AN ACT Relating to administrative efficiencies in Washington state public higher education; and amending RCW 28B.10.027, 28B.10.029, 39.26.110, 42.48.010, and 43.88.110.

Referred to Committee on Higher Education.

ESSB 6426 by Senate Committee on Government Operations & Security (originally sponsored by Senators Conway, Dammeier, Takko, Becker, Mullet, Sheldon and Chase)

AN ACT Relating to essential public facilities; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government.

ESSB 6427 by Senate Committee on Ways & Means (originally sponsored by Senators Fain, Hargrove, Keiser, Honeyford, Rolfes and Roach)

AN ACT Relating to specifying the documentation that must be provided to determine when sales tax applies

to the sale of a motor vehicle to a tribal member; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Finance.

SSB 6445 by Senate Committee on Health Care (originally sponsored by Senators Braun and Angel)

AN ACT Relating to clarifying the role of physician assistants in the delivery of mental health services; amending RCW 71.05.215, 71.05.217, 71.05.230, 71.05.290, 71.05.300, 71.05.360, 71.05.660, 71.06.040, 71.12.540, 71.32.110, 71.32.140, 71.32.250, 71.32.260, 71.34.020, 71.34.355, 71.34.720, 71.34.730, 71.34.750, 71.34.770, 18.71A.030, and 18.57A.030; reenacting and amending RCW 71.05.020, 71.05.210, and 71.24.025; and providing an effective date.

Referred to Committee on Health Care & Wellness.

SB 6459 by Senators Rivers, Takko, Litzow, Ranker, Ericksen, Benton and Pearson

AN ACT Relating to peace officers; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Public Safety.

SSB 6466 by Senate Committee on Higher Education (originally sponsored by Senators Habib, Dammeier, Darneille, Liias, Roach, Keiser, Frockt, Becker, Hasegawa, Conway and McAuliffe)

AN ACT Relating to student services for students with disabilities; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

SB 6475 by Senators Dansel, King, Takko and Frockt

AN ACT Relating to political subdivisions purchasing health coverage through the public employees' benefits board program; amending RCW 41.04.205 and 41.05.050; and reenacting and amending RCW 41.05.011.

Referred to Committee on Appropriations.

SB 6488 by Senators Becker, Parlette, Dammeier, Schoesler, Brown, Bailey, Honeyford and King

AN ACT Relating to seeking a federal innovation waiver to expand an employer-based coverage option with a portable health care account; adding a new section to chapter 41.05 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

2SSB 6497 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, O'Ban, Darneille, Miloscia, Litzow, McAuliffe and Conway)

AN ACT Relating to court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy; amending RCW 28A.225.005, 28A.225.020, 28A.225.025, 28A.225.030, 28A.225.035, 28A.225.090, 43.185C.315, 43.185C.320, 28A.165.005, 28A.165.035, and 28A.655.235; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 43.185C RCW; adding a new section to chapter 43.330 RCW; creating new sections; and providing an effective date.

Referred to Committee on Judiciary.

SSB 6498 by Senate Committee on Law & Justice (originally sponsored by Senators Fain, Frockt, Pedersen, Angel and Rolfes)

AN ACT Relating to testimonial privileges for alcohol and drug addiction recovery sponsors; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

ESSB 6513 by Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Warnick, Hobbs, Parlette, Takko, Hargrove and Honeyford)

AN ACT Relating to reservations of water in water resource inventory area 45; adding a new section to chapter 90.54 RCW; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

SSB 6519 by Senate Committee on Health Care (originally sponsored by Senators Becker, Cleveland, Dammeier, Frockt, Brown, Angel, Rivers, Bailey, Keiser, Conway, Fain, Carlyle, Rolfes, Chase and Parlette)

AN ACT Relating to expanding patient access to health services through telemedicine and establishing a collaborative for the advancement of telemedicine; amending RCW 48.43.735, 41.05.700, 74.09.325, and 70.41.230; creating new sections; and providing an effective date.

Referred to Committee on Health Care & Wellness.

ESSB 6525 by Senate Committee on Government Operations & Security (originally sponsored by Senators Angel, Liias, Rolfes, Dammeier and Schoesler)

AN ACT Relating to the state building code council; amending RCW 19.27.070, 19.27.074, and 19.27A.020; creating a new section; and providing an expiration date.

Referred to Committee on Local Government.

SSB 6529 by Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators Hargrove, Miloscia, Hewitt, Pedersen and McAuliffe)

AN ACT Relating to strengthening opportunities for the rehabilitation and reintegration of juvenile offenders; amending RCW 13.40.010, 13.40.127, 13.40.308, 13.40.265, 9.41.040, 46.20.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, and 10.99.030; and reenacting and amending RCW 10.31.100.

Referred to Committee on Early Learning & Human Services.

E2SSB 6534 by Senate Committee on Ways & Means (originally sponsored by Senators O'Ban and Becker)

AN ACT Relating to establishing a maternal mortality review panel; adding a new section to chapter 70.54 RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SB 6545 by Senator Ericksen

AN ACT Relating to creating a task force on Washington's clean energy economy; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Technology & Economic Development.

E2SSB 6564 by Senate Committee on Ways & Means (originally sponsored by Senators O'Ban, Fain, Keiser, McAuliffe, Hobbs, Conway, Angel, Frockt and Warnick)

AN ACT Relating to persons with developmental disabilities; amending RCW 74.34.300; adding new sections to chapter 71A.12 RCW; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on Early Learning & Human Services.

SSB 6583 by Senate Committee on Ways & Means (originally sponsored by Senators Miloscia, Padden, O'Ban, Pearson and Sheldon)

AN ACT Relating to performance management systems at the state department of corrections; adding

new sections to chapter 72.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on General Government & Information Technology.

ESB 6589 by Senators Bailey, Pearson and Warnick

AN ACT Relating to a feasibility study to examine whether water storage would provide noninterruptible water resources to users of permit exempt wells; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

E2SSB 6601 by Senate Committee on Ways & Means (originally sponsored by Senators Frockt, Bailey, Braun, Mullet, Carlyle and McAuliffe)

AN ACT Relating to creating the Washington college savings program; amending RCW 28B.95.010, 28B.95.020, 28B.95.025, 28B.95.035, 28B.95.040, 28B.95.080, 28B.95.090, 28B.95.100, 28B.95.150, 28B.95.900, 43.33A.135, and 43.33A.190; reenacting and amending RCW 43.79A.040; adding new sections to chapter 28B.95 RCW; and creating a new section.

Referred to Committee on Higher Education.

ESSB 6606 by Senate Committee on Transportation (originally sponsored by Senator King)

AN ACT Relating to wholesale vehicle dealers; amending RCW 46.70.023; and reenacting and amending RCW 46.70.011.

Referred to Committee on Business & Financial Services.

SB 6607 by Senators Baumgartner and Schoesler

AN ACT Relating to state route number 276; and repealing RCW 47.17.502.

Referred to Committee on Transportation.

ESB 6617 by Senator Frockt

AN ACT Relating to the University of Washington's alternative process for awarding contracts; amending RCW 28B.20.744; and repealing RCW 43.131.413 and 43.131.414.

Referred to Committee on Capital Budget.

#### **FIRST SUPPLEMENTAL INTRODUCTIONS AND FIRST READING**

E2SSB 5109 by Senate Committee on Ways & Means (originally sponsored by Senator Brown)

AN ACT Relating to infrastructure financing for local governments; amending RCW 39.104.020, 39.104.100, 39.104.150, 82.14.510, and 82.32.765; and providing an effective date.

Referred to Committee on Community Development, Housing & Tribal Affairs.

SB 5205 by Senators Becker, Parlette and Warnick

AN ACT Relating to allowing spouses to combine volunteer hours for purposes of receiving a complimentary discover pass; and amending RCW 79A.80.020.

Referred to Committee on Environment.

SSB 5670 by Senate Committee on Energy, Environment & Telecommunications (originally sponsored by Senators Braun, Chase, Kohl-Welles, Sheldon, Hatfield, Rivers, Bailey, Dansel, Ericksen, Becker and Hewitt)

AN ACT Relating to clarifying expenditures under the state universal communications services program; and amending RCW 80.36.650.

Referred to Committee on Appropriations.

SSB 5728 by Senate Committee on Ways & Means (originally sponsored by Senators Darneille, Rivers, Rolfes, Ranker, Keiser, Parlette, Hasegawa, Chase and Jayapal)

AN ACT Relating to permitting opt-out screening for HIV infection; amending RCW 70.24.330; adding a new section to chapter 70.24 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5778 by Senate Committee on Health Care (originally sponsored by Senators Becker, Frockt, Keiser, Bailey, Dammeier, Lias, Hatfield, Angel, Dansel, King, Baumgartner, Brown, Cleveland, Warnick, Honeyford, Parlette, Hill, Rivers, Fain, Braun, Litzow, Conway, Sheldon, Ericksen and Hewitt)

AN ACT Relating to ambulatory surgical facilities; amending RCW 43.70.250, 70.230.020, 70.230.050, and 70.230.100; adding a new section to chapter 48.39 RCW; and repealing RCW 70.230.180.

Referred to Committee on Health Care & Wellness.

SESSB 5857 by Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Conway, Becker and Pearson)

AN ACT Relating to registration and regulation of pharmacy benefit managers; amending RCW 19.340.030 and 19.340.010; adding a new section to chapter 19.340 RCW; adding a new section to chapter 48.02 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care & Wellness.

2ESSB 5915 by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Angel, Miloscia, Braun, Dansel, Schoesler, Hewitt and Chase)

AN ACT Relating to fiscal notes; amending RCW 43.88A.010 and 43.88A.020; adding a new section to chapter 43.88A RCW; creating a new section; and providing expiration dates.

Referred to Committee on Appropriations.

ESB 6100 by Senators Chase, Brown, Angel, Hatfield, Ericksen and McCoy

AN ACT Relating to establishing an economic gardening pilot program; adding a new section to chapter 43.31 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Technology & Economic Development.

SSB 6120 by Senate Committee on Transportation (originally sponsored by Senator Mullet)

AN ACT Relating to providing a registration exemption for certain vessels; amending RCW 88.02.570 and 88.02.570; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

SB 6147 by Senators Roach, Takko, Dansel, Chase and Benton

AN ACT Relating to water-sewer districts; amending RCW 57.08.016 and 70.95A.020; adding a new section to chapter 57.20 RCW; and adding a new section to chapter 57.08 RCW.

Referred to Committee on Local Government.

SSB 6165 by Senate Committee on Law & Justice (originally sponsored by Senators Takko, Pearson, Sheldon and Benton)

AN ACT Relating to short-barreled rifles; and amending RCW 9.41.190.

Referred to Committee on Judiciary.

SB 6170 by Senators Roach, Darneille and Benton

AN ACT Relating to an exemption from disclosure of certain financial, commercial, and proprietary information submitted to or obtained by a city retirement board on behalf of its employees' retirement system; and amending RCW 42.56.270.

Referred to Committee on State Government.

ESSB 6215 by Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Padden, Warnick, Pearson and Becker)

AN ACT Relating to identifying certain irrigation or dairy use water rights as water rights being used for municipal water supply purposes; and amending RCW 90.03.560.

Referred to Committee on Agriculture & Natural Resources.

2SSB 6243 by Senate Committee on Ways & Means (originally sponsored by Senators Litzow, Fain, McAuliffe, Dammeier, Rivers, O'Ban, Bailey, Hill, Warnick, Becker, Hewitt, Keiser, Carlyle, Darneille, Rolfes, Conway and Mullet)

AN ACT Relating to a training program for educators and parents concerning students' mental health; amending RCW 28A.310.500; adding a new section to chapter 28A.300 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Education.

ESSB 6248 by Senate Committee on Energy, Environment & Telecommunications (originally sponsored by Senators Ericksen and Ranker)

AN ACT Relating to risk mitigation plans to promote the transition of eligible coal units; amending RCW 80.80.060; adding a new chapter to Title 80 RCW; and creating a new section.

Referred to Committee on Technology & Economic Development.

SB 6263 by Senators Warnick, Ranker, Rivers, Hobbs, Darneille, Liias and Conway

AN ACT Relating to benefits for certain retirement system members who die or become disabled in the course of providing emergency management services; amending RCW 41.26.510 and 41.26.470; and reenacting and amending RCW 41.26.520.

Referred to Committee on Appropriations.

SSB 6264 by Senate Committee on Ways & Means (originally sponsored by Senators Dammeier,

Conway, Bailey, Rivers, Hasegawa, O'Ban, Frockt, Schoesler, Darneille, Liias and Rolfes)

AN ACT Relating to allowing certain Washington state patrol retirement system and law enforcement officers' and firefighters' members to purchase annuities; adding a new section to chapter 43.43 RCW; and adding new sections to chapter 41.26 RCW.

Referred to Committee on Appropriations.

SSB 6268 by Senate Committee on Accountability & Reform (originally sponsored by Senators Schoesler and Hargrove)

AN ACT Relating to the removal of provisions that are no longer necessary for continued publication in the Revised Code of Washington; amending RCW 43.320.017, 70.95.532, 80.01.080, 48.18A.035, 48.25.140, 48.29.015, 21.20.880, 43.70.900, 29A.04.510, 35A.39.010, 44.05.080, 47.06.110, 82.42.090, and 82.80.070; reenacting 21.20.400; adding a new section to chapter 42.30 RCW; recodifying RCW 42.32.030; decodifying RCW 43.320.012, 43.320.013, 43.320.014, 43.320.015, 43.320.016, 43.320.901, 15.13.940, 15.14.920, 15.15.900, 15.17.940, 15.19.900, 50.06.010, 50.13.010, 50.13.910, 50.38.900, 50.38.902, 50.60.902, 50.65.905, 50.70.902, 28A.165.900, 28A.315.075, 28A.315.901, 28A.655.901, 28A.700.901, 28A.900.103, 29A.04.903, 29A.04.904, 29A.04.905, 42.30.920, 42.56.901, 42.56.902, 42.56.903, 70.22.900, 71A.10.805, 71A.10.900, 10.77.900, 10.77.910, 10.77.920, 10.77.930, 71.05.900, 71.05.910, 71.05.920, 71.05.930, 71.24.900, 71.24.901, 71.34.900, 71.34.901, 5.45.920, 43.41.035, 43.41.940, 43.41.950, 43.41.980, 43.41.981, 43.88.901, 43.88.902, 43.88.903, and 43.88.910; and repealing RCW 66.08.230, 66.08.250, 66.12.020, 28A.305.900, 28A.305.901, 28A.630.005, 70.94.505, 70.95N.270, 70.104.070, 70.104.090, 80.36.901, 70.104.100, 21.20.886, 31.04.501, 48.102.190, 35.13A.0301, 70.22.005, 71A.20.190, 28B.65.010, 28B.65.020, 28B.65.030, 28B.65.040, 28B.65.050, 28B.65.060, 28B.65.070, 28B.65.080, 28B.65.110, 28B.65.900, 28B.65.905, 2.56.031, 10.77.810, 10.77.820, 71.24.055, 2.56.250, 9.04.040, 43.30.8351, 76.01.080, 76.01.090, 76.09.380, 77.12.605, 77.12.710, 79A.20.005, 79A.20.010, 79A.20.030, 79A.20.900, 79A.20.901, 79A.20.902, 43.31.088, 43.31.522, 43.31.524, 43.31.800, 43.31.805, 43.31.810, 43.31.820, 43.31.830, 43.31.832, 43.31.833, 43.31.834, 43.31.840, 43.31.850, 47.01.141, 47.60.645, 47.78.010, 82.44.180, 82.80.040, 82.80.050, 82.80.060, 82.14.046, and 82.50.510.

Referred to Committee on Judiciary.

2SSB 6297 by Senate Committee on Ways & Means (originally sponsored by Senators King and Takko)

AN ACT Relating to the disposition of penalties paid for failure to comply with recreational site or lands pass/permit requirements; and amending RCW 7.84.100.

Referred to Committee on Appropriations.

ESSB 6309 by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Angel and Hobbs)

AN ACT Relating to registered service contract and protection product guarantee providers; and amending RCW 48.110.030, 48.110.050, 48.110.055, 48.110.073, 48.110.130, and 48.110.902.

Referred to Committee on Business & Financial Services.

SSB 6314 by Senate Committee on Transportation (originally sponsored by Senators Fain and Mullet)

AN ACT Relating to county road administration and maintenance; amending RCW 36.87.120, 36.80.015, 36.80.030, 36.80.040, 36.80.050, 36.80.060, and 36.32.235; and creating a new section.

Referred to Committee on Local Government.

ESSB 6317 by Senate Committee on Ways & Means (originally sponsored by Senators Padden, Takko, Dammeier, Hargrove and Hobbs)

AN ACT Relating to the establishment of an office of superior courts; and adding a new chapter to Title 2 RCW.

Referred to Committee on Judiciary.

ESSB 6334 by Senate Committee on Government Operations & Security (originally sponsored by Senators Benton, Chase, Rivers, Cleveland, Warnick, Hobbs, King and Sheldon)

AN ACT Relating to rail dependent uses for purposes of the growth management act and related development regulations; amending RCW 36.70A.030, 36.70A.060, 36.70A.070, 36.70A.070, and 36.70A.108; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Local Government.

SSB 6360 by Senate Committee on Law & Justice (originally sponsored by Senators O'Ban, Carlyle, Liias, Jayapal, Frockt, King, Pearson, Pedersen, Hasegawa and Chase)

AN ACT Relating to the consolidation of traffic-based financial obligations through a unified payment plan

system; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

SSB 6363 by Senate Committee on Transportation (originally sponsored by Senators Takko, Ericksen, Hobbs and Parlette)

AN ACT Relating to the design and construction of certain transportation facilities adjacent to or across a river or waterway; adding a new section to chapter 47.01 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6396 by Senators Braun, Roach, Bailey, Rivers, Angel, Becker, Brown, Dammeier, Parlette, Sheldon, Schoesler, Honeyford, Warnick, Padden and Pearson

AN ACT Relating to administrative procedures; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government.

ESSB 6406 by Senate Committee on Commerce & Labor (originally sponsored by Senators Warnick and Conway)

AN ACT Relating to certified public accountant firm mobility; and amending RCW 18.04.025, 18.04.055, 18.04.105, 18.04.195, 18.04.345, 18.04.205, and 18.04.350.

Referred to Committee on Business & Financial Services.

SB 6414 by Senators Rolfes, Pearson, Warnick and Angel

AN ACT Relating to hatchery management agreements; and amending RCW 77.95.320.

Referred to Committee on Agriculture & Natural Resources.

SSB 6430 by Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators Parlette, Darneille, O'Ban and Conway)

AN ACT Relating to providing continuity of care for recipients of medical assistance during periods of incarceration; amending RCW 70.48.100; adding new sections to chapter 74.09 RCW; adding a new section to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 6439 by Senate Committee on Ways & Means (originally sponsored by Senators Bailey, Conway, Schoesler, Hewitt and Roach)

AN ACT Relating to retirement benefits for volunteer firefighters and reserve officers assisting with state emergencies; amending RCW 41.40.023; creating new sections; and providing an effective date.

Referred to Committee on Appropriations.

E2SSB 6455 by Senate Committee on Ways & Means (originally sponsored by Senators Dammeier, Rolfes, Litzow, Billig, Rivers, Conway and McAuliffe)

AN ACT Relating to expanding the professional educator workforce by increasing career opportunities in education, creating a more robust enrollment forecasting, and enhancing recruitment efforts; amending RCW 43.88C.010, 28A.660.050, and 28A.410.250; adding a new section to chapter 41.32 RCW; adding a new section to chapter 28A.660 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Education.

SB 6491 by Senators Pedersen and Roach

AN ACT Relating to apostille or other signature or attestation services by the secretary of state; and adding a new section to chapter 43.07 RCW.

Referred to Committee on State Government.

SSB 6523 by Senate Committee on Ways & Means (originally sponsored by Senators Pearson, Hasegawa and Conway)

AN ACT Relating to service credit for pension purposes for certain emergency medical services employees; adding a new section to chapter 41.40 RCW; and creating a new section.

Referred to Committee on Appropriations.

SSB 6536 by Senate Committee on Health Care (originally sponsored by Senator Becker)

AN ACT Relating to the filing and rating of group health benefit plans other than small group plans, all stand-alone dental plans, and stand-alone vision plans by disability insurers, health care service contractors, and health maintenance organizations; amending RCW 48.43.733; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 6569 by Senate Committee on Health Care (originally sponsored by Senators Cleveland, Becker, Carlyle, Keiser and Ranker)

AN ACT Relating to the creation of a task force on patient out-of-pocket costs; and creating new sections.

Referred to Committee on Health Care & Wellness.

ESSB 6605 by Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Warnick, Becker, Brown and Honeyford)

AN ACT Relating to ensuring that solid waste management requirements prevent the spread of disease, plant pathogens, and pests; amending RCW 70.95.060, 70.95.165, 70.95.180, 70.95.200, and 70.95.300; and adding new sections to chapter 70.95 RCW.

Referred to Committee on Environment.

SB 6614 by Senators Hobbs, King and Conway

AN ACT Relating to measuring the performance of the state transportation system; amending RCW 47.01.071 and 47.64.360; reenacting and amending RCW 47.04.280; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

ESB 6631 by Senators Roach and Chase

AN ACT Relating to establishing a joint select committee to consider the political, economic, and security issues at Washington's largest ports; creating a new section; and providing an expiration date.

Referred to Committee on Technology & Economic Development.

SB 6633 by Senators Ranker and Ericksen

AN ACT Relating to the marine resources advisory council; amending RCW 43.06.338; and providing an expiration date.

Referred to Committee on Environment.

There being no objection, the bills and memorial listed on the day's introduction sheet and first supplemental introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6195 which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

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

### SECOND READING

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6195, by Senate Committee on Ways & Means**

**(originally sponsored by Senators Rivers, Rolfes, Litzow and Billig)**

### Concerning basic education obligations.

The bill was read the second time.

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

Representatives Lytton, Magendanz and Sullivan spoke in favor of the passage of the bill.

Representative Manweller spoke against the passage of the bill.

### MOTION

On motion of Representative Van De Wege, Representative Sawyer was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6195.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6195, and the bill passed the House by the following vote: Yeas, 66; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hargrove, Hawkins, Hickel, Hudgins, Hunt, Hurst, Jenkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, Magendanz, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Harmsworth, Harris, Hayes, Holy, Klippert, Kretz, Kristiansen, MacEwen, Manweller, McCaslin, Orcutt, Pike, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Wilcox, Wilson and Young.

Excused: Representative Sawyer.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6195, having received the necessary constitutional majority, was declared passed.

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

### THIRD READING

**HOUSE CONCURRENT RESOLUTION NO. 4401, by Representatives S. Hunt and Reykdal**

**Renaming "Office Building 2" as the "Human Services Building."**

The concurrent resolution was read the third time.

Representatives Hunt and Holy spoke in favor of the passage of the resolution.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Concurrent Resolution No. 4401.

**ROLL CALL**

The Clerk called the roll on the final passage of House Concurrent Resolution No. 4401, and the resolution passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Dent, Dunshee, Dye, Farrell, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller,

Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, DeBolt, Fey, McCaslin, Shea, Taylor and Young.

Excused: Representative Sawyer.

HOUSE CONCURRENT RESOLUTION NO. 4401, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., February 19, 2016, the 40th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - REGULAR SESSION**

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**FORTIETH DAY**

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House Chamber, Olympia, Friday, February 19, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Tarleton presiding).

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

**INTRODUCTIONS AND FIRST READING**

HB 2988 by Representative Dunshee

Making expenditures from the budget stabilization account to make critical investments.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

The Speaker (Representative Tarleton presiding) called upon Representative Riccelli to preside.

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

There being no objection, the House adjourned until 9:00 a.m., February 22, 2016, the 43rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## FORTY THIRD DAY

House Chamber, Olympia, Monday, February 22, 2016

The House was called to order at 9:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Krista Dye and William Fratt. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Al Hoenhaus, Puyallup Evangelical Church, Washington.

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

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

**INTRODUCTION & FIRST READING**

HB 2989 by Representatives Reykdal, Walsh and Tarleton

AN ACT Relating to career and technical education materials, supplies, and operating costs; amending RCW 28A.150.260 and 43.88.055; reenacting and amending RCW 28A.150.260; adding a new section to chapter 28A.300 RCW; and providing effective dates.

Referred to Committee on Appropriations.

HB 2990 by Representatives Peterson, Robinson, Farrell, Gregerson, Bergquist, Riccelli, Jinkins, Pollet, Kuderer, Stanford, Ryu, Frame, Tharinger, Moscoso, Cody, Sells, Appleton, Reykdal, Ortiz-Self, Wylie, Hudgins, S. Hunt, Kagi, Van De Wege, Moeller, Tarleton, Senn, Walkinshaw and Ormsby

AN ACT Relating to improving the fairness of Washington's tax system by narrowing the use tax exemption for extracted fuel; amending RCW 82.12.0263; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Finance.

HB 2991 by Representatives Farrell, Riccelli, Jinkins, Robinson, Bergquist, Gregerson, Pollet, Kuderer, Ryu, Frame, Tarleton, Moscoso, Tharinger, Cody, Fey, Sells, Appleton, Reykdal, Ortiz-Self, Wylie, S. Hunt, Kagi, Hudgins, Moeller, Ormsby and Peterson

AN ACT Relating to improving the fairness of Washington's tax system by narrowing the deduction for income received on real estate loans; amending RCW 82.04.29005; adding a new section to chapter 82.32 RCW; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Finance.

HB 2992 by Representatives Frame, Farrell, Riccelli, Bergquist, Robinson, Pollet, Gregerson, Ryu, Jinkins, Reykdal, Tharinger, Kuderer, Moscoso, Cody, Fey, Sells, Appleton, Ortiz-Self, Wylie, S. Hunt, Van De Wege, McBride, Moeller, Tarleton, Senn, Walkinshaw, Kagi, Santos, Kirby, Ormsby and Peterson

AN ACT Relating to improving fairness in the Washington tax system by narrowing the sales and use tax exemption for the purchase and repair of large private airplanes owned by nonresident entities; amending RCW 82.08.215; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.135 RCW; and providing an expiration date.

Referred to Committee on Finance.

HB 2993 by Representatives Riccelli, Jinkins, Robinson, Farrell, Gregerson, Bergquist, Kuderer, Hurst, Tharinger, Pollet, Ryu, Frame, Moscoso, Sells, Appleton, Reykdal, Ortiz-Self, Wylie, Kagi, S. Hunt, Van De Wege, Hudgins, Walkinshaw, Tarleton, Senn, Ormsby and Peterson

AN ACT Relating to improving the fairness of Washington's tax system by repealing the business and occupation tax exemption for international banking facilities; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.135 RCW; and repealing RCW 82.04.315.

Referred to Committee on Finance.

HB 2994 by Representatives Robinson, Walkinshaw, Gregerson, Farrell, Jinkins, Frame, Riccelli, Tharinger, Moscoso, Kuderer, Cody, Bergquist, Pollet, Sells, Stanford, Appleton, Ryu, Reykdal, Ortiz-Self, Hudgins, Wylie, S. Hunt, Van De Wege, Moeller, Tarleton, Santos, Kirby, Ormsby and Peterson

AN ACT Relating to providing accountability and transparency for aerospace-related tax incentives;

amending RCW 82.04.4461; amending 2013 3rd sp.s. c 2 s 1 (uncodified); reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

## SECOND READING

### HOUSE BILL NO. 2362, by Representatives Hansen, Pettigrew, Nealey and Kirby

#### Concerning video and/or sound recordings made by law enforcement or corrections officers.

The bill was read the second time.

Representative Hansen moved the adoption of amendment (735):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 4.** The legislature finds that technological developments present opportunities for additional truth-finding, transparency, and accountability in interactions between law enforcement or corrections officers and the public. The legislature intends to promote transparency and accountability by permitting access to video and/or sound recordings of interactions with law enforcement or corrections officers, while preserving the public's reasonable expectation that the recordings of these interactions will not be publicly disclosed to enable voyeurism or exploitation.

**Sec. 5.** RCW 42.56.240 and 2015 c 224 s 3 and 2015 c 91 s 1 are each reenacted and amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or

nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;

(6) Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates; ~~((and))~~

(13) The global positioning system data that would indicate the location of the residence of an employee or

worker of a criminal justice agency as defined in RCW 10.97.030; and

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i) The interior of a place of residence where a person has a reasonable expectation of privacy;

(ii) An intimate image as defined in RCW 9A.86.010;

(iii) A minor;

(iv) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern;

(v) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020; or

(vi) The waiting or treatment area of a medical facility, or counseling or therapeutic program office.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either the Washington state commission on African-American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any

applicable law. A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording. A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer from a covered jurisdiction while in the course of his or her official duties and that is made on or after the effective date of this section and prior to July 1, 2019; and

(ii) "Covered jurisdiction" means any jurisdiction that has deployed body worn cameras as of the effective date of this section, regardless of whether or not body worn cameras are being deployed in the jurisdiction on the effective date of this section, including, but not limited to, jurisdictions that have deployed body worn cameras on a pilot basis.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

**Sec. 6.** RCW 42.56.080 and 2005 c 483 s 1 and 2005 c 274 s 285 are each reenacted and amended to read as follows:

Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person including, if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. Agencies shall not deny a request for identifiable public records solely on the basis that the request is overbroad. Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.56.070(9) or 42.56.240(14), or

other statute which exempts or prohibits disclosure of specific information or records to certain persons. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Agencies shall honor requests received by mail for identifiable public records unless exempted by provisions of this chapter.

**Sec. 7.** RCW 42.56.120 and 2005 c 483 s 2 are each amended to read as follows:

No fee shall be charged for the inspection of public records (~~(-No fee shall be charged for)~~) or locating public documents and making them available for copying, except as provided in RCW 42.56.240(14). A reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for its actual costs directly incident to such copying. Agency charges for photocopies shall be imposed in accordance with the actual per page cost or other costs established and published by the agency. In no event may an agency charge a per page cost greater than the actual per page cost as established and published by the agency. To the extent the agency has not determined the actual per page cost for photocopies of public records, the agency may not charge in excess of fifteen cents per page. An agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request. If an agency makes a request available on a partial or installment basis, the agency may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the agency is not obligated to fulfill the balance of the request.

**NEW SECTION. Sec. 8.** (1) A law enforcement or corrections agency that deploys body worn cameras must establish policies regarding the use of the cameras. The policies must, at a minimum, address:

- (a) When a body worn camera must be activated and deactivated, and when a law enforcement or corrections officer has the discretion to activate and deactivate the body worn camera;
- (b) How a law enforcement or corrections officer is to respond to circumstances when it would be reasonably anticipated that a person may be unwilling or less willing to communicate with an officer who is recording the communication with a body worn camera;
- (c) How a law enforcement or corrections officer will document when and why a body worn camera was deactivated prior to the conclusion of an interaction with a member of the public while conducting official law enforcement or corrections business;
- (d) How, and under what circumstances, a law enforcement or corrections officer is to inform a member of the public that he or she is being recorded, including in

situations where the person is a non-English speaker or has limited English proficiency, or where the person is deaf or hard of hearing;

(e) How officers are to be trained on body worn camera usage and how frequently the training is to be reviewed or renewed; and

(f) Security rules to protect data collected and stored from body worn cameras.

(2) A law enforcement or corrections agency that deploys body worn cameras before the effective date of this section must establish the policies within one hundred twenty days of the effective date of this section. A law enforcement or corrections agency that deploys body worn cameras on or after the effective date of this section must establish the policies before deploying body worn cameras.

(3) This section expires July 1, 2019.

**NEW SECTION. Sec. 9.** (1) The legislature shall convene a task force with the following voting members to examine the use of body worn cameras by law enforcement and corrections agencies:

- (a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;
- (b) One member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;
- (c) A representative from the governor's office;
- (d) Two representatives from the Washington association of prosecuting attorneys;
- (e) A representative from the Washington defender association;
- (f) A representative of the Washington association of criminal defense lawyers;
- (g) A representative from the American civil liberties union of Washington;
- (h) A representative from the Washington association of sheriffs and police chiefs;
- (i) Four chief local law enforcement officers, at least two of whom must be from local law enforcement agencies that have deployed body worn cameras, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (j) Three law enforcement officers, one representing the council of metropolitan police and sheriffs and two representing the Washington council of police and sheriffs;
- (k) Two representatives of local governments responsible for oversight of law enforcement, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (l) A representative from the Washington coalition for open government;
- (m) A representative of the news media, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (n) A representative of victims advocacy groups, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (o) Two representatives with experience in interactions between law enforcement and the public,

appointed by the Washington state commission on African-American affairs;

(p) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on Asian Pacific American affairs;

(q) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on Hispanic affairs;

(r) One representative of immigrant or refugee communities, appointed jointly by the president of the senate and the speaker of the house of representatives;

(s) One person with expertise in the technology of retaining and redacting body worn camera recordings, appointed jointly by the president of the senate and the speaker of the house of representatives;

(t) Two representatives of the tribal communities with experience in interactions between law enforcement and the public, appointed jointly by the president of the senate and the speaker of the house of representatives; and

(u) A public member, appointed jointly by the president of the senate and the speaker of the house of representatives.

(2) The task force shall choose two cochairs from among its legislative members.

(3) The task force may request such information, recordings, and other records from agencies as the task force deems appropriate for it to effectuate this section. A participating agency must provide such information, recordings, or records upon request subject to exemptions under chapter 42.56 RCW or any applicable law.

(4) Staff support for the task force shall be provided by the senate committee services and the house of representatives office of program research.

(5) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer, governmental entity, or other organization, are entitled to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(7) The task force shall hold public meetings in locations that include rural and urban communities and communities in the eastern and western parts of the state.

(8) The task force shall specifically consider and report on the use of body worn cameras in health care facilities subject to the health insurance portability and accountability act of 1996, P.L. 104-191, and the uniform health care information act, chapter 70.02 RCW. The task force shall consult with subject matter experts, including, but not limited to, the Washington state hospital association and the Washington state medical association, and any findings or recommendations must be consistent with the obligations of health care facilities under both federal and state law.

(9) The task force shall report its findings and recommendations to the governor and the appropriate

committees of the legislature by December 1, 2018. The report must include, but is not limited to, findings and recommendations regarding costs assessed to requesters, policies adopted by agencies, retention and retrieval of data, model policies regarding body worn cameras that at a minimum address the issues identified in section 5 of this act, and the use of body worn cameras for gathering evidence, surveillance, and police accountability. The task force must allow a minority report to be included with the task force report if requested by a member of the task force.

(10) This section expires June 1, 2019.

NEW SECTION. Sec. 10. Section 5 of this act constitutes a new chapter in Title 10 RCW."

With the consent of the house, amendments (774), (777), (787) and (789) to amendment (735) were withdrawn.

Representative Hansen moved the adoption of amendment (773) to amendment (735):

On page 4, line 5 of the striking amendment, after "(iv)" insert "The body of a deceased person:

(v)"

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

Representatives Hansen and Jinkins spoke in favor of the adoption of the amendment to the amendment.

Amendment (773) to amendment (735) was adopted.

Representative Pollet moved the adoption of amendment (799) to amendment (735):

On page 5, line 1 of the striking amendment, after "(e)" insert "(i)"

On page 5, line 10 of the striking amendment, after "law." insert "In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii)"

On page 5, line 14 of the striking amendment, after "recording." insert the following:

(iii)"

On page 5, line 20 of the striking amendment, after "(f)" insert "(i)"

On page 5, after line 26 of the striking amendment, insert the following:

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law."

Representatives Pollet, Stokesbary and Jinkins spoke in favor of the adoption of the amendment to the amendment.

Amendment (799) to amendment (735) was adopted.

Representative Moscoso moved the adoption of amendment (785) to amendment (735):

On page 6, beginning on line 2 of the amendment, after "as of" strike all material through "basis" on line 6 and insert "January 1, 2016, regardless of whether or not body worn cameras are being deployed in the jurisdiction on January 1, 2016, including, but not limited to, jurisdictions that have deployed body worn cameras on a pilot basis as of that date"

Representatives Moscoso and Taylor spoke in favor of the adoption of the amendment to the amendment.

Representatives Jinkins and Stokesbary spoke against the adoption of the amendment to the amendment.

Amendment (785) to amendment (735) was not adopted.

Representative Young moved the adoption of amendment (775) to amendment (735):

On page 8, line 5 of the striking amendment, after "camera" insert ". The policies must require that an officer deactivate a body worn camera when entering a residence unless at the time of entry into the residence a crime is occurring at the residence or the officer reasonably believes a crime may occur at the residence while the officer is entering or within the residence"

Representatives Young, Hayes and Shea spoke in favor of the adoption of the amendment to the amendment.

Representatives Jinkins and Hansen spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 50 - YEAS; 47 - NAYS.

Amendment (775) to amendment (735) was adopted.

Representative Taylor moved the adoption of amendment (778) to amendment (735):

On page 8, line 30 of the striking amendment, after "(3)" insert "Body worn camera policies established under this section must be adopted in accordance with the requirements of the open public meetings act, chapter 42.30 RCW.

(4)"

Representatives Taylor, Hayes and Taylor (again) spoke in favor of the adoption of the amendment to the amendment.

Representatives Jinkins and Springer spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 48 - YEAS; 49 - NAYS.

Amendment (778) to amendment (735) was not adopted.

Representative Shea moved the adoption of amendment (790) to amendment (735):

On page 8, after line 30 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 6.** Footage from a body worn camera recording may not be introduced as evidence in a criminal proceeding unless there is probable cause to believe that the footage is evidence of criminal activity constituting a felony offense, or where the footage is obtained in the course of executing a valid warrant or obtained under exigent circumstances. For the purposes of this section, "body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer while in the course of his or her official duties."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 11, after line 32 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 7.** Section 6 of this act constitutes a new chapter in Title 5 RCW."

Renumber the remaining section consecutively.

Correct the title.

Representative Shea spoke in favor of the adoption of the amendment to the amendment.

Representative Jinkins spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 47 - YEAS; 50 - NAYS.

Amendment (790) to amendment (735) was not adopted.

Representative Moscoso moved the adoption of amendment (779) to amendment (735):

Beginning on page 1, at the beginning of line 4 of the amendment, strike all of sections 1 through 7 and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature shall convene a task force with the following voting members to examine the use of body worn cameras by law enforcement and corrections agencies:

- (a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;
- (b) One member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;
- (c) A representative from the governor's office;
- (d) Two representatives from the Washington association of prosecuting attorneys;
- (e) A representative from the Washington defender association;
- (f) A representative of the Washington association of criminal defense lawyers;
- (g) A representative from the American civil liberties union of Washington;
- (h) A representative from the Washington association of sheriffs and police chiefs;
- (i) Four chief local law enforcement officers, at least two of whom must be from local law enforcement agencies that have deployed body worn cameras, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (j) Three law enforcement officers, one representing the council of metropolitan police and sheriffs and two representing the Washington council of police and sheriffs;
- (k) One representative of local governments responsible for oversight of law enforcement, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (l) A representative from the Washington coalition for open government;
- (m) A representative of the news media, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (n) A representative of victims advocacy groups, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (o) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on African-American affairs;
- (p) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on Asian Pacific American affairs;
- (q) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on Hispanic affairs;
- (r) One representative of immigrant or refugee communities, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (s) One representative of the Washington state hospital association;
- (t) One person with expertise in the technology of retaining and redacting body worn camera recordings, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (u) Two representatives of the tribal communities with experience in interactions between law enforcement

and the public, appointed jointly by the president of the senate and the speaker of the house of representatives; and

(v) A public member, appointed jointly by the president of the senate and the speaker of the house of representatives.

(2) The task force shall choose two cochairs from among its legislative members.

(3) The task force may request such information, recordings, and other records from agencies as the task force deems appropriate for it to effectuate this section. A participating agency must provide such information, recordings, or records upon request subject to exemptions under chapter 42.56 RCW or any applicable law.

(4) Staff support for the task force shall be provided by the senate committee services and the house of representatives office of program research.

(5) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2017. The report must include, but is not limited to, findings and recommendations regarding costs assessed to requesters, policies adopted by agencies, retention and retrieval of data, model policies regarding body worn cameras, and the use of body worn cameras for gathering evidence, surveillance, and police accountability.

(8) This section expires June 1, 2018."

Correct the title.

Representatives Moscoso and Taylor spoke in favor of the adoption of the amendment to the amendment.

Representatives Rodne, Jinkins and Stokesbary spoke against the adoption of the amendment to the amendment.

Amendment (779) to amendment (735) was not adopted.

Representatives Hansen and Nealey spoke in favor of the adoption of the amendment as amended.

Amendment (735), as amended, was adopted.

The bill was ordered engrossed.

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

Representatives Pettigrew, Stokesbary, Rodne, Kuderer, Hayes and Nealey spoke in favor of the passage of the bill.

Representatives Schmick, Pollet, Moscoso, DeBolt, Johnson, Shea, Ryu, Taylor, Holy and Condotta spoke against the passage of the bill.

#### **MOTION**

On motion of Representative Harris, Representative MacEwen was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2362.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2362, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hargrove, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, Magendanz, McBride, Moeller, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton,

Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Farrell, Griffey, Harmsworth, Harris, Hawkins, Holy, Johnson, Kretz, Kristiansen, Manweller, McCabe, McCaslin, Moscoso, Orcutt, Parker, Pike, Pollet, Ryu, Santos, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilcox and Wilson.

Excused: Representative MacEwen.

ENGROSSED HOUSE BILL NO. 2362, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Orwall to preside.

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

There being no objection, the House adjourned until 9:55 a.m., February 23, 2016, the 44th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## FORTY FOURTH DAY

House Chamber, Olympia, Tuesday, February 23, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2016-4665, by Representatives Lytton, Morris, Van Werven, and Buys**

WHEREAS, Dr. W. Bruce Shepard is retiring from his position as President of Western Washington University in June 2016, after serving as the University's 13th President; and

WHEREAS, President Shepard is a true public servant in higher education, with four decades of experience as an educator and academic leader, including eight years as President of Western Washington University, seven years of public service as Chancellor of the University of Wisconsin-Green Bay, six years of service as Provost at Eastern Oregon University, and twenty-three years with Oregon State University, where he earned tenure as a Professor of Political Science and served in various roles in the University's administration; and

WHEREAS, Under President Shepard's leadership, Western Washington University has been recognized as a regional and national leader for academic success and community engagement, including repeated recognition by *U.S. News & World Report* as the highest ranking public master's degree granting university in the Pacific Northwest and one of the best values in public higher education by *Kiplinger's*; ranking first in the nation three years in a row among medium-sized universities in sending graduates to the Peace Corps; and being the top national producer in 2013 among public master's degree granting institutions for Fulbright Scholarship winners; and

WHEREAS, President Shepard has prioritized Western's role in building a stronger Washington as a publicly-purposed university, highlighted by the fact that nine out of ten Western students are from the state of Washington, and the vast majority of Western alumni live in Washington, including in every county throughout the state; and

WHEREAS, President Shepard led the University to successfully navigate the Great Recession, effectively managing the University's finances while protecting

Western's distinctive academic excellence as well as affordability for students; and

WHEREAS, During President Shepard's tenure at Western, STEM degree production has increased by fifty percent, including a tripling of the number of computer science degrees produced; and

WHEREAS, President Shepard has strengthened Western's commitment to serving, educating, and graduating first-generation, low-income, and traditionally underserved students, helping to establish an empathetic campus culture that values inclusivity and diversity; and

WHEREAS, Through his leadership, President Shepard has consistently challenged the Western community and residents throughout Washington State to consider tough questions around racial privilege, equity, and social justice, and worked to ensure that quality higher education is accessible to students of all backgrounds and demographics; and

WHEREAS, Through his leadership, President Shepard has fostered greater equity and inclusion on the Western Washington University campus through multiple initiatives that have enhanced the quality of life for students, faculty, and staff; and

WHEREAS, President Shepard has been a champion of shared governance and leading by listening, beginning his service at Western by holding listening sessions involving several thousand faculty, staff, and students on campus, followed by over one hundred conversations with diverse constituency groups around Washington and beyond; and

WHEREAS, Under President Shepard's leadership, Western has invigorated a culture of philanthropy and elevated its reputation throughout the state, leading to the success of the sixty million dollar *Western Stands for Washington* fundraising campaign; and

WHEREAS, President Shepard's legacy and devotion to public higher education will have lasting beneficial effects on the state of Washington and the students, faculty, and staff of Western Washington University for years to come;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize President Bruce Shepard for his service in higher education and for his dedication to access, innovation, diversity, equity, sustainability, and academic excellence; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to President Shepard and the Board of Trustees of Western Washington University.

The Speaker (Representative Orwall presiding) stated the question before the House to be adoption of House Resolution No. 4665.

HOUSE RESOLUTION NO. 4665 was adopted.

### RESOLUTION

**HOUSE RESOLUTION NO. 2016-4668**, by Representative Haler

WHEREAS, The existence of gravitational waves has been detected for the first time, 100 years after Albert Einstein predicted their existence in 1916; and

WHEREAS, Two black holes collided to create the waves seen at two locations of the Laser Interferometer Gravitational-Wave Observatory, one at Hanford in Washington State and the other in Louisiana; and

WHEREAS, Scientists believe that the two black holes in this event were about 29 and 36 times the mass of the sun, and that this collision converted three times the mass of the sun into gravitational waves within one second; and

WHEREAS, The peak power output of this event was about 50 times that of the combined power of all the stars in the visible universe; and

WHEREAS, Physical events in space, like the collision of black holes, the collapse of stars, or changes in the speed or direction of large objects create gravitational waves; and

WHEREAS, Being able to detect and measure gravitational waves will advance our knowledge of astronomy and physics and could cause a new understanding of time and space to be formed; and

WHEREAS, The National Science Foundation has been working toward the detection of gravitational waves for 40 years, spending about \$1 billion to date; and

WHEREAS, Albert Einstein lacked the means to prove the existence of gravitational waves, or that a century would pass before modern science could demonstrate what he knew to be true;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its thanks and appreciation to the Laser Interferometer Gravitational-Wave Observatory project directors and managers, and to the international team of scientists and technicians who conducted these experiments, for their dedication to scientific discovery; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the value of the advancement of

our understanding of Einstein's general theory of relativity and of any practical applications for this knowledge that we do not yet realize; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the National Science Foundation, the California Institute of Technology, the Massachusetts Institute of Technology, and the President of the United States.

The Speaker (Representative Orwall presiding) stated the question before the House to be adoption of House Resolution No. 4668.

HOUSE RESOLUTION NO. 4668 was adopted.

### RESOLUTION

**HOUSE RESOLUTION NO. 2016-4669**, by Representatives Buys, Lytton, Hansen, Morris, Van Werven, and Zeiger

WHEREAS, In June 2016, Cyndie Shepard is retiring from her position as the first lady of Western Washington University and as the executive director of Western's award-winning Compass 2 Campus mentoring program; and

WHEREAS, Cyndie Shepard has excelled as the first lady of Western Washington University in working with her husband, Western President Bruce Shepard, to develop friendships and partnerships on campus and in the community, state, and nation; and in creating opportunities for people from all walks of life; and

WHEREAS, Cyndie Shepard has proven to be a true champion for education in three states, particularly in raising aspirations for students from traditionally underrepresented, diverse, and first generation backgrounds to pursue higher education through mentoring programs in Washington and Wisconsin; and

WHEREAS, Cyndie Shepard has taught at several universities and colleges across the nation including the University of Wisconsin-Green Bay, Murray State University, Eastern Oregon University, and Blue Mountain Community College; and has extensive experience in K-12 education, special education, and administration; and

WHEREAS, The Western community and the people of Washington have benefited from the contributions and leadership of Cyndie Shepard, who has particularly distinguished herself for her creation, development, and leadership of Western's Compass 2 Campus program, a nationally recognized, award-winning mentoring initiative that places Western students in local school districts to encourage students to graduate from high school and pursue higher education; and

WHEREAS, The Compass 2 Campus program was transported to Central Washington University last year, in

recognition of its great success at Western and in Whatcom and Skagit counties; and

WHEREAS, The Western Washington University Compass 2 Campus Mentorship Initiative is a pilot program implemented by House Bill No. 1986 which was signed by the governor on May 11, 2009; and

WHEREAS, Cyndie Shepard served as director and co-founder of the Phuture Phoenix program at University of Wisconsin-Green Bay, where the program continues to be successful and has been transported to University of Wisconsin-Eau Claire and Silver Lake College; and

WHEREAS, Compass 2 Campus and the Phuture Phoenix programs have proven to increase GPA and reduce truancy among elementary, middle, and high school students; empower students to make good choices about the future; increase students' leadership and commitment to giving back to their communities; and empower more students to graduate from high school and encourage them to consider some form of higher education; and

WHEREAS, Cyndie Shepard presents on mentorship and student engagement at numerous conferences and community events, teaches at Western in the Woodring College of Education and in the dance department, is past president of Western's chapter of Phi Kappa Phi, is on the Woodring Diversity Committee, and is an advisory board member for the GRADS Program in Bellingham Public Schools; and

WHEREAS, Cyndie Shepard's legacy and devotion to public education will have lasting beneficial effects on the people of the state of Washington, those who come from disadvantaged backgrounds, and those college students who served as mentors to those students in area schools, for years to come;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Cyndie Shepard for her service to Western Washington

University and for her dedication to K-12 and higher education and to student access and success; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Cyndie Shepard and the Board of Trustees of Western Washington University.

The Speaker (Representative Orwall presiding) stated the question before the House to be adoption of House Resolution No. 4669.

HOUSE RESOLUTION NO. 4669 was adopted.

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

### INTRODUCTION & FIRST READING

HB 2995 by Representative Dunshee

AN ACT Relating to the four-year balanced budget process; amending RCW 43.88.055; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

There being no objection, the House adjourned until 10:00 a.m., February 24, 2016, the 45th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## FORTY FIFTH DAY

House Chamber, Olympia, Wednesday, February 24, 2016

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

The flags were escorted to the rostrum by the Navy Junior ROTC Color Guard, comprised of Austin McBride, Mara Rouse, Matthew Dixon, Mikayla Hobbs, Jonathan Francisco and Kayleigh Burbank. The Speaker (Representative Orwall presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Joe Beal, Christ the Servant Lutheran Church, Lacey, Washington.

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

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Orwall presiding) introduced the Navy Junior ROTC, Wildcat Battalion, Oak Harbor High School to the Chamber and asked the members to acknowledge them.

**MESSAGE FROM THE SENATE**

February 23, 2016

MR. SPEAKER:

The President has signed:  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6195,

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6195.

The Speaker called upon Representative Sullivan to preside.

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

**INTRODUCTION & FIRST READING**

HB 2996 by Representatives Lytton, Reykdal and Santos

AN ACT Relating to investing in a well-qualified and sufficient K-12 public education workforce by

narrowing or eliminating tax preferences; amending RCW 82.08.0293, 82.12.0293, 82.08.0273, 82.45.010, 82.45.080, 82.04.290, and 82.04.440; reenacting and amending RCW 82.04.260; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 39.42 RCW; creating new sections; repealing RCW 82.04.272 and 82.04.293; prescribing penalties; and providing an effective date.

Referred to Committee on Finance.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

**REPORTS OF STANDING COMMITTEES**

February 23, 2016

HB 2376

Prime Sponsor, Representative Dunshee:  
Making 2016 supplemental operating appropriations. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Pettigrew; Robinson; Sawyer; Senn; Springer; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Condotta; Dent; Haler; Harris; MacEwen; Magendanz; Manweller; Schmick; Stokesbary; Taylor and Van Werven.

February 23, 2016

HB 2524

Prime Sponsor, Representative Clibborn:  
Making 2015-2017 supplemental transportation appropriations. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt,

Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Stambaugh and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Shea and Young.

February 23, 2016

HB 2988 Prime Sponsor, Representative Dunshee: Making expenditures from the budget stabilization account to make critical investments. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Pettigrew; Robinson; Sawyer; Senn; Springer; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Condotta; Dent; Haler; Harris; MacEwen; Magendanz; Manweller; Schmick; Stokesbary; Taylor and Van Werven.

February 23, 2016

SB 5270 Prime Sponsor, Senator Roach: Concerning a nonoperating advisory board reporting to the state patrol. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso and Wilson.

Passed to Committee on Rules for second reading.

February 23, 2016

SSB 6160 Prime Sponsor, Committee on Law & Justice: Regulating the manufacture, sale, distribution, and installation of motor vehicle air bags. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.37.640 and 2003 c 33 s 1 are each amended to read as follows:

(1) "Air bag" means an inflatable restraint system or portion of an inflatable restraint system ((installed in a motor vehicle)) including, but not limited to, the cushion material, cover, sensors, controllers, inflators, and

wiring that (a) operates in the event of a crash and (b) is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.

(2) "Previously deployed air bag" means an inflatable restraint system or portion of the system that has been activated or inflated as a result of a collision or other incident involving the vehicle.

(3) "Nondeployed salvage air bag" means an inflatable restraint system or portion of an inflatable restraint system that has not been previously activated or inflated as a result of a collision or other incident involving the vehicle.

(4) "Counterfeit air bag" means a replacement motor vehicle inflatable occupant restraint system, including all component parts including, but not limited to, the cushion material, cover, sensors, controllers, inflators, and wiring, displaying a mark identical or similar to the genuine mark of a motor vehicle manufacturer without authorization from the manufacturer.

(5) "Nonfunctional air bag" means a replacement motor vehicle inflatable occupant restraint system, including all component parts including, but not limited to, the cushion material, cover, sensors, controllers, inflators, and wiring, which: (a) Was previously deployed or damaged; (b) has an electric fault that is detected by the vehicle air bag diagnostic system after the installation procedure is completed; or (c) includes any part or object including, but not limited to, a counterfeit or repaired air bag cover, installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional air bag has been installed.

Sec. 2. RCW 46.37.650 and 2011 c 96 s 33 are each amended to read as follows:

(1) It is unlawful for a person ((is guilty of a gross misdemeanor if he or she knew or reasonably should have known that an air bag he or she)), with criminal negligence, to manufacture, import, sell, offer for sale, install((s)), or reinstall((s)) a device in a vehicle for compensation, or distribute((s)) as an auto part, or replace a motor vehicle air bag, that: (a) Is a counterfeit air bag, (b) is a nonfunctional air bag, (c) is a previously deployed or damaged air bag that is part of an inflatable restraint system, or (d) otherwise does not meet all applicable federal safety standards for an air bag. This section does not apply to nondeployed salvage air bags that meet the requirements of RCW 46.37.660(1).

(2) A person ((found guilty under subsection (1) of this section shall be punished by a fine of not more than five thousand dollars or by confinement in the county jail for up to three hundred sixty-four days, or both)) in violation of this section is guilty of a class C felony if the criminal negligence caused bodily injury as defined in RCW 9A.04.110 or death to another person.

(3) A person in violation of this section is guilty of a class C felony, regardless if the criminal negligence caused harm to another.

Sec. 3. RCW 46.37.660 and 2003 c 33 s 3 are each amended to read as follows:

(1)(a) Whenever an air bag that is part of a previously deployed inflatable restraint system is replaced by either a new air bag that is part of an inflatable restraint system

or a nondeployed salvage air bag that is part of an inflatable restraint system, the air bag must conform to the original equipment manufacturer requirements and the installer must verify that the self-diagnostic system for the inflatable restraint system indicates that the entire inflatable restraint system is operating properly.

(b) A person in violation of this subsection (1) is guilty of a class C felony if the violation caused bodily injury as defined in RCW 9A.04.110 or death to another person.

(c) A person in violation of this subsection (1) is guilty of a class C felony, regardless if the violation caused harm to another.

(2)(a) No person may sell, install, or reinstall in any motor vehicle any device that causes the vehicle's diagnostic system to inaccurately indicate that the vehicle is equipped with a functional air bag when a counterfeit air bag, a nonfunctional air bag, or no air bag is installed. This subsection does not apply to nondeployed salvage air bags that meet the requirements of subsection (1) of this section.

(b) A person in violation of this subsection (2) is guilty of a class C felony if the violation caused bodily injury as defined in RCW 9A.04.110 or death to another person.

(c) A person in violation of this subsection (2) is guilty of a class C felony, regardless if the violation caused harm to another.

Sec. 4. RCW 46.63.020 and 2014 c 124 s 9 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.457(1)(b)(i) relating to a false statement regarding the inspection of and installation of equipment on wheeled all-terrain vehicles;

(2) RCW 46.09.470(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(3) RCW 46.09.480 relating to operation of nonhighway vehicles;

(4) RCW 46.10.490(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(5) RCW 46.10.495 relating to the operation of snowmobiles;

(6) Chapter 46.12 RCW relating to certificates of title, registration certificates, and markings indicating that a vehicle has been destroyed or declared a total loss;

(7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(8) RCW 46.16A.520 relating to permitting unauthorized persons to drive;

(9) RCW 46.16A.320 relating to vehicle trip permits;

(10) RCW 46.19.050(1) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(11) RCW 46.19.050(8) relating to illegally obtaining a parking placard, special license plate, special year tab, or identification card;

(12) RCW 46.19.050(9) relating to sale of a parking placard, special license plate, special year tab, or identification card;

(13) RCW 46.20.005 relating to driving without a valid driver's license;

(14) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(15) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(16) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(17) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(18) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

(19) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(20) RCW 46.20.750 relating to circumventing an ignition interlock device;

(21) RCW 46.25.170 relating to commercial driver's licenses;

(22) Chapter 46.29 RCW relating to financial responsibility;

(23) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(24) RCW 46.35.030 relating to recording device information;

(25) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(26) RCW 46.37.650 relating to the manufacture, importation, sale, ((resale,)) distribution, or installation of a counterfeit air bag, nonfunctional air bag, or previously deployed or damaged air bag;

(27) RCW 46.37.660 relating to the sale or installation of a device that causes a vehicle's diagnostic system to inaccurately indicate that the vehicle has a functional air bag when a counterfeit air bag, nonfunctional air bag, or no air bag is installed;

(28) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

((28)) (29) RCW 46.37.685 relating to switching or flipping license plates, utilizing technology to flip or change the appearance of a license plate, selling a license plate flipping device or technology used to change the appearance of a license plate, or falsifying a vehicle registration;

((29)) (30) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

((30)) (31) RCW 46.48.175 relating to the transportation of dangerous articles;  
 ((31)) (32) RCW 46.52.010 relating to duty on striking an unattended car or other property;  
 ((32)) (33) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;  
 ((33)) (34) RCW 46.52.090 relating to reports by repairers, storage persons, and appraisers;  
 ((34)) (35) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;  
 ((35)) (36) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;  
 ((36)) (37) RCW 46.55.035 relating to prohibited practices by tow truck operators;  
 ((37)) (38) RCW 46.55.300 relating to vehicle immobilization;  
 ((38)) (39) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;  
 ((39)) (40) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;  
 ((40)) (41) RCW 46.61.022 relating to failure to stop and give identification to an officer;  
 ((41)) (42) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;  
 ((42)) (43) RCW 46.61.212(4) relating to reckless endangerment of emergency zone workers;  
 ((43)) (44) RCW 46.61.500 relating to reckless driving;  
 ((44)) (45) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;  
 ((45)) (46) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;  
 ((46)) (47) RCW 46.61.520 relating to vehicular homicide by motor vehicle;  
 ((47)) (48) RCW 46.61.522 relating to vehicular assault;  
 ((48)) (49) RCW 46.61.5249 relating to first degree negligent driving;  
 ((49)) (50) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;  
 ((50)) (51) RCW 46.61.530 relating to racing of vehicles on highways;  
 ((51)) (52) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;  
 ((52)) (53) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;  
 ((53)) (54) RCW 46.61.740 relating to theft of motor vehicle fuel;  
 ((54)) (55) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;  
 ((55)) (56) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;  
 ((56)) (57) Chapter 46.65 RCW relating to habitual traffic offenders;  
 ((57)) (58) RCW 46.68.010 relating to false statements made to obtain a refund;

((58)) (59) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;  
 ((59)) (60) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;  
 ((60)) (61) RCW 46.72A.060 relating to limousine carrier insurance;  
 ((61)) (62) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;  
 ((62)) (63) RCW 46.72A.080 relating to false advertising by a limousine carrier;  
 ((63)) (64) Chapter 46.80 RCW relating to motor vehicle wreckers;  
 ((64)) (65) Chapter 46.82 RCW relating to driver's training schools;  
 ((65)) (66) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;  
 ((66)) (67) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 5. RCW 9.94A.515 and 2015 c 261 s 11 are each amended to read as follows:

TABLE 2  
 CRIMES INCLUDED WITHIN EACH  
 SERIOUSNESS LEVEL

XVI	Aggravated	Murder	1	(RCW 10.95.020)
XV	Homicide	by abuse		(RCW 9A.32.055)
	Malicious	explosion	1	(RCW 70.74.280(1))
		Murder 1 (RCW 9A.32.030)		
XIV		Murder 2 (RCW 9A.32.050)		
		Trafficking 1 (RCW 9A.40.100(1))		
XIII	Malicious	explosion	2	(RCW 70.74.280(2))
		Malicious placement of an explosive 1 (RCW 70.74.270(1))		
XII		Assault 1 (RCW 9A.36.011)		
		Assault of a Child 1 (RCW 9A.36.120)		
		Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))		
		Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)		
		Rape 1 (RCW 9A.44.040)		
		Rape of a Child 1 (RCW 9A.44.073)		
		Trafficking 2 (RCW 9A.40.100(3))		
XI		Manslaughter 1 (RCW 9A.32.060)		
		Rape 2 (RCW 9A.44.050)		
		Rape of a Child 2 (RCW 9A.44.076)		
		Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)		
X	Child	Molestation	1	(RCW 9A.44.083)
	Criminal	Mistreatment	1	(RCW 9A.42.020)
	Indecent	Liberties (with forcible compulsion)		(RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)	Malicious placement of an explosive 3 (RCW 70.74.270(3))
Leading Organized Crime (RCW 9A.82.060(1)(a))	Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
Malicious explosion 3 (RCW 70.74.280(3))	Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
Sexually Violent Predator Escape (RCW 9A.76.115)	Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
IX Abandonment of Dependent Person 1 (RCW 9A.42.060)	Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
Assault of a Child 2 (RCW 9A.36.130)	Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
Explosive devices prohibited (RCW 70.74.180)	VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
Hit and Run—Death (RCW 46.52.020(4)(a))	Bribery (RCW 9A.68.010)
Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)	Incest 1 (RCW 9A.64.020(1))
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))	Intimidating a Judge (RCW 9A.72.160)
Malicious placement of an explosive 2 (RCW 70.74.270(2))	Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Robbery 1 (RCW 9A.56.200)	Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
Sexual Exploitation (RCW 9.68A.040)	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
VIII Arson 1 (RCW 9A.48.020)	Rape of a Child 3 (RCW 9A.44.079)
Commercial Sexual Abuse of a Minor (RCW 9.68A.100)	Theft of a Firearm (RCW 9A.56.300)
Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)	Unlawful Storage of Ammonia (RCW 69.55.020)
Manslaughter 2 (RCW 9A.32.070)	V Abandonment of Dependent Person 2 (RCW 9A.42.070)
Promoting Prostitution 1 (RCW 9A.88.070)	Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Theft of Ammonia (RCW 69.55.010)	Air bag diagnostic systems (RCW 46.37.660(2)(c))
Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)	Air bag replacement requirements (RCW 46.37.660(1)(c))
VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))	Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))	Child Molestation 3 (RCW 9A.44.089)
Burglary 1 (RCW 9A.52.020)	Counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(3))
Child Molestation 2 (RCW 9A.44.086)	Criminal Mistreatment 2 (RCW 9A.42.030)
Civil Disorder Training (RCW 9A.48.120)	Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(2))	Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))	Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
Drive-by Shooting (RCW 9A.36.045)	Driving While Under the Influence (RCW 46.61.502(6))
Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)	Extortion 1 (RCW 9A.56.120)
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))	Extortionate Extension of Credit (RCW 9A.82.020)
Introducing Contraband 1 (RCW 9A.76.140)	

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)  
 Incest 2 (RCW 9A.64.020(2))  
 Kidnapping 2 (RCW 9A.40.030)  
 Perjury 1 (RCW 9A.72.020)  
 Persistent prison misbehavior (RCW 9.94.070)  
 Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))  
 Possession of a Stolen Firearm (RCW 9A.56.310)  
 Rape 3 (RCW 9A.44.060)  
 Rendering Criminal Assistance 1 (RCW 9A.76.070)  
 Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))  
 Sexual Misconduct with a Minor 1 (RCW 9A.44.093)  
 Sexually Violating Human Remains (RCW 9A.44.105)  
 Stalking (RCW 9A.46.110)  
 Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)  
 IV  
 Arson 2 (RCW 9A.48.030)  
 Assault 2 (RCW 9A.36.021)  
 Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))  
 Assault by Watercraft (RCW 79A.60.060)  
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)  
 Cheating 1 (RCW 9.46.1961)  
 Commercial Bribery (RCW 9A.68.060)  
 Counterfeiting (RCW 9.16.035(4))  
 Endangerment with a Controlled Substance (RCW 9A.42.100)  
 Escape 1 (RCW 9A.76.110)  
 Hit and Run—Injury (RCW 46.52.020(4)(b))  
 Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))  
 Identity Theft 1 (RCW 9.35.020(2))  
 Indecent Exposure to Person Under Age (subsequent sex offense) (RCW 9A.88.010)  
 Influencing Outcome of Sporting Event (RCW 9A.82.070)  
 Malicious Harassment (RCW 9A.36.080)  
 Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))  
 Residential Burglary (RCW 9A.52.025)  
 Robbery 2 (RCW 9A.56.210)  
 Theft of Livestock 1 (RCW 9A.56.080)  
 Threats to Bomb (RCW 9.61.160)  
 Trafficking in Stolen Property 1 (RCW 9A.82.050)

Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))  
 Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))  
 Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))  
 Unlawful transaction of insurance business (RCW 48.15.023(3))  
 Unlicensed practice as an insurance professional (RCW 48.17.063(2))  
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))  
 Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))  
 Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)  
 Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))  
 Willful Failure to Return from Furlough (RCW 72.66.060)  
 III  
 Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))  
 Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))  
 Assault of a Child 3 (RCW 9A.36.140)  
 Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))  
 Burglary 2 (RCW 9A.52.030)  
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)  
 Criminal Gang Intimidation (RCW 9A.46.120)  
 Custodial Assault (RCW 9A.36.100)  
 Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))  
 Escape 2 (RCW 9A.76.120)  
 Extortion 2 (RCW 9A.56.130)  
 Harassment (RCW 9A.46.020)  
 Intimidating a Public Servant (RCW 9A.76.180)  
 Introducing Contraband 2 (RCW 9A.76.150)  
 Malicious Injury to Railroad Property (RCW 81.60.070)  
 Mortgage Fraud (RCW 19.144.080)  
 Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)  
 Organized Retail Theft 1 (RCW 9A.56.350(2))  
 Perjury 2 (RCW 9A.72.030)  
 Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))

Theft of Livestock 2 (RCW 9A.56.083)

Theft with the Intent to Resell 1 (RCW 9A.56.340(2))

Trafficking in Stolen Property 2 (RCW 9A.82.055)

Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful Misbranding of Food Fish or Shellfish 1 (RCW 69.04.938(3))

Unlawful possession of firearm in the second degree (RCW 9.41.040(2))

Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))

Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))

Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))

Computer Trespass 1 (RCW 9A.52.110)

Counterfeiting (RCW 9.16.035(3))

Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))

Escape from Community Custody (RCW 72.09.310)

Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(3))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

Organized Retail Theft 2 (RCW 9A.56.350(3))

Possession of Stolen Property 1 (RCW 9A.56.150)

Possession of a Stolen Vehicle (RCW 9A.56.068)

Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))

Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)

Theft 1 (RCW 9A.56.030)

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

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

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

Trafficking in Insurance Claims (RCW 48.30A.015)

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

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

Unlawful Practice of Law (RCW 2.48.180)

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

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

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

Voyeurism (RCW 9A.44.115)

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

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

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

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

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

Reckless Burning 1 (RCW 9A.48.040)

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

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

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

Theft 2 (RCW 9A.56.040)

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

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

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

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

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

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

Reported by Committee on Commerce & Gaming

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

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

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

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

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Passed to Committee on Rules for second reading.

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

February 23, 2016

Unlawful Use of Food Stamps (RCW 9.91.144)

SSB 6219

Prime Sponsor, Committee on Ways & Means: Concerning vehicular homicide sentencing. Reported by Committee on Public Safety

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

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

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Vehicle Prowl 1 (RCW 9A.52.095)

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

Passed to Committee on General Government & Information Technology.

NEW SECTION. Sec. 6. The legislature finds that the practices covered by this act are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this act is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW."

February 23, 2016

Correct the title.

SB 6274

Prime Sponsor, Senator Parlette: Concerning the Columbia river recreational salmon and steelhead endorsement program. Reported by Committee on Agriculture & Natural Resources

Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Hurst; Lytton; Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on General Government & Information Technology.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt.

February 22, 2016

SSB 6177

Prime Sponsor, Committee on Commerce & Labor: Modifying marijuana research license provisions. Reported by Committee on Commerce & Gaming

MINORITY recommendation: Without recommendation. Signed by Representative Dent, Assistant Ranking Minority Member.

Passed to Committee on Appropriations.

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

February 23, 2016

Passed to Committee on Rules for second reading.

SSB 6281

Prime Sponsor, Committee on Commerce & Labor: Enacting amendments to the uniform athlete agents act. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

ESB 6207

February 23, 2016  
Prime Sponsor, Senator Rivers: Concerning public disclosure of information submitted to the liquor and cannabis board regarding marijuana product traceability and operations.

Passed to Committee on Rules for second reading.

SB 6282 February 23, 2016  
Prime Sponsor, Senator Benton:  
Addressing the expiration date of the  
mortgage lending fraud prosecution  
account. Reported by Committee on  
Business & Financial Services

MAJORITY recommendation: Do pass. Signed by  
Representatives Kirby, Chair; Stanford, Vice Chair;  
Vick, Ranking Minority Member; McCabe, Assistant  
Ranking Minority Member; Barkis; Blake; Dye; Hurst;  
Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

SSB 6285 February 23, 2016  
Prime Sponsor, Committee on Ways &  
Means: Concerning the operating and  
reserve accounts of the horse racing  
commission. Reported by Committee on  
Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by  
Representatives Hurst, Chair; Wylie, Vice Chair;  
Condotta, Ranking Minority Member; Holy, Assistant  
Ranking Minority Member; Blake; Kirby; Scott; Van De  
Wege and Vick.

Passed to Committee on Appropriations.

SSB 6290 February 23, 2016  
Prime Sponsor, Committee on Agriculture,  
Water & Rural Economic Development:  
Concerning the apple commission.  
Reported by Committee on Agriculture &  
Natural Resources

MAJORITY recommendation: Do pass. Signed by  
Representatives Blake, Chair; Walkinshaw, Vice Chair;  
Buys, Ranking Minority Member; Dent, Assistant  
Ranking Minority Member; Hurst; Lytton; Orcutt;  
Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

SB 6296 February 23, 2016  
Prime Sponsor, Senator Parlette: Extending  
the expiration date of the habitat and  
recreation lands coordinating group.  
Reported by Committee on Agriculture &  
Natural Resources

MAJORITY recommendation: Do pass. Signed by  
Representatives Blake, Chair; Walkinshaw, Vice Chair;  
Buys, Ranking Minority Member; Dent, Assistant  
Ranking Minority Member; Hurst; Lytton; Orcutt;  
Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

February 22, 2016

SSB 6341 Prime Sponsor, Committee on Commerce  
& Labor: Concerning the provision of  
personal services and promotional items by  
cannabis producers and processors.  
Reported by Committee on Commerce &  
Gaming

MAJORITY recommendation: Do pass. Signed by  
Representatives Hurst, Chair; Wylie, Vice Chair;  
Condotta, Ranking Minority Member; Holy, Assistant  
Ranking Minority Member; Blake; Kirby; Scott; Van De  
Wege and Vick.

Passed to Committee on Rules for second reading.

SB 6343 February 23, 2016  
Prime Sponsor, Senator Warnick:  
Modifying the powers and duties of the  
Washington dairy products commission to  
include research and education related to  
the economic uses of nutrients produced by  
dairy farms. Reported by Committee on  
Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by  
Representatives Blake, Chair; Walkinshaw, Vice Chair;  
Buys, Ranking Minority Member; Dent, Assistant  
Ranking Minority Member; Hurst; Lytton; Orcutt;  
Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

SB 6345 February 23, 2016  
Prime Sponsor, Senator Takko: Merging  
the department of agriculture's fruit and  
vegetable inspection districts and accounts.  
Reported by Committee on Agriculture &  
Natural Resources

MAJORITY recommendation: Do pass. Signed by  
Representatives Blake, Chair; Walkinshaw, Vice Chair;  
Buys, Ranking Minority Member; Dent, Assistant  
Ranking Minority Member; Hurst; Lytton; Orcutt;  
Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

SB 6371 February 23, 2016  
Prime Sponsor, Senator Litzow:  
Concerning the definition of "agency" for  
purposes of early learning programs.  
Reported by Committee on Early Learning  
& Human Services

MAJORITY recommendation: Do pass. Signed by  
Representatives Kagi, Chair; Senn, Vice Chair; Walsh,  
Ranking Minority Member; Dent, Assistant Ranking  
Minority Member; Kilduff; McCaslin; Ortiz-Self;  
Sawyer; Scott and Walkinshaw.

Passed to Committee on Rules for second reading.

SB 6400 February 23, 2016  
 Prime Sponsor, Senator Hewitt:  
 Concerning technical changes that clarify  
 fish and wildlife enforcement laws.  
 Reported by Committee on Agriculture &  
 Natural Resources

MAJORITY recommendation: Do pass. Signed by  
 Representatives Blake, Chair; Walkinshaw, Vice Chair;  
 Buys, Ranking Minority Member; Dent, Assistant  
 Ranking Minority Member; Hurst; Lytton; Orcutt;  
 Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

SB 6401 February 23, 2016  
 Prime Sponsor, Senator Rolfes:  
 Concerning recordkeeping requirements of  
 secondary commercial fish receivers.  
 Reported by Committee on Agriculture &  
 Natural Resources

MAJORITY recommendation: Do pass. Signed by  
 Representatives Blake, Chair; Walkinshaw, Vice Chair;  
 Buys, Ranking Minority Member; Dent, Assistant  
 Ranking Minority Member; Hurst; Lytton; Orcutt;  
 Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

February 22, 2016

SSB 6449 Prime Sponsor, Committee on Commerce  
 & Labor: Concerning enhanced raffles.  
 Reported by Committee on Commerce &  
 Gaming

MAJORITY recommendation: Do pass. Signed by  
 Representatives Hurst, Chair; Wylie, Vice Chair;  
 Condotta, Ranking Minority Member; Holy, Assistant  
 Ranking Minority Member; Blake; Kirby; Scott; Van De  
 Wege and Vick.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's  
 committee reports under the fifth order of business were  
 referred to the committees so designated with the exception  
 of HOUSE BILL NO. 2376, HOUSE BILL NO. 2524 and  
 HOUSE BILL NO. 2988 which were placed on the second  
 reading calendar.

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

There being no objection, the House adjourned until  
 10:00 a.m., February 25, 2016, the 46th Day of the Regular  
 Session.

FRANK CHOPP, Speaker  
 BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## FORTY SIXTH DAY

House Chamber, Olympia, Thursday, February 25, 2016

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

The flags were escorted to the rostrum by the Naval Hospital Bremerton Color Guard, comprised of Hospital Corpsman 3<sup>rd</sup> Class Dominique Nezey, Hospital Corpsman 3<sup>rd</sup> Class Kyle Wilson, Hospital Corpsman 3<sup>rd</sup> Class Carlos Rangel and Hospitalman Daniel Scott. The National Anthem was performed by Musician 1<sup>st</sup> Class Mallory McKendry. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Lieutenant Commander Bill Stewart, Chaplain, Navy Region Northwest accompanied by the brass quartet from Navy Band Northwest, comprised of Musician 1<sup>st</sup> Class Chris Hodges, Musician 1<sup>st</sup> Class Aaron Deaton, Musician 2<sup>nd</sup> Class James Choate and Musician 3<sup>rd</sup> Class Ben Dixon, performing "Eternal Father".

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2016-4670, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, S. Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger**

WHEREAS, Washington state is uniquely positioned politically, economically, and geographically to deal with the opportunities and challenges presented by Asia and the Pacific Rim countries; and

WHEREAS, The United States Navy is the military service that secures sea lanes, allowing free flow of commerce to and from our state, and the service whose power projection promotes stability for our friends and deters aggression from our foes; and

WHEREAS, The Navy has been a presence in Puget Sound for 175 years, and Puget Sound is today the Navy's third largest fleet concentration area; and

WHEREAS, Washington Navy bases support two aircraft carriers, more than 13 surface ships, 13 submarines, 92 support vessels, and 115 aircraft; and

WHEREAS, Washington state and the Pacific Northwest are home to 31,000 active duty Navy service members, 15,000 Navy civilian employees, 2,400 drilling Naval reservists, 40,000 Navy family members, and 55,000 Navy retirees; and

WHEREAS, United States Navy installations provide careers and economic stability to tens of thousands of Washington state citizens; and

WHEREAS, The Puget Sound area has four shore installations: Naval Station Everett, Naval Air Station Whidbey Island, Naval Magazine Indian Island, and Naval Base Kitsap; and

WHEREAS, Navy personnel provide homeland security, disaster assistance, and rescue services to Washington state citizens; and

WHEREAS, The United States Navy is a recognized leader in environmental stewardship and responsibility and takes an active role in protecting and conserving Washington state's waterways and military lands;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state House of Representatives recognize and express its utmost appreciation to all those who have ever served in the United States Navy, as well as extend our gratitude to their family members and friends, who have shared their sacrifices as they answer the call to serve; and

BE IT FURTHER RESOLVED, That the Washington state House of Representatives celebrate the Navy in our state and bring warm greetings and many thanks to each and every person related to the Navy's work and mission in our state.

Representative Appleton moved adoption of HOUSE RESOLUTION NO. 4670

Representatives Appleton, Hayes and Magendanz spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4670 was adopted.

## SPEAKER'S PRIVILEGE

The Speaker (Representative Moeller presiding) introduced the Honorable Dennis McGinn, Assistant Secretary of the Navy for Energy Installations and Environment, and Rear Admiral Jeff Ruth, Commander,

Navy Region Northwest to the Chamber and asked the members to acknowledge them.

The Speaker (Representative Moeller presiding) further recognized the delegation of Navy leadership comprised of the commanding officers of all the Puget Sound Naval bases and facilities.

The Speaker (Representative Moeller presiding) called upon Representative Orwall to preside.

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

## SECOND READING

### HOUSE BILL NO. 2376, by Representatives Dunshee and Chandler

#### Making 2016 supplemental operating appropriations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2376 was substituted for House Bill No. 2376 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2376 was read the second time.

With the consent of the house, amendments (824), (816), (819), (840), (817), (860), (869), (870) and (832) were withdrawn.

Representative Taylor moved the adoption of amendment (846):

On page 2, after line 14, insert the following:

"The appropriations in this section are subject to the following conditions and limitations: The legislature intends to study the feasibility of acquiring certain federal lands for possible inclusion in various trust lands managed by the department of natural resources. The study should address issues including the potential costs to the state of land management related to wildfires, forest health, invasive species management, and public access; potential revenues to the state from timber cut-rates, mineral lease revenues, recreation and grazing fees, permanent common school account investment income and other sources; and the estimated impact of the state selling all newly acquired federal lands and all existing state-owned public lands. Research required by house of representatives in conducting study of the feasibility shall be provided by the office of program research within existing resources, in coordination with research conducted by senate committee services for the senate under section 102 of this act."

On page 2, after line 28, insert the following:

"The appropriations in this section are subject to the following conditions and limitations: The legislature intends to study the feasibility of acquiring certain federal lands for possible inclusion in various trust lands managed by the department of natural resources. The study should address

issues including the potential costs to the state of land management related to wildfires, forest health, invasive species management, and public access; potential revenues to the state from timber cut-rates, mineral lease revenues, recreation and grazing fees, permanent common school account investment income and other sources; and the estimated impact of the state selling all newly acquired federal lands and all existing state-owned public lands. Research required by senate in conducting study of the feasibility shall be provided by senate committee services within existing resources in coordination with research conducted by the office of program research for the house of representatives under section 101 of this act."

Representative Taylor and Taylor (again) spoke in favor of the adoption of the amendment.

Representative Lytton spoke against the adoption of the amendment.

## MOTION

On motion of Representative Van De Wege, Representative Hunt was excused.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (846) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hinkel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Young moved the adoption of amendment (865):

On page 2, line 33, increase the general fund-state appropriation for fiscal year 2017 by \$25,000

On page 2, line 37, correct the total.

On page 4, after line 21, insert the following:

"(7) \$25,000 of the general fund-state appropriation for fiscal year 2017 is provided solely to the joint legislative audit and review committee to conduct a study to determine the feasibility and potential benefit of offering a tax credit for

persons that publish or create open source instructional materials to be used by students attending private or public institutions of higher education. The committee shall report to the appropriate committees of the legislature by December 31, 2016 on its findings and recommendations."

Representative Young spoke in favor of the adoption of the amendment.

Representative Lytton spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (865) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Parker moved the adoption of amendment (872):

On page 4, after line 21 insert the following:

"(7) The committee shall complete a one year study of the fiscal impact of the Washington Administrative Code 162-32-060. The study shall include:

(a) The fiscal impact on businesses for implementation; and

(b) The fiscal impact on the Human Rights Commission for investigation and enforcement.

A report on the results of the study with any findings and recommendations shall be presented to the appropriate fiscal committees of the legislature by November 1, 2017."

On page 122, line 37, after "limitations:" insert the following:

"(1)"

On page 123, line 2, after line 2 insert the following:

"(2)(a) The Human Rights Commission must complete a fiscal analysis of anticipated annual costs for enforcement of Washington Administrative Code 162-32-060 in all affected locations for the current and subsequent biennia.

(b) The fiscal analysis must be provided to the office of financial management, the appropriate fiscal committees of the

legislature, and to legislative staff within 5 business days of the effective date of this act."

Representatives Parker and Short spoke in favor of the adoption of the amendment.

Representative Jinkins spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (872) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Kretz moved the adoption of amendment (873):

On page 12, line 20, increase the general fund-state appropriation for fiscal year 2017 by \$143,195

On page 12, line 24, correct the total.

On page 12, line 30, after "and" strike "\$462,000" and insert "~~(\$462,000)~~ \$605,195"

On page 12, line 34, after "initiative." Insert "Of the amounts provided in this subsection, \$143,195 of the general fund-state appropriation for fiscal year 2017 is provided solely for the expansion of the parents representation program into Okanogan county."

Representatives Kretz and Hudgins spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (873) and the amendment was adopted by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chopp, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey,

Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger

Excused: Representative Hunt.

Representative Jinkins moved the adoption of amendment (858):

On page 14, line 37, after "section 4(1)(b) of" insert "Substitute"

On page 71, line 37, after "Pursuant to" insert "Substitute"

On page 77, line 32, after "pursuant to" insert "Substitute"

On page 77, line 33, after "section 6 of" insert "Substitute"

On page 78, line 7, after "section 6 of" insert "Substitute"

On page 78, line 11, after "section 2 of" insert "Substitute"

On page 79, line 36, after "to section" strike "1(4)(a) of" and insert "4(1)(a) of Substitute"

On page 80, line 18, after "to section" strike "1(4)(c) of" and insert "4(1)(c) of Substitute"

On page 273, line 11, after "pursuant to" insert "Substitute"

Representative Jinkins spoke in favor of the adoption of the amendment.

Amendment (858) was adopted.

Representative MacEwen moved the adoption of amendment (818):

On page 24, line 30, decrease the general fund-state appropriation for fiscal year 2017 by \$50,000

On page 25, line 37, correct the total.

On page 33, beginning on line 13, after "(36)" strike all material through "(37)" on line 22

Renumber remaining subsections.

Representative MacEwen spoke in favor of the adoption of the amendment.

Representative Tharinger spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (818) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel,

Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Ormsby moved the adoption of amendment (876):

On page 44, line 13, reduce the public service revolving account-state appropriation by \$1,293,000

On page 44, line 15, increase the pipeline safety account-state appropriation by \$1,293,000

Representative Ormsby spoke in favor of the adoption of the amendment.

Amendment (876) was adopted.

Representative Wilson moved the adoption of amendment (852):

On page 45, line 18, increase the general fund-state appropriation for fiscal year 2016 by \$1,244,000

On page 45, line 35, correct the total.

On page 47, after line 20, insert the following:

"(10) \$1,244,000 of the general fund-state appropriation for fiscal year 2016 is provided solely for the department to provide security guards, soft body armor, and portable ballistic barrier panels, for stand-alone facilities and recruiting centers."

Representatives Wilson and Kilduff spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (852) and the amendment was adopted by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Chopp, Clibborn, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Morris, Moscoso, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet,

Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger

Voting nay: Representatives Cody, Jinkins, McBride, Moeller, Ormsby, and Senn

Excused: Representative Hunt.

Representative MacEwen moved the adoption of amendment (856):

On page 45, line 20, increase the general fund-state appropriation for fiscal year 2017 by \$125,000

On page 45, line 35, correct the total.

On page 47, after line 20, insert the following:

"(10) \$125,000 of the general fund-state appropriation for fiscal year 2017 is provided solely for the military department to raise awareness within the state about the history and commissioning of the USS Washington. In designing the public awareness campaign, the department must partner with other public or private organizations with specific expertise on the USS Washington."

Representative MacEwen spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (856) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Harris moved the adoption of amendment (815):

On page 69, line 21, increase the general fund-state appropriation for fiscal year 2017 by \$2,000,000

On page 69, line 23, increase the general fund-federal appropriation by \$2,000,000

On page 69, line 30, correct the total

On page 75, line 11, after "(s)" strike "\$7,615,000" and insert "\$9,615,000"

On page 75, line 12, after "year 2017 and" strike "\$7,615,000" and insert "\$9,615,000"

Representative Harris spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (815) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Kochmar moved the adoption of amendment (871):

On page 80, line 32, increase the general fund--state appropriation for fiscal year 2016 by \$115,000

On page 80, line 34, increase the general fund--state appropriation for fiscal year 2017 by \$460,000

On page 80, line 36, increase the general fund--federal appropriation by \$366,000

On page 81, line 1, correct the total.

On page 84, after line 32, insert the following:

"(q) \$115,000 of the general fund--state appropriation for fiscal year 2016, \$460,000 of the general fund--state appropriation for fiscal year 2017, and \$366,000 of the general fund--federal appropriation are provided solely for the development and implementation of community respite beds."

Representatives Kochmar and Kilduff spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (871) and the amendment was adopted by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chopp, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger

Excused: Representative Hunt.

Representative Schmick moved the adoption of amendment (830):

On page 81, line 23, strike "~~(\$106)~~ \$147" and insert "\$106"

On page 81, line 26, strike "~~(\$359)~~ \$429" and insert "\$359"

On page 86, line 32, decrease the general fund-federal appropriation by \$1,566,000

On page 86, line 34, decrease the general fund-private/local appropriation by \$2,544,000

On page 87, line 3, correct the total

On page 89, line 30, strike "~~(\$106)~~ \$147" and insert "\$106"

On page 89, line 32, strike "~~(\$359)~~ \$429" and insert "\$359"

Representatives Schmick and Cody spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (830) and the amendment was adopted by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Chopp, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick,

Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger

Excused: Representative Hunt.

Representative Stokesbary moved the adoption of amendment (834):

On page 86, line 3, after "planned respite beds" strike "at Yakima valley school" and insert "to be distributed by the department of social and health services to one or more residential habilitation centers"

Representatives Stokesbary and Kagi spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (834) and the amendment was adopted by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chopp, Clibborn, Cody, Condotta, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger

Voting nay: Representatives Chandler, DeBolt, Dent, Klippert, Ryu, Shea, and Taylor

Excused: Representative Hunt.

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on amendment (834) to Substitute House Bill No. 2376.

Representative Johnson, 14th District

**STATEMENT FOR THE JOURNAL**

I intended to vote NAY on amendment (834) to Substitute House Bill No. 2376.

Representative McCabe, 14th District

Representative Schmick moved the adoption of amendment (829):

On page 89, after line 8, insert the following:

"(h) Beginning July 1, 2016, a nursing home provider's direct care rate shall be set so that it does not exceed one hundred and eighteen percent of its base year's direct care

allowable costs except if the provider is below the minimum staffing standard established in chapter 74.42.360(2) RCW."

On page 95, after line 28, insert the following:

"(21) \$3,041,000 of the general fund-state appropriation for fiscal year 2017 and \$3,041,000 of the general fund-federal appropriation are provided solely to exempt the five highest acuity resource utilization group categories (PC2 through PE2) from the adjustment to case mix index under chapter 74.46.485 RCW. Nursing homes shall notify the department's nursing facility case manager's program manager within 30 days of a medicaid resident being identified in one of the five lowest resource utilization group categories (PA1 through PC1) as qualified for an alternative community placement. The department's nursing facility case manager shall identify within 30 days of notification whether an alternate placement is available. Nursing homes shall work collaboratively with the state case worker to transfer into the community at least ninety-six residents who have been assessed in the five lowest acuity resource utilization group categories (PA1 through PC1). For the first two quarters of fiscal year 2017, the downward adjustment shall be no greater than thirteen percent. If, after the first two quarters of fiscal year 2017, the department determines that nursing homes are not making sufficient progress towards moving ninety-six residents from the five lowest resource utilization group categories (PA1 through PC1) into the community, the department is authorized to increase the downward adjustment to no greater than twenty percent for the lowest four resource utilization group categories (PA1 through PB2)."

Representatives Schmick and Cody spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (829) and the amendment was adopted by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Chopp, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger

Excused: Representative Hunt.

Representative Kagi moved the adoption of amendment (833):

On page 100, line 26, increase the criminal justice treatment account-state appropriation by \$1,000,000

On page 100, line 33, correct the total appropriation

On page 280, line 4, after "an amount not" insert "less than \$8,216,000, and not"

Representative Kagi spoke in favor of the adoption of the amendment.

Amendment (833) was adopted.

Representative Taylor moved the adoption of amendment (841):

On page 110, line 1, decrease the general fund--state appropriation for fiscal year 2017 by \$5,532,000

On page 110, line 21, correct the total.

On page 119, after line 24, insert the following:

"(mm) The authority may not provide benefits or services to permit a woman to voluntarily terminate her pregnancy, except when the abortion is medically necessary, which means that, as determined by reasonable, good faith clinical judgment of the patient's primary care physician, the life of the woman seeking the abortion is in imminent danger because of a serious physical disorder, illness, or injury if the abortion is not performed."

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

On page 129, line 20, increase the general fund--state appropriation for fiscal year 2017 by \$5,532,000

On page 130, line 23, correct the total.

On page 135, after line 10, insert the following:

"(21) The department may not provide benefits or services to permit a woman to voluntarily terminate her pregnancy, except when the abortion is medically necessary, which means that, as determined by reasonable, good faith clinical judgment of the patient's primary care physician, the life of the woman seeking the abortion is in imminent danger because of a serious physical disorder, illness, or injury if the abortion is not performed."

"(22) \$5,554,000 of the general fund--state appropriation for fiscal year 2017 is provided solely to support organizations that provide breast and cervical cancer screening at the county level. None of these amounts may be provided to organizations that perform abortions."

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

Representatives Taylor, Stambaugh and Walsh spoke in favor of the adoption of the amendment.

Representatives Robinson and Magendanz spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (841) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, Magendanz, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Taylor moved the adoption of amendment (842):

On page 119, after line 24, insert the following:

"(mm) The authority shall collect data and report annually to the department of health on the number of abortions that it paid for and the age and ethnicity of the patients."

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

On page 135, after line 10, insert the following:

"(21) The department shall collect data and report annually on the number of state funded abortions and the age and ethnicity of the patients."

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

Representatives Taylor, Caldier and MacEwen spoke in favor of the adoption of the amendment.

Representative Ortiz-Self spoke against the adoption of the amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (842) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, Magendanz, McBride, Moeller, Morris, Moscoso, Ormsby,

Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Shea moved the adoption of amendment (839):

On page 122, line 37, after "limitations:" insert the following:

"(1)

On page 123, line 2, after line 2 insert the following:

"(2) Amounts appropriated in this section may not be expended for enforcement of Washington Administrative Code 162-32-060 in K-12 public schools."

On page 185, after line 13 insert the following:

"(57) Amounts appropriated in Part V may not be expended for enforcement of guidelines 64 and 66 in part III of the guidelines developed pursuant to Washington Administrative Code 392-190-005 in K-12 public schools."

Representatives Caldier, Manweller and Shea spoke in favor of the adoption of the amendment.

Representatives Jinkins and Robinson spoke against the adoption of the amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (839) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Hayes moved the adoption of amendment (831):

On page 123, line 18, increase the general fund-state appropriation for fiscal year 2016 by \$125,000

On page 123, line 20, increase the general fund-state appropriation for fiscal year 2017 by \$125,000

On page 123, line 30, correct the total.

Representative Hayes spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (831) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Wilcox moved the adoption of amendment (877):

On page 124, beginning on line 3, after "~~activities~~)" strike all material through "management activities" on line 4

Representative Hayes spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (877) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey,

Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Sells moved the adoption of amendment (827):

On page 126, on line 3, increase the accident account-state appropriation by \$1,395,000

On page 126, on line 6, increase the medical aid account-state appropriation by \$1,705,000

On page 126, on line 12, correct the total.

Representative Sells spoke in favor of the adoption of the amendment.

Amendment (827) was adopted.

Representative Wilcox moved the adoption of amendment (836):

On page 147, after line 25, insert the following:

"(c) Of the amounts provided in (a) of this subsection, \$250,000 of the general fund--state appropriation for fiscal year 2017 is provided solely for processing water right permit applications only if the department of ecology issues at least two hundred and fifty water right decisions by December 1, 2016. If the department of ecology does not issue at least two hundred and fifty water right decisions by December 1, 2016, the amount provided in this subsection shall lapse and remain unexpended. The water right decisions in this subsection are in addition to the five hundred water right decisions in (b) of this subsection. The department of ecology shall submit a report to the office of financial management and the state treasurer by June 30, 2017, that documents whether two hundred and fifty water right decisions were issued by December 1, 2016."

Representatives Taylor, Taylor (again) and Shea spoke in favor of the adoption of the amendment.

Representative Stanford spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (836) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott,

Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Pike moved the adoption of amendment (875):

On page 149, after line 20, insert the following:

"(19) For the purposes of evaluating the requirements of RCW 70.95.290, the department, in consultation with the Washington materials management and financing authority, shall, within existing resources, report to the appropriate committees of the legislature on whether the department and Washington materials management and financing authority have utilized existing infrastructure for the collection of electronics. In its report, the department, in consultation with the Washington materials management and financing authority, must report on the location and number of new programs created and depot systems developed since 2006 for the purpose of collecting electronics, how many existing collections sites have been utilized, as well as how many curbside collection companies were contracted with for collection of electronics. The department must submit the report to the appropriate committees of the legislature no later than September 1, 2016."

Representatives Pike and Fitzgibbon spoke in favor of the adoption of the amendment.

Amendment (875) was adopted.

Representative Van Werven moved the adoption of amendment (822):

On page 152, line 7, decrease the general fund--state appropriation for fiscal year 2017 by \$50,000

On page 152, line 13, correct the total.

On page 152, beginning on line 29, strike all of subsection (4)

On page 161, line 7, increase the general fund--state appropriation for fiscal year 2017 by \$50,000

On page 161, line 17, correct the total.

On page 162, after line 24, insert the following:

"(6) \$50,000 of the general fund--state appropriation for fiscal year 2017 is provided solely for the farm to school program."

Representative Van Werven and Van Werven (again) spoke in favor of the adoption of the amendment.

Representative Hudgins spoke against the adoption of the amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (822) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Haler moved the adoption of amendment (857):

On page 153, line 17, increase the general fund--state appropriation for fiscal year 2016 by \$1,036,000

On page 153, line 19, increase the general fund--state appropriation for fiscal year 2017 by \$1,037,000

On page 154, line 15, correct the total.

On page 156, after line 27, insert the following:

"(17) \$1,036,000 of the general fund--state appropriation for fiscal year 2016 and \$1,037,000 of the general fund--state appropriation for fiscal year 2017 are provided solely for payments in lieu of property taxes under RCW 77.12.203."

On page 297, after line 13, insert the following:

"Sec. 920. RCW 77.12.203 and 2015 3rd sp.s. c 4 s 1 are each amended to read as follows:

(1) Except as provided in subsection (5) of this section and notwithstanding RCW 84.36.010 or other statutes to the contrary, the director must pay by April 30th of each year on game lands, regardless of acreage, in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts, regardless of acreage, owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access, or recreation purposes with federal funds in the Snake River drainage basin are considered game lands regardless of acreage.

(3) This section does not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county must distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county must distribute the amount received under this section for weed control to the appropriate weed district.

(5) For the 2013-2015 (~~and 2015-2017 fiscal biennia~~) fiscal biennium, the director must pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes and must be distributed as follows:

**County**

Adams. . . .	1,909
Asotin. . . .	36,123
Chelan. . . .	24,757
Columbia. . . .	7,795
Ferry. . . .	6,781
Garfield. . . .	4,840
Grant. . . .	37,443
Kittitas. . . .	143,974
Klickitat. . . .	21,906
Lincoln. . . .	13,535
Okanogan. . . .	151,402
Pend Oreille. . . .	3,309
Yakima. . . .	126,225

These amounts may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas."

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

Correct the title.

Representatives Halder, Halder (again) Manweller and Shea spoke in favor of the adoption of the amendment.

Representative Ormsby and Ormsby (again) spoke against the adoption of the amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (857) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Halder, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott,

Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Dent moved the adoption of amendment (838):

On page 156, beginning on line 3, after "areas," insert "The department shall limit total expenditures related to fence repair and replacement to no more than \$15,000 per mile of fence."

Representatives Dent and Shea spoke in favor of the adoption of the amendment.

Representative Blake spoke against the adoption of the amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (838) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Halder, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Manweller moved the adoption of amendment (820):

On page 168, line 9, increase the general fund--state appropriation for fiscal year 2017 by \$4,200,000

On page 168, line 19, correct the total.

On page 175, line 31, after "~~(\$55,000)~~" strike "\$305,000" and insert "\$4,505,000"

On page 185, line 21, increase the general fund--state appropriation for fiscal year 2017 by \$16,800,000

On page 185, line 24, correct the total.

On page 192, line 7, after "~~(\$1,294.63)~~" strike "\$1,286.99" and insert "\$1,539.48"

On page 192, line 10, after "~~(\$1,455.99)~~" strike "\$1,447.40" and insert "\$1,731.45"

Beginning on page 268, line 31, strike all of section 708

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

Correct the title.

Representatives Manweller, Orcutt, Young, Van Werven and Orcutt (again) spoke in favor of the adoption of the amendment.

Representatives Sullivan and Reykdal spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (820) and the amendment was not adopted by the following vote: Yeas; 48, Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Sullivan moved the adoption of amendment (848):

On page 182, line 20, after "for" insert "professional development."

Representatives Sullivan and Magendanz spoke in favor of the adoption of the amendment.

Amendment (848) was adopted.

Representative Sullivan moved the adoption of amendment (849):

On page 198, beginning on line 37, strike "February 2, 2016, at 14:22 hours" and insert "February 24, 2016, at 12:29 hours"

Representative Sullivan spoke in favor of the adoption of the amendment.

Amendment (849) was adopted.

Representative Parker moved the adoption of amendment (874):

On page 210, line 9, increase the general fund--state appropriation for fiscal year 2017 by \$75,000

On page 210, line 13, correct the total.

On page 210, after line 37, insert the following:

"(4) \$75,000 of the general fund--state appropriation for fiscal year 2017 is provided solely for the office of the superintendent of public instruction to contract with a nationally recognized lead nonprofit with expertise on school safety to provide training to each of the nine educational service districts on school safety and best practices in developing school safety plans.

Representatives Parker and Ormsby spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (874) and the amendment was adopted by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Chopp, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger

Excused: Representative Hunt.

Representative Magendanz moved the adoption of amendment (825):

On page 225, line 34, decrease the general fund--state appropriation for fiscal year 2016 by \$7,000

On page 225, strike all material on lines 35 and 36 and insert:

~~"(general fund state appropriation (FY 2017)... \$336,000)"~~

On page 225, after line 38, insert the following:

"Opportunity Pathways Account--State Appropriation...\$973,000"

On page 25, line 2, correct the total.

On page 285, after line 25, insert the following:

"NEW SECTION. Sec. 909. RCW 28B.76.526 and 2010 1st sp.s. c 27 s 2 are each amended to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for operating costs related to RCW 28A.710.070 (Washington charter school commission), programs in chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (state need grant program), \*chapter 28B.101 RCW (educational opportunity grant), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to college promise), chapter 28B.118 RCW (college bound scholarship), chapter 28B.119 RCW (Washington promise scholarship), chapter 43.215 RCW (early childhood education and assistance program), and \*\*RCW 43.330.280 (recruitment of entrepreneurial researchers, innovation partnership zones and research teams)."

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

Correct the title.

Representatives Magendanz, Smith and Johnson spoke in favor of the adoption of the amendment.

Representative Springer spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (825) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Stokesbary moved the adoption of amendment (835):

On page 228, line 35, increase the general fund-state appropriation for fiscal year 2016 by \$386,000

On page 228, line 37, increase the general fund-state appropriation for fiscal year 2017 by \$479,000

On page 229, line 6, correct the total.

On page 229, line 29, after "(4)" strike "\$16,672,000" and insert "~~(\$16,672,000)~~ \$17,058,000"

On page 229, line 30, after "and" strike "\$17,027,000" and insert "~~(\$17,027,000)~~ \$17,506,000"

On page 232, line 5, increase the general fund-state appropriation for fiscal year 2016 by \$411,000

On page 232, line 7, increase the general fund-state appropriation for fiscal year 2017 by \$3,103,000

On page 232, line 21, correct the total.

On page 233, line 16, after "(7)" strike "\$10,018,000" and insert "~~(\$10,018,000)~~ \$10,429,000"

On page 233, line 17, after "and" strike "\$34,053,000" and insert "~~(\$34,053,000)~~ \$37,156,000"

On page 235, line 9, increase the general fund-state appropriation for fiscal year 2016 by \$266,000

On page 235, line 11, increase the general fund-state appropriation for fiscal year 2017 by \$1,801,000

On page 235, line 16, correct the total.

On page 236, line 17, after "(7)" strike "\$8,714,000" and insert "~~(\$8,714,000)~~ \$8,980,000"

On page 236, line 18, after "and" strike "\$25,266,000" and insert "~~(\$25,266,000)~~ \$27,067,000"

On page 237, line 8, increase the general fund-state appropriation for fiscal year 2016 by \$39,000

On page 237, line 10, increase the general fund-state appropriation for fiscal year 2017 by \$527,000

On page 237, line 14, correct the total.

On page 237, line 37, after "(5)" strike "\$2,386,000" and insert "~~(\$2,386,000)~~ \$2,425,000"

On page 237, line 38, after "and" strike "\$9,171,000" and insert "~~(\$9,171,000)~~ \$9,698,000"

On page 238, line 9, decrease the general fund-state appropriation for fiscal year 2016 by \$17,000

On page 238, line 11, increase the general fund-state appropriation for fiscal year 2017 by \$194,000

On page 238, line 14, correct the total.

On page 238, line 32, after "(4)" strike "\$2,757,000" and insert "~~(\$2,757,000)~~ \$2,740,000"

On page 238, line 33, after "and" strike "\$10,632,000" and insert "~~(\$10,632,000)~~ \$10,826,000"

On page 242, line 14, increase the general fund-state appropriation for fiscal year 2016 by \$70,000

On page 242, line 16, increase the general fund-state appropriation for fiscal year 2017 by \$732,000

On page 242, line 20, correct the total.

On page 243, line 6, after "(4)" strike "\$3,656,000" and insert "~~(\$3,656,000)~~ \$3,726,000"

On page 243, line 7, after "and" strike "\$14,087,000" and insert "~~(\$14,087,000)~~ \$14,819,000"

Representatives Stokesbary, Wilcox, Stokesbary (again) and Zeiger spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (835) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative McBride moved the adoption of amendment (861):

On page 235, line 9, increase the general fund-state appropriation for fiscal year 2016 by \$75,000

On page 235, line 11, increase the general fund-state appropriation for fiscal year 2017 by \$175,000

On page 235, line 16, correct the total.

On page 237, after line 3 insert the following:

"(12) \$75,000 of the general fund-state appropriation for fiscal year 2016 and \$175,000 of the general fund-state appropriation for fiscal year 2017 are provided solely for the William D. Ruckelhaus Center to conduct a study regarding public records requests under Chapter 42.56 RCW of local agencies. The study shall include:

(a) The effects of local agencies adopting procedures limiting the time spent on responding to public records requests, and adopting procedures to prioritize records requests;

(b) Options for local agencies to more effectively respond to public records requests, including options for cost recovery mechanisms;

(c) The feasibility, cost effectiveness of, and potential funding sources for creating a public records commission with jurisdiction over disputes arising between local agencies and persons making public records requests; and

(d) Options regarding the jurisdiction, policies and procedures, and location of a public records commission.

A report on the results of the study with any findings and recommendations shall be presented to the appropriate fiscal and policy committees of the legislature by December 1, 2017."

Representatives McBride and Nealey spoke in favor of the adoption of the amendment.

Amendment (861) was adopted.

Representative Haler moved the adoption of amendment (826):

On page 242, line 16, increase the general fund state appropriation for fiscal year 2017 by \$250,000

On page 242, line 20, correct the total.

On page 243, after line 11, insert the following:

"(5) \$250,000 of the general fund state appropriation for fiscal year 2017 is provided solely for the endowment of the jaffee professorship in Jewish history and holocaust studies."

Representatives Haler and Senn spoke in favor of the adoption of the amendment.

Amendment (826) was adopted.

Representative Stambaugh moved the adoption of amendment (854):

On page 244, line 15, increase the general fund state appropriation for fiscal year 2016 by \$39,000

On page 244, line 17, increase the general fund state appropriation for fiscal year 2017 by \$191,000

On page 244, line 31, correct the total.

On page 250, after line 16, insert the following:

"(18) \$39,000 of the general fund state appropriation for fiscal year 2016 and \$191,000 of the general fund state appropriation for fiscal year 2017 is provided solely for the Washington open education pilot grant program. The council shall award up to one hundred grants per year to faculty members to develop or obtain open educational materials and resources. The council shall develop a process for review and selection of grant applications. In developing the pilot program, the council is encouraged to use the Massachusetts Amherst open education initiative and the California textbook affordability act as models. The council shall submit a report to the appropriate committees of the legislature by June 30, 2017. The report must include:

(a) An overview of how the program is being implemented;

(b) The number of faculty that applied for the grant and the number of faculty that received the grant;

(c) The courses and departments of the faculty members that received the grants; and

(d) The total cost savings to students and the cost savings per student enrolled in a course taught by a grant recipient."

Representative Stambaugh spoke in favor of the adoption of the amendment.

Representative Hansen spoke against the adoption of the amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (854) and the amendment was not adopted by the following vote: Yeas, 48, Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Manweller moved the adoption of amendment (821):

On page 273, after line 13, insert the following:

**"NEW SECTION, Sec. 720.** Because it is the paramount duty of the state to provide for the education of all its children, in the event of judicial action that interrupts public school funding or operations it is the intent of the legislature to ensure the continued operation of public schools and compensation of public school staff until such time as the legislature may come into special session and address the judicial ruling. If a judicial ruling orders the closure of the state's public schools or invalidates state appropriations for allocations to school districts, then the governor may direct the treasurer to authorize expenditures from the budget stabilization account by the superintendent of public instruction for allocation to public schools for the state's program of basic education under the formulas in RCW 28A.150.260."

Renumber remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representatives Manweller and Shea spoke in favor of the adoption of the amendment.

Representative Sullivan spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (821) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Taylor moved the adoption of amendment (844):

On page 285, after line 14, insert the following:

**"NEW SECTION, Sec. 908.** The definition in this section applies throughout this subchapter unless the context clearly requires otherwise. "Extraordinary sensing device" means a sensing device attached to or used in conjunction with an aircraft that is operated without the possibility of human intervention from within or on such aircraft, together with its associated elements.

**NEW SECTION, Sec. 909.** (1) No state agency or state organization including, but not limited to, the Washington state patrol and the department of natural resources, shall procure or contract for the use of an extraordinary sensing device except for the following allowable purposes:

(a) Monitoring to discover, locate, observe, and prevent forest fires;

(b) Monitoring an environmental or weather-related catastrophe or damage from such an event;

(c) Surveying for wildlife management, habitat preservation, or environmental damage; and

(d) Surveying for the assessment and evaluation of environmental or weather-related damage, erosion, flood, or contamination.

(2) No local agency shall procure or contract for the use of an extraordinary sensing device except for the following allowable purposes:

(a) Monitoring to discover, locate, observe, and prevent forest fires;

(b) Monitoring an environmental or weather-related catastrophe or damage from such an event;

(c) Surveying for wildlife management, habitat preservation, or environmental damage; and

(d) Surveying for the assessment and evaluation of environmental or weather-related damage, erosion, flood, or contamination.

**NEW SECTION, Sec. 910.** Sections 908 through 910 of this act are each added to chapter 9.73 RCW under the subchapter heading "extraordinary sensing devices."

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

Correct the title.

Representative Taylor spoke in favor of the adoption of the amendment.

Representative Lytton spoke against the adoption of the amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (844) and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Taylor moved the adoption of amendment (845):

On page 297, after line 13, insert the following:

**"NEW SECTION. Sec. 920.** A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply in respect to the use of a firearm sold or transferred between two unlicensed persons, as that term is defined in chapter 9.41.RCW.

**Sec. 921.** RCW 82.12.040 and 2015 c 169 s 9 are each amended to read as follows:

(1) Every person who maintains in this state a place of business or a stock of goods, or engages in business activities within this state, must obtain from the department a certificate of registration, and must, at the time of making sales of tangible personal property, digital goods, digital codes, digital automated services, extended warranties, or sales of any service defined as a retail sale in \*RCW 82.04.050 (2) (a) or (g) or (6)(b), or making transfers of either possession or title, or both, of tangible personal property for use in this state, collect from the purchasers or transferees the tax imposed under this chapter. The tax to be collected under this section must be in an amount equal to the purchase price multiplied by the rate in effect for the retail sales tax under RCW 82.08.020. For the purposes of this chapter, the phrase "maintains in this state a place of business" includes the solicitation of sales and/or taking of orders by sales agents or traveling representatives. For the purposes of this chapter, "engages in business activity within this state" includes every activity which is sufficient under the Constitution of the United States for this state to require collection of tax under this chapter. The department must in rules specify activities which constitute engaging in business activity within this state, and must keep the rules

current with future court interpretations of the Constitution of the United States.

(2) Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property, digital goods, digital codes, digital automated services, extended warranties, or sales of any service defined as a retail sale in \*RCW 82.04.050 (2) (a) or (g) or (6)(b), of his or her principals for use in this state, must, at the time such sales are made, collect from the purchasers the tax imposed on the purchase price under this chapter, and for that purpose is deemed a retailer as defined in this chapter.

(3) The tax required to be collected by this chapter is deemed to be held in trust by the retailer until paid to the department, and any retailer who appropriates or converts the tax collected to the retailer's own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed is guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the department in the manner prescribed, whether such failure is the result of the seller's own acts or the result of acts or conditions beyond the seller's control, the seller is nevertheless personally liable to the state for the amount of such tax, unless the seller has taken from the buyer a copy of a direct pay permit issued under RCW 82.32.087.

(4) Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter is guilty of a misdemeanor.

(5) Notwithstanding subsections (1) through (4) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if:

(a) The person's activities in this state, whether conducted directly or through another person, are limited to:

(i) The storage, dissemination, or display of advertising;

(ii) The taking of orders; or

(iii) The processing of payments; and

(b) The activities are conducted electronically via a web site on a server or other computer equipment located in Washington that is not owned or operated by the person making sales into this state nor owned or operated by an affiliated person. "Affiliated persons" has the same meaning as provided in RCW 82.04.424.

(6) Subsection (5) of this section expires when: (a) The United States congress grants individual states the authority to impose sales and use tax collection duties on remote sellers; or (b) it is determined by a court of competent jurisdiction, in a judgment not subject to review, that a state can impose sales and use tax collection duties on remote sellers.

(7) Notwithstanding subsections (1) through (4) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if the person would have been obligated to collect retail sales tax on the sale absent a specific exemption provided in chapter 82.08 RCW, and there is no corresponding use tax exemption in

this chapter. Nothing in this subsection (7) may be construed as relieving purchasers from liability for reporting and remitting the tax due under this chapter directly to the department.

(8) Notwithstanding subsections (1) through (4) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if the state is prohibited under the Constitution or laws of the United States from requiring the person to collect the tax imposed by this chapter.

~~(((9) Notwithstanding subsections (1) through (4) of this section, any licensed dealer facilitating a firearm sale or transfer between two unlicensed persons by conducting background checks under chapter 9.41 RCW is not obligated to collect the tax imposed by this chapter.))~~"

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

Correct the title.

#### POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (845) to ESHB 2376.

#### SPEAKER'S RULING

Madam Speaker (Representative Orwall presiding): "Substitute House Bill No. 2376 is the supplemental operating budget bill. The bill makes changes to appropriation levels and fund transfers for the continued operation of state government and its various agencies and institutions for the remaining year of the 2015-17 biennium and includes provisos to condition, limit or earmark use of the appropriations.

Amendment (845) authorizes a tax exemption. Tax rates and preferences are a separate and distinct subject from appropriations.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the underlying bill. The point of order is well taken."

Representative Harmsworth moved the adoption of amendment (837):

On page 297, after line 13, insert the following:

"**Sec. 920.** RCW 82.08.832 and 1998 c 178 s 1 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of gun safes or firearm safety products.  
 (2) As used in this section and RCW 82.12.832(~~(7)~~):  
(a) "Firearm safety product" means a device that, when installed on a firearm, is designed to prevent the unauthorized use or accidental discharge of the firearm without first removing or deactivating the device from the firearm; and

(b) "Gun safe" means an enclosure specifically designed or modified for the purpose of storing a firearm and equipped with a padlock, key lock, combination lock, or similar locking device which, when locked, prevents the unauthorized use of the firearm.

(3) The department must provide a unique exemption code for taxpayers that file their tax return

electronically to report the total amount of exempt firearm safety products sold.

**Sec. 921.** RCW 82.12.832 and 1998 c 178 s 2 are each amended to read as follows:

The provisions of this chapter do not apply with respect to the use of gun safes or firearm safety products as defined in RCW 82.08.832."

Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

#### POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (837) to ESHB 2376.

#### SPEAKER'S RULING

Madam Speaker (Representative Orwall presiding): "Substitute House Bill No. 2376 is the supplemental operating budget bill. The bill makes changes to appropriation levels and fund transfers for the continued operation of state government and its various agencies and institutions for the remaining year of the 2015-17 biennium and includes provisos to condition, limit or earmark use of the appropriations.

Amendment 837 authorizes a tax exemption. Tax rates and preferences are a separate and distinct subject from appropriations.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the underlying bill. The point of order is well taken."

Representative Taylor moved the adoption of amendment (847):

On page 297, after line 13, insert the following:

"**Sec. 920.** RCW 77.36.110 and 2009 c 333 s 56 are each amended to read as follows:

(1) No owner may receive compensation for wildlife interactions under this chapter unless the owner has, as determined by the department, first:

(a) Utilized applicable legal and practicable self-help preventive measures available to prevent the damage, including the use of nonlethal methods and department-provided materials and services when available under RCW 77.36.100; and

(b) Exhausted all available compensation options available from nonprofit organizations that provide compensation to private property owners due to financial losses caused by wildlife interactions.

(2) In determining if the requirements of this section have been satisfied, the department may recognize and consider the following:

(a) Property losses may occur without future or anticipated knowledge of potential problems resulting in an owner being unable to take preemptive measures.

(b) Normal agricultural practices, animal husbandry practices, recognized standard management techniques, and

other industry-recognized management practices may represent adequate preventative efforts.

(c) Under certain circumstances, as determined by the department, wildlife may not logistically or practicably be managed by nonlethal efforts.

(d) Not all available legal preventative efforts are cost-effective for the owner to practicably employ.

(e) There are certain effective preventative control options not available due to federal or state restrictions.

~~((f) Under certain circumstances, as determined by the department, permitting public hunting may not be a practicable self-help method due to the size and nature of the property, the property's setting, or the ability of the landowner to accommodate public access.))~~

(3) An owner is not eligible to receive compensation if the damages are covered by insurance.

(4) Permitting public hunting on the land subject to a claim under this chapter is not considered to be a practicable self-help preventive measure and the department may not condition the receipt of compensation under this chapter on the claimant allowing or facilitating public hunting access to the land in question.

(5) The commission shall adopt rules implementing this section, including requirements that owners document nonlethal preventive efforts undertaken and all permits issued by the department under RCW 77.12.240 and 77.12.150."

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

Representatives Taylor, Orcutt, Schmick and Dent spoke in favor of the adoption of the amendment.

Representative Blake spoke against the adoption of the amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (847) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Shea moved the adoption of amendment (878):

On page 298, after line 28, insert the following:

"NEW SECTION. Sec. 922. A new section is added to chapter 43.88 RCW to read as follows:

(1) On or before November 1, 2016, the department of corrections, the department of transportation, and the department of ecology shall submit a written report to the speaker and minority leader of the Washington house of representatives, the majority and minority leaders of the Washington senate, and the governor, providing a comprehensive, detailed description of every agreement between the agency and the federal government. At minimum, the report must contain the following information:

(a) The type of agreement, including a comprehensive description of its contents;

(b) The purposes, goals, and public benefits to be derived from the agreement;

(c) A detailed description, including the dollar amounts, of any grants, funds, revenues, or fiscal impacts likely to result from the agreement;

(d) The identification of the specific statute, rule, or constitutional provision providing the legal basis for the agreement;

(e) The identification of the specific agencies, both state and federal, entering into the agreement; and

(f) The identification of every state officer, employee, or other state agent participating in the creation, negotiation, or approval of the agreement.

(2) For purposes of this section, "Agreement" means any contract, agreement, memorandum of understanding, or other arrangement between a state agency and the federal government that requires an agency or other state governmental entity to take action or otherwise expend state resources in order to comply with the terms of the agreement.

(3) This section applies to all agreements in effect as of the effective date of this section and to all agreements entered into or renewed on or after July 1, 2016."

Renumber remaining sections consecutively and correct internal references accordingly.

Correct the title.

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (878) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin,

Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

Representative Taylor moved the adoption of amendment (843):

On page 298, after line 28, insert the following:

"**NEW SECTION. Sec. 922.** A new section is added to chapter 34.05 RCW to read as follows:

(1) After passage of this act, all agencies with rulemaking authority must adopt rules prior to December 1st of any year.

(2) Such rules may not take effect until after the end of the ensuing regular legislative session, as defined by Article II, section 12 of the Constitution and RCW 44.04.010."

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

Correct the title.

Representative Taylor spoke in favor of the adoption of the amendment.

Representative Hudgins spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (843) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

The bill was ordered engrossed.

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

Representatives Ormsby, Lytton, Kilduff, Fey, Springer and Sullivan spoke in favor of the passage of the bill.

Representatives Chandler, Vick, Orcutt, Stokesbary, Magendanz, Smith, Stambaugh and Parker spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2376.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2376, and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Chandler, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

Excused: Representative Hunt.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2524, by Representatives Clibborn, Orcutt, Fey and McBride**

**Making 2015-2017 supplemental transportation appropriations.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2524 was substituted for House Bill No. 2524 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2524 was read the second time.

With the consent of the house, amendment (813) was withdrawn.

Representative Schmick moved the adoption of amendment (828):

On page 9, at the beginning of line 23, strike "Motor Vehicle Account—Federal Appropriation . . . . . \$500,000"

On page 9, line 27, correct the total.

On page 10, beginning on line 12, strike all of subsection (3).

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

Representatives Schmick and Orcutt spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

An electronic roll call was requested.

**ROLL CALL**

The Clerk called the roll on the adoption of amendment (828) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt, S.

Representative Orcutt moved the adoption of amendment (851):

On page 12, line 28, decrease the State Patrol Highway Account-State Appropriation by \$9,634,000

On page 12, line 31, decrease the State Patrol Highway Account-Federal Appropriation by \$96,000

On page 12, line 34, decrease the State Patrol Highway Account-Private/Local Appropriation by \$10,000

On page 12, line 36, decrease the Highway Safety Account-State Appropriation by \$1,568,000

On page 13, line 3, correct the total

On page 13, beginning on line 27, after "(4)" strike all material through "lapses" on line 36 and insert the following:

"\$5,000,000 of the state patrol highway account-state appropriation is provided solely for the Washington state patrol to use for compensation increases for troopers, sergeants,

lieutenants, and captains beginning on July 1, 2016 and to improve recruitment and retention"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (851) was not adopted.

Representative Buys moved the adoption of amendment (859):

On page 13, after line 36, insert the following:

"(5) Washington state patrol officers must not use unmarked state patrol vehicles when performing traffic enforcement for rules of the road compliance. Unmarked state patrol vehicles may only be used for traffic stops when the vehicle or vehicles being stopped are involved in an undercover investigation."

Representatives Buys and Shea spoke in favor of the adoption of the amendment.

Representative Farrell spoke against the adoption of the amendment.

Amendment (859) was not adopted.

Representative Manweller moved the adoption of amendment (850):

On page 31, after line 32, insert the following:

"(6) Within current resources, the transportation planning program, with assistance from the rail program and other programs as needed, shall prepare a report that outlines the state's options for addressing the eastside rail corridor rail line removal authorized under the rail banking provisions of federal law. This report must evaluate options by which the state may facilitate the preservation and maintenance of the rail lines that comprise the eastside rail corridor, in consideration of what is currently permitted under federal law. The report must address, but is not limited to, what, if any, legal authority the state has to affect projects currently underway in or planned for this corridor: whether state acquisition of specific property rights in this corridor is permitted under federal law and, if so, whether it could be beneficial to or would be necessary for the preservation and maintenance of the corridor's rail lines; and the extent to which the state may otherwise encourage the preservation of this rail corridor. The report must include sufficient details on each option presented to support its evaluation, as well as the potential benefits and estimated costs associated with options presented that are permissible under federal law. The evaluation of potential benefits must be conducted in the context of current state rail policy, including RCW 47.76.240. The department must submit the report to the transportation committees of the legislature by November 15, 2016."

On page 80, after line 17, insert the following:

**"Sec. 703.** A new section is added to chapter 47.76 RCW to read as follows:

(1) Any removal of existing rail tracks on a rail corridor located at least partly in a county or counties with a county population greater than one-and-one-half million that occurs during the 2015-17 biennium is subject to the requirements in this section as of the effective date of this bill. The responsible party proposing to remove rail tracks as part of a rail banking activity shall file with the department of transportation a bond or proof of an escrow account in a Washington financial institution an amount to fully cover the annual expected costs of maintaining the corridor. The responsible party shall update the bond or proof of an escrow account on an annual basis thereafter. The bond or proof of an escrow account must be filed prior to removal of the railroad tracks.

(2) The bond or escrow account must be conditioned on the responsible party's performance, and must be in an amount agreed upon between the responsible party and the department of transportation as sufficient to fully cover the annual costs for maintenance of the trail, bridges, culverts, roadway intersections, crossing and signage on the corridor in a manner that will allow for subsequent restoration of rail use along the corridor.

(3) If the responsible party fails to comply with the provisions of this section, the attorney general for the state of Washington shall bring an action in superior court to enforce the provisions of this section. Upon a finding that the responsible party has failed to comply with the provisions of this section, the court may enter an order requiring the responsible party to comply with provisions of this section.

(4) For the purposes of this section, responsible party means any person, for-profit entity, not-for-profit entity or governmental entity that is responsible for developing, operating or maintaining property with rail tracks that are part of a rail corridor located in a county or counties at least partly located east of Lake Washington with a county population greater than 700,000.

(5) This section expires June 30, 2017."

Representatives Manweller and Stokesbary spoke in favor of the adoption of the amendment.

Representative McBride spoke against the adoption of the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (850) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen,

Hudgins, Hurst, Jenkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt, S.

Representative Moscoso moved the adoption of amendment (868):

On page 31, after line 32, insert the following:

"(6) Within current resources, the transportation planning program, with assistance from the rail program and other programs as needed, shall prepare a report that outlines the state's options for addressing the removal of the Eastside Freight Railroad line, which runs from the county of Snohomish to the city of Woodinville, authorized under the rail banking provisions of federal law. This report must evaluate options by which the state may facilitate the preservation and maintenance of the Eastside Freight Railroad line, in consideration of what is currently permitted under federal law. The report must address, but is not limited to, what, if any, legal authority the state has to affect projects currently underway in or planned for the Eastside Freight Railroad line; whether state acquisition of specific property rights on the Eastside Freight Railroad line is permitted under federal law and, if so, whether it could be beneficial to or would be necessary for the preservation and maintenance of the Eastside Freight Railroad line; and the extent to which the state may otherwise encourage the preservation of the Eastside Freight Railroad line. The report must include sufficient details on each option presented to support its evaluation, as well as the potential benefits and estimated costs associated with options presented that are permissible under federal law. The evaluation of potential benefits must be conducted in the context of current state rail policy, including RCW 47.76.240. The department must submit the report to the transportation committees of the legislature by December 1, 2016."

Representative Moscoso spoke in favor of the adoption of the amendment.

Amendment (868) was adopted.

Representative Sells moved the adoption of amendment (814):

On page 35, line 31, after "funding" insert "; and \$2,000,000 in the 2017-2019 fiscal biennium for the North Broadway Bus Stop Safety Improvements project in lieu of its currently identified funding in the 2019-2021 fiscal biennium"

Representatives Sells and Orcutt spoke in favor of the adoption of the amendment.

Amendment (814) was adopted.

Representative Hayes moved the adoption of amendment (867):

On page 36, line 20, increase the Puget Sound Ferry Operations Account--State Appropriation by \$48,000

On page 36, line 26, correct the total.

On page 38, after line 8, insert the following:

"(11) \$48,000 of the Puget Sound ferry operations account--state appropriation is provided solely for staff sufficient to allow passenger accessibility aboard the M/V Tokitae to the sun deck during daylight hours on Saturdays and Sundays of the summer sailing season."

Representatives Hayes and Clibborn spoke in favor of the adoption of the amendment.

Amendment (867) was adopted.

Representative Pike moved the adoption of amendment (823):

On page 56, line 30, increase the Multimodal Transportation Account--State Appropriation by \$300,000

On page 56, line 35, correct the total.

On page 58, after line 36, insert the following:

"(7) \$300,000 of the multimodal transportation account--state appropriation is provided solely for planning and initial permitting for the bridge 12 (Salmon Creek) replacement project on the Chelatchie Prairie railroad short line at milepost 12.45 in Clark county."

Representatives Pike and Clibborn spoke in favor of the adoption of the amendment.

Amendment (823) was adopted.

Representative Young moved the adoption of amendment (866):

On page 61, after line 31, insert the following:

"Motor Vehicle Account--State Appropriation.....\$2,500,000"

On page 61, line 33, correct the total.

On page 61, after line 33, insert the following:

"The appropriations in this section are subject to the following conditions and limitations: \$2,500,000 of the motor vehicle account--state appropriation is provided solely for debt service payment and withholding for the Tacoma Narrows bridge, with the intent of forestalling the need for the Washington state transportation commission to raise toll rates for the Tacoma Narrows bridge for fiscal year 2017."

Representatives Young and Kilduff spoke in favor of the adoption of the amendment.

Amendment (866) was adopted.

Representative Harmsworth moved the adoption of amendment (862):

On page 80, after line 17, insert the following:

"Sec. 703. RCW 47.56.880 and 2011 c 369 s 3 are each amended to read as follows:

(1) The imposition of tolls for express toll lanes on Interstate 405 between the junctions with Interstate 5 on the

north end and NE 6th Street in the city of Bellevue on the south end is authorized, Interstate 405 is designated an eligible toll facility, and toll revenue generated in the corridor must only be expended as allowed under RCW 47.56.820.

(2) Tolls for the express toll lanes must be set as follows:

(a) The schedule of toll rates must be set by the tolling authority pursuant to RCW 47.56.850. Toll rates may vary in amount by time of day, level of traffic congestion within the highway facility, or other criteria, as the tolling authority deems appropriate.

(b) In those locations with two express toll lanes in each direction, when the use of two express toll lanes is not prohibited, the toll rate must be the same in both lanes.

(c) Toll charges may not be assessed on transit buses and vanpools.

(d) The department shall establish performance standards for travel time, speed, and reliability for the express toll lanes project. The department must automatically adjust the toll rate within the schedule established by the tolling authority, using dynamic tolling, to ensure that average vehicle speeds in the lanes remain above forty-five miles per hour at least ninety percent of the time during peak hours.

(e) The tolling authority shall periodically review the toll rates against traffic performance of all lanes to determine if the toll rates are effectively maintaining travel time, speed, and reliability on the highway facilities.

(f) During the length of the 2015-17 fiscal biennium, toll charges may not be assessed and minimum vehicle occupancy requirements are not permitted in the corridor identified in this section between the hours of 7:00 p.m. and 5:00 a.m. on weekdays or at any time on weekends or state holidays.

(3) During the length of the 2015-17 fiscal biennium and within available funds, ((F))the department may construct and operate ((express toll lanes)) only a single express toll lane in each direction on Interstate 405 between the city of Bellevue on the south end and Interstate 5 on the north end. During the length of the 2015-17 fiscal biennium and within available funds, each express toll lane must use continuous access striping except at specific locations where safety concerns related to vehicle ingress and egress require the use of access restrictions; any other express toll lane or high occupancy vehicle lane may not be constructed or operated on Interstate 405 between the city of Bellevue on the south end and Interstate 5 on the north end. Operation of the express toll lanes may not commence until the department has completed capacity improvements necessary to provide a two-lane system from NE 6th Street in the city of Bellevue to state route number 522 and the conversion of the existing high occupancy vehicle lane to an express toll lane between state route number 522 and the city of Lynnwood. Construction of the capacity improvements described in this subsection, including items that enable implementation of express toll lanes such as conduit and other underground features, must begin as soon as practicable. However, any contract term regarding tolling equipment, such as gantries, barriers, or cameras, for Interstate 405 may not take effect unless specific appropriation authority is provided in 2012 stating that

funding is provided solely for tolling equipment on Interstate 405. The department shall work with local jurisdictions to minimize and monitor impacts to local streets and, after consultation with local jurisdictions, recommend mitigation measures to the legislature in those locations where it is appropriate.

(4) The department shall monitor the express toll lanes project and shall annually report to the transportation commission and the legislature on the impacts from the project on the following performance measures:

(a) Whether the express toll lanes maintain speeds of forty-five miles per hour at least ninety percent of the time during peak periods;

(b) Whether the average traffic speed changed in the general purpose lanes;

(c) Whether transit ridership changed;

(d) Whether the actual use of the express toll lanes is consistent with the projected use;

(e) Whether the express toll lanes generated sufficient revenue to pay for all Interstate 405 express toll lane-related operating costs;

(f) Whether travel times and volumes have increased or decreased on adjacent local streets and state highways; and

(g) Whether the actual gross revenues are consistent with projected gross revenues as identified in the fiscal note for Engrossed House Bill No. 1382 distributed by the office of financial management on March 15, 2011.

(5) If after two years of operation of the express toll lanes on Interstate 405 performance measures listed in subsection (4)(a) and (e) of this section are not being met, the express toll lanes project must be terminated as soon as practicable.

(6) The department, in consultation with the transportation commission, shall consider making operational changes necessary to fix any unintended consequences of implementing the express toll lanes project.

(7) A violation of the lane restrictions applicable to the express toll lanes established under this section is a traffic infraction."

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

#### POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (862) to ESHB 2524.

#### SPEAKER'S RULING

Madam Speaker (Representative Orwall presiding): "Substitute House Bill No. 2524 is the supplemental transportation budget bill. The bill changes appropriations for transportation agencies for the remaining year of the 2015-17 biennium.

Amendment 862 makes various changes to the operation of the I-405 tolling corridor. The amendment relates to substantive transportation policy rather than the appropriations needed to support that policy.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the bill. The point of order is well taken."

Representative Harmsworth moved the adoption of amendment (863):

On page 80, after line 17, insert the following:

"**Sec. 703.** RCW 46.61.165 and 2013 c 26 s 2 are each amended to read as follows:

(1) The state department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of one or more of the following: (a) Public transportation vehicles; (b) motorcycles; (c) private motor vehicles carrying no fewer than a specified number of passengers; or (d) the following private transportation provider vehicles if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle, and if such use does not interfere with the efficiency, reliability, and safety of public transportation operations: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles, when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources.

(2) Any transit-only lanes that allow other vehicles to access abutting businesses that are authorized pursuant to subsection (1) of this section may not be authorized for the use of private transportation provider vehicles as described under subsection (1) of this section.

(3) The state department of transportation and the local authorities authorized to reserve all or any portion of any highway under their respective jurisdictions, for exclusive or preferential use, may prohibit the use of a high occupancy vehicle lane by the following private transportation provider vehicles: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, and marked or unmarked limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles, when the average transit speed in the high occupancy vehicle lane fails to meet department of transportation standards and falls below forty-five miles per hour at least ninety percent of the time during the peak hours, as determined by the department of transportation or the local authority, whichever operates the facility.

(4) Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days. Violation of a restriction of highway usage prescribed by the appropriate authority under this section is a traffic infraction.

(5) Local authorities are encouraged to establish a process for private transportation providers, as described under subsections (1) and (3) of this section, to apply for the use of public transportation facilities reserved for the exclusive or preferential use of public transportation vehicles. The application and review processes should be uniform and should provide for an expeditious response by the local authority. Whenever practicable, local authorities should enter into agreements with such private transportation providers to allow for the reasonable use of these facilities.

(6) Notwithstanding the provisions in subsection (1), during the length of the 2015-17 fiscal biennium and within available funds, the state department of transportation must reserve one and only one lane of Interstate 405 between the junctions with Interstate 5 on the north end and NE 6th Street in the city of Bellevue on the south end for the exclusive or preferential use of one or more of the vehicle categories listed in subsection (1); the department must permit private motor vehicles carrying no fewer than two passengers in this reserved lane. This lane must serve as a general purpose lane between 7:00 p.m. and 5:00 a.m. on weekdays and at all times on weekends and state holidays.

(7) For the purposes of this section, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is similarly marked or identified to display the business name or logo on the driver and passenger sides of the vehicle, meets the annual certification requirements of the department of transportation, and is offered by an employer for the benefit of its employees.

**Sec. 704.** RCW 47.52.025 and 2013 c 26 s 3 are each amended to read as follows:

(1) Highway authorities of the state, counties, and incorporated cities and towns, in addition to the specific powers granted in this chapter, shall also have, and may exercise, relative to limited access facilities, any and all additional authority, now or hereafter vested in them relative to highways or streets within their respective jurisdictions, and may regulate, restrict, or prohibit the use of such limited access facilities by various classes of vehicles or traffic. Such highway authorities may reserve any limited access facility or portions thereof, including designated lanes or ramps for the exclusive or preferential use of (a) public transportation vehicles, (b) privately owned buses, (c) motorcycles, (d) private motor vehicles carrying not less than a specified number of passengers, or (e) the following private transportation provider vehicles if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle, and if such use does not interfere with the efficiency, reliability, and safety of public transportation operations: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private

employer transportation service vehicles, when such limitation will increase the efficient utilization of the highway facility or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all time or at specified times of day or on specified days.

(2) Any transit-only lanes that allow other vehicles to access abutting businesses that are reserved pursuant to subsection (1) of this section may not be authorized for the use of private transportation provider vehicles as described under subsection (1) of this section.

(3) Highway authorities of the state, counties, or incorporated cities and towns may prohibit the use of limited access facilities by the following private transportation provider vehicles: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, and marked or unmarked limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles, when the average transit speed in the high occupancy vehicle travel lane fails to meet department standards and falls below forty-five miles per hour at least ninety percent of the time during the peak hours for two consecutive months.

(4)(a) Local authorities are encouraged to establish a process for private transportation providers, described under subsections (1) and (3) of this section, to apply for the use of limited access facilities that are reserved for the exclusive or preferential use of public transportation vehicles.

(b) The process must provide a list of facilities that the local authority determines to be unavailable for use by the private transportation provider and must provide the criteria used to reach that determination.

(c) The application and review processes must be uniform and should provide for an expeditious response by the authority.

(5) Notwithstanding the provisions in subsection (1), during the length of the 2015-17 fiscal biennium and within available funds, the state department of transportation must reserve one and only one lane of Interstate 405 between the junctions with Interstate 5 on the north end and NE 6th Street in the city of Bellevue on the south end for the exclusive or preferential use of one or more of the vehicle categories listed in subsection (1); the department must permit private motor vehicles carrying no fewer than two passengers in this reserved lane. This lane must serve as a general purpose lane between 7:00 p.m. and 5:00 a.m. on weekdays and at all times on weekends and state holidays.

(6) For the purposes of this section, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is similarly marked or identified to display the business name or logo on the driver and passenger sides of the vehicle, meets the annual certification requirements of the department, and is offered by an employer for the benefit of its employees.

**Sec. 705.** RCW 47.56.880 and 2011 c 369 s 3 are each amended to read as follows:

(1)(a) The imposition of tolls for express toll lanes on Interstate 405 between the junctions with Interstate 5 on the north end and NE 6th Street in the city of Bellevue on the south end is ~~(authorized)~~ suspended for the length of the 2015-17 fiscal biennium, the designation of Interstate 405 ~~(is designated)~~ as an eligible toll facility is suspended for the length of the 2015-17 fiscal biennium, and toll revenue, when generated in the corridor, must only be expended as allowed under RCW 47.56.820.

(b) During the suspension of tolling, as specified in subsection (1)(a), the portion of Interstate 405 identified in subsection (1)(a) must consist of four continuous, uninterrupted general purpose lanes and a single high occupancy vehicle lane.

(2) Toll for the express toll lanes, when tolling has not been suspended as provided in subsection (1), must be set as follows:

(a) The schedule of toll rates must be set by the tolling authority pursuant to RCW 47.56.850. Toll rates may vary in amount by time of day, level of traffic congestion within the highway facility, or other criteria, as the tolling authority deems appropriate.

(b) In those locations with two express toll lanes in each direction, the toll rate must be the same in both lanes.

(c) Toll charges may not be assessed on transit buses and vanpools.

(d) The department shall establish performance standards for travel time, speed, and reliability for the express toll lanes project. The department must automatically adjust the toll rate within the schedule established by the tolling authority, using dynamic tolling, to ensure that average vehicle speeds in the lanes remain above forty-five miles per hour at least ninety percent of the time during peak hours.

(e) The tolling authority shall periodically review the toll rates against traffic performance of all lanes to determine if the toll rates are effectively maintaining travel time, speed, and reliability on the highway facilities.

(3) The department may construct and operate express toll lanes on Interstate 405 between the city of Bellevue on the south end and Interstate 5 on the north end except during the period when such tolling is suspended as provided in subsection (1). Operation of the express toll lanes may not commence until the department has completed capacity improvements necessary to provide a two-lane system from NE 6th Street in the city of Bellevue to state route number 522 and the conversion of the existing high occupancy vehicle lane to an express toll lane between state route number 522 and the city of Lynnwood. Construction of the capacity improvements described in this subsection, including items that enable implementation of express toll lanes such as conduit and other underground features, must begin as soon as practicable. However, any contract term regarding tolling equipment, such as gantries, barriers, or cameras, for Interstate 405 may not take effect unless specific appropriation authority is provided in 2012 stating that funding is provided solely for tolling equipment on Interstate 405. The department shall work with local jurisdictions to minimize and monitor impacts to local streets and, after consultation with local jurisdictions,

recommend mitigation measures to the legislature in those locations where it is appropriate.

(4) When tolling is not suspended as provided in subsection (1), ~~((F))~~ the department shall monitor the express toll lanes project and shall annually report to the transportation commission and the legislature on the impacts from the project on the following performance measures:

(a) Whether the express toll lanes maintain speeds of forty-five miles per hour at least ninety percent of the time during peak periods;

(b) Whether the average traffic speed changed in the general purpose lanes;

(c) Whether transit ridership changed;

(d) Whether the actual use of the express toll lanes is consistent with the projected use;

(e) Whether the express toll lanes generated sufficient revenue to pay for all Interstate 405 express toll lane-related operating costs;

(f) Whether travel times and volumes have increased or decreased on adjacent local streets and state highways; and

(g) Whether the actual gross revenues are consistent with projected gross revenues as identified in the fiscal note for Engrossed House Bill No. 1382 distributed by the office of financial management on March 15, 2011.

(5) If after two years of operation of the express toll lanes on Interstate 405 performance measures listed in subsection (4)(a) and (e) of this section are not being met, the express toll lanes project must be terminated as soon as practicable.

(6) The department, in consultation with the transportation commission, shall consider making operational changes necessary to fix any unintended consequences of implementing the express toll lanes project.

(7) A violation of the lane restrictions applicable to the express toll lanes established under this section is a traffic infraction."

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

#### POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (863) to SHB 2524.

#### SPEAKER'S RULING

Madam Speaker (Representative Orwall presiding): "Substitute House Bill 2524 is the supplemental transportation budget bill. The bill changes appropriations for transportation agencies for the remaining year of the 2015-17 biennium.

Amendment (863) suspends tolling and makes various changes to the operation of the I-405 corridor. The amendment primarily relates to substantive transportation policy rather than the appropriations needed to support that policy. It does not change, affect or relate to any appropriation contained in the bill.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the underlying bill. The point of order is well taken.”

Representative Hayes moved the adoption of amendment (864):

On page 80, after line 17, insert the following:

"**Sec. 703.** RCW 47.56.850 and 2009 c 498 s 15 are each amended to read as follows:

(1) Unless these powers are otherwise delegated by the legislature, the transportation commission is the tolling authority for the state. During the length of the 2015-17 fiscal biennium, within any toll rate limitations set by law, ~~((F))~~the tolling authority shall:

(a) Set toll rates, establish appropriate exemptions, if any, and make adjustments as conditions warrant on eligible toll facilities;

(b) Review toll collection policies, toll operations policies, and toll revenue expenditures on the eligible toll facilities and report annually on this review to the legislature.

(2) The tolling authority, in determining toll rates, shall consider the policy guidelines established in RCW 47.56.830, and during the length of the 2015-17 fiscal biennium, shall do so in light of any toll rate limitations set by law.

(3) Unless otherwise directed by the legislature, in setting and periodically adjusting toll rates, the tolling authority must ensure that toll rates will generate revenue sufficient to:

(a) Meet the operating costs of the eligible toll facilities, including necessary maintenance, preservation, renewal, replacement, administration, and toll enforcement by public law enforcement;

(b) Meet obligations for the timely payment of debt service on bonds issued for eligible toll facilities, and any other associated financing costs including, but not limited to, required reserves, minimum debt coverage or other appropriate contingency funding, insurance, and compliance with all other financial and other covenants made by the state in the bond proceedings;

(c) Meet obligations to reimburse the motor vehicle fund for excise taxes on motor vehicle and special fuels applied to the payment of bonds issued for eligible toll facilities; and

(d) Meet any other obligations of the tolling authority to provide its proportionate share of funding contributions for any projects or operations of the eligible toll facilities.

(4) The established toll rates, during the 2015-17 fiscal biennium, within any toll rate limitations set by law, may include variable pricing, and should be set to optimize system performance, recognizing necessary trade-offs to generate revenue for the purposes specified in subsection (3) of this section. Tolls may vary for type of vehicle, time of day, traffic conditions, or other factors designed to improve performance of the system.

(5) In fixing and adjusting toll rates under this section, the only toll revenue to be taken into account must be toll revenue pledged to bonds that includes toll receipts, and the only debt service requirements to be taken into

account must be debt service on bonds payable from and secured by toll revenue that includes toll receipts.

(6) The legislature pledges to appropriate toll revenue as necessary to carry out the purposes of this section. When the legislature has specifically identified and designated an eligible toll facility and authorized the issuance of bonds for the financing of the eligible toll facility that are payable from and secured by a pledge of toll revenue, the legislature further agrees for the benefit of the owners of outstanding bonds issued by the state for eligible toll facilities to continue in effect and not to impair or withdraw the authorization of the tolling authority to fix and adjust tolls as provided in this section. The state finance committee shall pledge the state's obligation to impose and maintain tolls, together with the application of toll revenue as described in this section, to the owners of any bonds.

**Sec. 704.** RCW 47.56.880 and 2011 c 369 s 3 are each amended to read as follows:

(1) The imposition of tolls for express toll lanes on Interstate 405 between the junctions with Interstate 5 on the north end and NE 6th Street in the city of Bellevue on the south end is authorized, Interstate 405 is designated an eligible toll facility, and toll revenue generated in the corridor must only be expended as allowed under RCW 47.56.820.

(2) Tolls for the express toll lanes must be set as follows:

(a) The schedule of toll rates must be set by the tolling authority pursuant to RCW 47.56.850. Toll rates may vary in amount by time of day, level of traffic congestion within the highway facility, or other criteria, as the tolling authority deems appropriate; however, during the 2015-17 fiscal biennium, the toll rates may not exceed \$4.00.

(b) In those locations with two express toll lanes in each direction, the toll rate must be the same in both lanes.

(c) Toll charges may not be assessed on transit buses and vanpools.

(d) The department shall establish performance standards for travel time, speed, and reliability for the express toll lanes project. The department must automatically adjust the toll rate within the schedule established by the tolling authority, using dynamic tolling, to ensure that average vehicle speeds in the lanes remain above forty-five miles per hour at least ninety percent of the time during peak hours.

(e) The tolling authority shall periodically review the toll rates against traffic performance of all lanes to determine if the toll rates are effectively maintaining travel time, speed, and reliability on the highway facilities.

(3) The department may construct and operate express toll lanes on Interstate 405 between the city of Bellevue on the south end and Interstate 5 on the north end. Operation of the express toll lanes may not commence until the department has completed capacity improvements necessary to provide a two-lane system from NE 6th Street in the city of Bellevue to state route number 522 and the conversion of the existing high occupancy vehicle lane to an express toll lane between state route number 522 and the city of Lynnwood. Construction of the capacity improvements described in this subsection, including items

that enable implementation of express toll lanes such as conduit and other underground features, must begin as soon as practicable. However, any contract term regarding tolling equipment, such as gantries, barriers, or cameras, for Interstate 405 may not take effect unless specific appropriation authority is provided in 2012 stating that funding is provided solely for tolling equipment on Interstate 405. The department shall work with local jurisdictions to minimize and monitor impacts to local streets and, after consultation with local jurisdictions, recommend mitigation measures to the legislature in those locations where it is appropriate.

(4) The department shall monitor the express toll lanes project and shall annually report to the transportation commission and the legislature on the impacts from the project on the following performance measures:

(a) Whether the express toll lanes maintain speeds of forty-five miles per hour at least ninety percent of the time during peak periods;

(b) Whether the average traffic speed changed in the general purpose lanes;

(c) Whether transit ridership changed;

(d) Whether the actual use of the express toll lanes is consistent with the projected use;

(e) Whether the express toll lanes generated sufficient revenue to pay for all Interstate 405 express toll lane-related operating costs;

(f) Whether travel times and volumes have increased or decreased on adjacent local streets and state highways; and

(g) Whether the actual gross revenues are consistent with projected gross revenues as identified in the fiscal note for Engrossed House Bill No. 1382 distributed by the office of financial management on March 15, 2011.

(5) If after two years of operation of the express toll lanes on Interstate 405 performance measures listed in subsection (4)(a) and (e) of this section are not being met, the express toll lanes project must be terminated as soon as practicable.

(6) The department, in consultation with the transportation commission, shall consider making operational changes necessary to fix any unintended consequences of implementing the express toll lanes project.

(7) A violation of the lane restrictions applicable to the express toll lanes established under this section is a traffic infraction."

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

#### POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (864) to ESHB 2524.

#### SPEAKER'S RULING

Madam Speaker (Representative Orwall presiding): "Substitute House Bill 2524 is the supplemental transportation budget bill. The bill changes appropriations

for transportation agencies for the remaining year of the 2015-17 biennium.

Amendment (864) removes the authority of the transportation commission to impose tolls and sets tolls at a specified rate. The amendment includes changes to substantive transportation policy but does not change, affect or relate to any appropriation in the bill.

The Speaker therefore finds and rules that the amendment is beyond the scope and object of the bill. The point of order is well taken."

Representative Wilson moved the adoption of amendment (853):

On page 80, after line 36, insert the following:

**"NEW SECTION. Sec. 704.** A new section is added to chapter 47.36 RCW to read as follows:

(1)(a) The department may erect and maintain auto mall directional signs on any state highway right-of-way if the following criteria are met:

(i) There must be at least two or more commercial uses engaged in the sale and service of new vehicles, and the following activities may also be included at the auto mall: (A) Quick service lube and oil centers; (B) financing of motor vehicles; (C) parts sales; (D) motor vehicle insurance; (E) motor vehicle repair and detailing; (F) motor vehicle registration and title services; or (G) fleet sales;

(ii) The auto mall must incorporate at least twenty acres in aggregate;

(iii) The auto mall must be located within one and one-half miles of the state highway;

(iv) Sufficient space must be available for installation of the directional signs as specified in the "Manual on Uniform Traffic Control Devices."

(b) The department may also erect and maintain supplemental follow-through directional signs to be installed at key decision points to direct motorists to the auto mall if it is not clearly visible from the point of exit from the state highway.

(2) The department shall collect from the vehicle dealers that comprise the auto mall a reasonable fee based upon the cost of erection and maintenance of the directional signs.

(3) For the purposes of this section, "auto mall" includes any auto park, auto complex, auto row, and auto center.

(4) This section expires June 30, 2017."

Correct the title.

Representative Wilson spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

An electronic roll call was requested.

#### ROLL CALL

The Clerk called the roll on the adoption of amendment (853) and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Scott, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Voting nay: Representatives Appleton, Bergquist, Blake, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, and Wylie

Excused: Representative Hunt.

The bill was ordered engrossed.

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

Representatives Clibborn, Orcutt, Fey, Harmsworth and Hargrove spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2524.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2524, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kristiansen, Kuderer, Lytton, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Scott, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Dent, Dye, Hawkins, Kretz, MacEwen, Magendanz, Manweller, McCaslin, Schmick, Shea, Short and Taylor.

Excused: Representative S. Hunt.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2524, having received the necessary constitutional majority, was declared passed.

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

**REPORTS OF STANDING COMMITTEES**

February 24, 2016

HB 2453 Prime Sponsor, Representative Jinkins: Improving oversight of the state hospitals. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Appropriations.

February 23, 2016

E2SSB 5109 Prime Sponsor, Committee on Ways & Means: Concerning infrastructure financing for local governments. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

On page 8, line 25, after "construction;" insert "and"  
On page 8, beginning on line 26 after "funds" strike all material through "mountains" on line 30

Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Wilson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member; Appleton; Hickel and Sawyer.

Passed to Committee on Finance.

February 24, 2016

SB 5143 Prime Sponsor, Senator Becker: Concerning the availability of childhood immunization resources for expecting parents. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 24, 2016

ESSB 5145 Prime Sponsor, Committee on Health Care: Concerning the membership of the health technology clinical committee. (REVISED FOR ENGROSSED: Concerning the health technology clinical committee membership and rotating experts. ) Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 5265 Prime Sponsor, Senator Benton: Allowing a public depository to arrange for reciprocal deposits of public funds. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 5271 Prime Sponsor, Senator Roach: Concerning standards adopted by the national fire protection association and the state building code council. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Barkis and Pike.

Passed to Committee on Rules for second reading.

February 25, 2016

SB 5342 Prime Sponsor, Senator Hasegawa: Concerning definitions related to human trafficking. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Moeller; Ormsby and Smith.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 5458 Prime Sponsor, Senator Angel: Concerning health district banking. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Griffey, Assistant Ranking Minority Member; Barkis; Fitzgibbon; McBride; Peterson and Pike.

MINORITY recommendation: Do not pass. Signed by Representative Taylor, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 24, 2016

ESSB 5561 Prime Sponsor, Committee on Ways & Means: Concerning veteran survivor tuition waiver eligibility. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Rules for second reading.

February 24, 2016

2ESSB 5575 Prime Sponsor, Committee on Ways & Means: Providing sales and use tax exemptions, in the form of a remittance of tax paid, to encourage coal-fired electric generation plants or biomass energy facilities to convert to natural gas-fired plants. (REVISED FOR ENGROSSED: Providing sales and use tax exemptions, in the form of a remittance of tax paid, to encourage coal-fired electric generation plants to convert to natural gas-fired plants or biomass energy facilities. ) Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Harmsworth; Hudgins; Magendanz; Nealey; Rossetti; Santos; Wylie and Young.

Passed to Committee on Finance.

February 24, 2016

SSB 5597 Prime Sponsor, Committee on Commerce & Labor: Concerning the licensing of real estate appraisers. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

SB 5689 February 24, 2016  
 Prime Sponsor, Senator Becker:  
 Concerning the scope and costs of the  
 diabetes epidemic in Washington.  
 Reported by Committee on Health Care &  
 Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The health care authority, department of social and health services, and department of health shall collaborate to identify goals and benchmarks while also developing individual agency plans to reduce the incidence of diabetes in Washington, improve diabetes care, and control complications associated with diabetes.

NEW SECTION. Sec. 2. The health care authority, department of social and health services, and department of health shall each submit a report to the governor and the legislature by December 31, 2019, and every second year thereafter, on the following:

- (1) The financial impact and reach diabetes of all types is having on programs administered by each agency and individuals enrolled in those programs. Items included in this assessment must include the number of lives with diabetes impacted or covered by programs administered by the agency, the number of lives with diabetes and family members impacted by prevention and diabetes control programs implemented by the agency, the financial toll or impact diabetes and its complications places on these programs, and the financial toll or impact diabetes and its complications places on these programs in comparison to other chronic diseases and conditions;
- (2) An assessment of the benefits of implemented programs and activities aimed at controlling diabetes and preventing the disease. This assessment must also document the amount and source for any funding directed to the agency for programs and activities aimed at reaching those with diabetes;
- (3) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging on managing, treating, or preventing all forms of diabetes and its complications;
- (4) A development or revision of detailed action plans for battling diabetes with a range of actionable items for consideration by the legislature. The plans must identify proposed action steps to reduce the impact of diabetes, prediabetes, and related diabetes complications. The plan must also identify expected outcomes of the action steps proposed in the following biennium while also

establishing benchmarks for controlling and preventing relevant forms of diabetes; and  
 (5) An estimate of costs and resources required to implement the plan identified in subsection (4) of this section.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Appropriations.

SSB 5767 February 24, 2016  
 Prime Sponsor, Committee on Government  
 Operations & Security: Revising local  
 government treasury practices and  
 procedures. Reported by Committee on  
 Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Griffey, Assistant Ranking Minority Member; Barkis; Fitzgibbon; McBride; Peterson and Pike.

MINORITY recommendation: Do not pass. Signed by Representative Taylor, Ranking Minority Member.

Passed to Committee on Rules for second reading.

SB 5879 February 23, 2016  
 Prime Sponsor, Senator Billig: Concerning  
 early intervention services for infants and  
 toddlers with disabilities and their families.  
 Reported by Committee on Early Learning  
 & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.195.010 and 1998 c 245 s 125 are each amended to read as follows:

For the purposes of implementing this chapter, the governor shall appoint a state ((birth-to-six)) birth-to-three interagency coordinating council and ensure that state agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families shall coordinate and collaborate in the planning and delivery of such services. No state or local agency currently providing early intervention services to infants and toddlers with disabilities may use funds appropriated for early intervention services for infants and toddlers with disabilities to supplant funds from other sources. All state and local agencies shall ensure that the implementation of this chapter will not cause any

interruption in existing early intervention services for infants and toddlers with disabilities.

Nothing in this chapter shall be construed to permit the restriction or reduction of eligibility under Title V of the Social Security Act, P.L. 90-248, relating to maternal and child health or Title XIX of the Social Security Act, P.L. 89-97, relating to medicaid for infants and toddlers with disabilities.

Sec. 2. RCW 70.195.020 and 1992 c 198 s 17 are each amended to read as follows:

The state ((birth-to-six)) birth-to-three interagency coordinating council shall identify and work with county early childhood interagency coordinating councils to coordinate and enhance existing early intervention services and assist each community to meet the needs of infants and toddlers with disabilities and their families.

Sec. 3. RCW 28A.155.065 and 2007 c 115 s 7 are each amended to read as follows:

(1) ((By September 1, 2009,)) Each school district shall provide or contract for early intervention services to all eligible children with disabilities from birth to three years of age. Eligibility shall be determined according to Part C of the federal individuals with disabilities education ((improvement)) act or other applicable federal and state laws, and as specified in the Washington Administrative Code adopted by the state lead agency, which is the department of early learning. School districts shall provide or contract, or both, for early intervention services in partnership with local birth-to-three lead agencies and birth-to-three providers. Services provided under this section shall not supplant services or funding currently provided in the state for early intervention services to eligible children with disabilities from birth to three years of age. The state-designated birth-to-three lead agency shall be payor of last resort for birth-to-three early intervention services provided under this section.

(2)(a) By October 1, 2016, the office of the superintendent of public instruction shall provide the department of early learning, in its role as state lead agency, with a full accounting of the school district expenditures from the 2013-14 and 2014-15 school years, disaggregated by district, for birth-to-three early intervention services provided under this section.

(b) The reported expenditures must include, but are not limited to per student allocations, per student expenditures, the number of children served, detailed information on services provided by school districts and contracted for by school districts, coordination and transition services, and administrative costs.

(3) The services in this section are not part of the state's program of basic education pursuant to Article IX of the state Constitution.

NEW SECTION. Sec. 4. (1) The department of early learning shall provide a full accounting of the early support for infants and toddlers expenditures from the 2013-14 and 2014-15 school years in the plan required under section 6 of this act. The accounting shall include the reported expenditures from the office of the superintendent of public instruction required under section 3 of this act.

(2) This section expires August 1, 2017.

Sec. 5. RCW 43.215.020 and 2013 c 323 s 5 are each amended to read as follows:

(1) The department of early learning is created as an executive branch agency. The department is vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law.

(2) The primary duties of the department are to implement state early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To make early learning resources available to parents and caregivers;

(c) To carry out activities, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children, in cooperation with the nongovernmental private public partnership;

(d) To administer child care and early learning programs;

(e) To apply data already collected comparing the following factors and make biennial recommendations to the legislature regarding working connections subsidy and state-funded preschool rates and compensation models that would attract and retain high quality early learning professionals:

(i) State-funded early learning subsidy rates and market rates of licensed early learning homes and centers;

(ii) Compensation of early learning educators in licensed centers and homes and early learning teachers at state higher education institutions;

(iii) State-funded preschool program compensation rates and Washington state head start program compensation rates; and

(iv) State-funded preschool program compensation to compensation in similar comprehensive programs in other states;

(f) To serve as the state lead agency for Part C of the federal individuals with disabilities education act (IDEA) and to develop and adopt rules that establish minimum requirements for the services offered through Part C programs, including allowable allocations and expenditures for transition into Part B of the federal individuals with disabilities education act (IDEA);

(g) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

(h) To support the implementation of the nongovernmental private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

(i) To work cooperatively and in coordination with the early learning council;

(j) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs;

(k) To develop and adopt rules for administration of the program of early learning established in RCW ((43.215.141)) 43.215.455;

(l) To develop a comprehensive birth-to-three plan to provide education and support through a continuum of options including, but not limited to, services such as: Home visiting; quality incentives for infant and toddler child care subsidies; quality improvements for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal supports for family, friend, and neighbor caregivers; and

(m) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information and provider comments through the internet and other means.

(3) When additional funds are appropriated for the specific purpose of home visiting and parent and caregiver support, the department must reserve at least eighty percent for home visiting services to be deposited into the home visiting services account and up to twenty percent of the new funds for other parent or caregiver support.

(4) Home visiting services must include programs that serve families involved in the child welfare system.

(5) Subject to the availability of amounts appropriated for this specific purpose, the legislature shall fund the expansion in the Washington state preschool program pursuant to RCW ((43.215.142)) 43.215.456 in fiscal year 2014.

(6) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children, and that recognizes and honors cultural and linguistic diversity. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

NEW SECTION. Sec. 6. By December 15, 2016, the department of early learning shall develop and submit a plan to the appropriate committees of the legislature on comprehensive and coordinated early intervention services for all eligible children with disabilities in accordance with Part C of the federal individuals with disabilities education act. The proposed plan shall include, but is not limited to, the following:

(1) A full accounting of all the expenditures related to early support for infants and toddlers from both the department of early learning and the office of the superintendent of public instruction as required in RCW 28A.155.065 and section 4 of this act;

(2) The identification and proposal for coordination of all available public financial resources within the state from federal, state, and local sources;

(3) A design for an integrated early learning intervention system for all eligible infants and toddlers who have been diagnosed with a disability or developmental delays and their families;

(4) The development of procedures that ensure services are provided to all eligible infants and toddlers and their families in a consistent and timely manner; and

(5) A proposal for the integration of early support for infants and toddlers services with other critical services available for children birth to age three and their families.

NEW SECTION. Sec. 7. RCW 70.195.005, 70.195.010, 70.195.020, and 70.195.030 are each recodified as sections in chapter 43.215 RCW."

Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Kilduff; McCaslin; Ortiz-Self; Sawyer; Scott and Walkinshaw.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 5937 Prime Sponsor, Senator Parlette:  
Addressing the farm internship pilot project. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 6147 Prime Sponsor, Senator Roach:  
Concerning water-sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Barkis; Fitzgibbon; McBride; Peterson and Pike.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 6148 Prime Sponsor, Senator Warnick:  
Concerning the handling of certain personal property in a self-service storage facility. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

February 24, 2016  
SB 6155 Prime Sponsor, Senator Roach:  
 Concerning county payroll draw days.  
 Reported by Committee on Local  
 Government

MAJORITY recommendation: Do pass. Signed by  
 Representatives Appleton, Chair; Gregerson, Vice  
 Chair; Taylor, Ranking Minority Member; Griffey,  
 Assistant Ranking Minority Member; Barkis;  
 Fitzgibbon; McBride; Peterson and Pike.

Passed to Committee on Rules for second reading.

February 24, 2016  
ESB 6166 Prime Sponsor, Senator Takko: Allowing  
 incremental electricity produced as a result  
 of certain capital investment projects to  
 qualify as an eligible renewable resource  
 under the energy independence act.  
 Reported by Committee on Technology &  
 Economic Development

MAJORITY recommendation: Do pass. Signed by  
 Representatives Morris, Chair; Tarleton, Vice Chair;  
 Smith, Ranking Minority Member; DeBolt, Assistant  
 Ranking Minority Member; Fey; Harmsworth;  
 Magendanz; Nealey; Rossetti; Santos; Wylie and  
 Young.

MINORITY recommendation: Do not pass. Signed by  
 Representative Hudgins.

Passed to Committee on General Government &  
 Information Technology.

February 24, 2016  
SB 6170 Prime Sponsor, Senator Roach: Providing  
 for an exemption from disclosure of certain  
 financial, commercial, and proprietary  
 information held by a city retirement board  
 on behalf of its employees' retirement  
 system. Reported by Committee on State  
 Government

MAJORITY recommendation: Do pass. Signed by  
 Representatives Hunt, S., Chair; Holy, Ranking  
 Minority Member; Van Werven, Assistant Ranking  
 Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

February 24, 2016  
SB 6171 Prime Sponsor, Senator Roach:  
 Concerning civil penalties for knowing  
 attendance by a member of a governing  
 body at a meeting held in violation of the  
 open public meetings act. Reported by  
 Committee on State Government

MAJORITY recommendation: Do pass. Signed by  
 Representatives Hunt, S., Chair; Holy, Ranking  
 Minority Member; Van Werven, Assistant Ranking  
 Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

February 23, 2016  
SB 6202 Prime Sponsor, Senator Hobbs:  
 Concerning the enforcement of  
 employment rights arising from state active  
 duty service by a member of the national  
 guard. Reported by Committee on  
 Community Development, Housing &  
 Tribal Affairs

MAJORITY recommendation: Do pass. Signed by  
 Representatives Ryu, Chair; Robinson, Vice Chair;  
 Wilson, Ranking Minority Member; Zeiger, Assistant  
 Ranking Minority Member; Appleton; Hickel and  
 Sawyer.

Passed to Committee on Rules for second reading.

February 23, 2016  
ESSB 6206 Prime Sponsor, Committee on Agriculture,  
 Water & Rural Economic Development:  
 Authorizing the growing of industrial  
 hemp. Reported by Committee on  
 Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by  
 Representatives Hurst, Chair; Wylie, Vice Chair;  
 Condotta, Ranking Minority Member; Holy, Assistant  
 Ranking Minority Member; Blake; Kirby; Scott; Van De  
 Wege and Vick.

Passed to Committee on Rules for second reading.

February 23, 2016  
SSB 6211 Prime Sponsor, Committee on Ways &  
 Means: Concerning the exemption of  
 property taxes for nonprofit  
 homeownership development. Reported  
 by Committee on Community  
 Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by  
 Representatives Ryu, Chair; Robinson, Vice Chair;  
 Wilson, Ranking Minority Member; Zeiger, Assistant  
 Ranking Minority Member; Appleton; Hickel and  
 Sawyer.

Passed to Committee on Rules for second reading.

February 24, 2016  
SSB 6283 Prime Sponsor, Committee on Financial  
 Institutions & Insurance: Addressing the  
 securities act of Washington. Reported by  
 Committee on Business & Financial  
 Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

February 24, 2016  
SSB 6284 Prime Sponsor, Committee on Government Operations & Security: Preventing water-sewer districts from prohibiting multipurpose fire sprinkler systems. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Barkis; Fitzgibbon; McBride; Peterson and Pike.

Passed to Committee on Rules for second reading.

February 24, 2016  
SSB 6314 Prime Sponsor, Committee on Transportation: Concerning county road administration and maintenance. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 13, after "vacation." strike all material through "benefit" on line 18 and insert "In determining the appropriate compensation for the road or right-of-way, the board may adjust the appraised value to reflect the value of the transfer of liability or risk, the increased value to the public in property taxes, the avoided costs for management or maintenance, and any limits on development or future public benefit"

Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Barkis and Pike.

Passed to Committee on Rules for second reading.

February 23, 2016  
SB 6325 Prime Sponsor, Senator Baumgartner: Aligning the alcohol content definition of cider with the federal definition. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Blake; Kirby; Scott and Vick.

MINORITY recommendation: Do not pass. Signed by Representative Van De Wege.

Passed to Committee on Rules for second reading.

February 24, 2016  
SSB 6326 Prime Sponsor, Committee on Transportation: Concerning the retention and maintenance of auto dealer and repair facility records. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

February 23, 2016  
SSB 6337 Prime Sponsor, Committee on Human Services, Mental Health & Housing: Disposing tax foreclosed property to cities for affordable housing purposes. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

On page 1, line 19 after "(2)" strike "The" and insert "Except when a county legislative authority purchases the tax-foreclosed property for public purposes, the"

On page 2, line 4 after "84.64.080," strike "under the following conditions" and insert "together with any direct costs incurred by the county in the sale. If the city chooses to purchase the property, the following conditions apply"

On page 2, beginning on line 13 after "reimbursed" strike all material through "entity" on line 14 and insert "by the housing authority or other nonprofit entity for the amount the city paid to purchase the property together with any direct costs incurred by the city in the transfer to the housing authority or other nonprofit entity"

Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Zeiger, Assistant Ranking Minority Member; Appleton; Hickel and Sawyer.

MINORITY recommendation: Do not pass. Signed by Representative Wilson, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 23, 2016  
SSB 6342 Prime Sponsor, Committee on Financial Institutions & Insurance: Concerning private activity bond allocation. Reported

by Committee on Community  
Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Wilson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member; Appleton; Hickel and Sawyer.

Passed to Committee on Rules for second reading.

February 24, 2016

ESSB 6356 Prime Sponsor, Committee on Government Operations & Security: Concerning disclosure of financial, commercial, and proprietary information of employees of private cloud service providers. (REVISED FOR ENGROSSED: Concerning disclosure of identifiable information and security information of certain employees of private cloud service providers. ) Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 6376 Prime Sponsor, Senator Fraser: Recognizing human trafficking awareness day. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 6398 Prime Sponsor, Senator Hasegawa: Concerning certain cultural foods. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 24, 2016

SSB 6421 Prime Sponsor, Committee on Health Care: Allowing authorized health care providers

to prescribe epinephrine autoinjectors. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 23, 2016

ESSB 6470 Prime Sponsor, Committee on Commerce & Labor: Addressing provisions concerning wineries in respect to the licensing of private collections of wine, allowing wineries to make sales for off-premises consumption at special occasion licensed events, modifying special occasion licenses, and making certain related technical corrections. Reported by Committee on Commerce & Gaming

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 66.24.170 and 2014 c 105 s 1 and 2014 c 27 s 1 are each reenacted and amended to read as follows:

(1) There ((shall be)) is a license for domestic wineries; fee to be computed only on the liters manufactured: Less than two hundred fifty thousand liters per year, one hundred dollars per year; and two hundred fifty thousand liters or more per year, four hundred dollars per year.

(2) The license allows for the manufacture of wine in Washington state from grapes or other agricultural products.

(3) Any domestic winery licensed under this section may also act as a retailer of wine of its own production. Any domestic winery licensed under this section may act as a distributor of its own production. Notwithstanding any language in this title to the contrary, a domestic winery may use a common carrier to deliver up to one hundred cases of its own production, in the aggregate, per month to licensed Washington retailers. A domestic winery may not arrange for any such common carrier shipments to licensed retailers of wine not of its own production. Except as provided in this section, any winery operating as a distributor and/or retailer under this subsection must comply with the applicable laws and rules relating to distributors and/or retailers, except that a winery operating as a distributor may maintain a warehouse off the premises of the winery for the distribution of wine of its own production provided that: (a) The warehouse has been approved by the board under RCW 66.24.010; and (b) the number of warehouses off the premises of the winery does not exceed one.

(4) A domestic winery licensed under this section, at locations separate from any of its production or

manufacturing sites, may serve samples of its own products, with or without charge, may sell wine of its own production at retail, and may sell for off-premises consumption wines of its own production in kegs or sanitary containers meeting the applicable requirements of federal law brought to the premises by the purchaser or furnished by the licensee and filled at the tap at the time of sale, provided that: (a) Each additional location has been approved by the board under RCW 66.24.010; (b) the total number of additional locations does not exceed two; (c) a winery may not act as a distributor at any such additional location; and (d) any person selling or serving wine at an additional location for ~~((on-premise [on-premises]))~~ on-premises consumption must obtain a class 12 or class 13 alcohol server permit. Each additional location is deemed to be part of the winery license for the purpose of this title. At additional locations operated by multiple wineries under this section, if the board cannot connect a violation of RCW 66.44.200 or 66.44.270 to a single licensee, the board may hold all licensees operating the additional location jointly liable. Nothing in this subsection may be construed to prevent a domestic winery from holding multiple domestic winery licenses.

(5)(a) A domestic winery licensed under this section may apply to the board for an endorsement to sell wine of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars. An endorsement issued pursuant to this subsection does not count toward the two additional retail locations limit specified in this section.

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

(c) The wine sold at qualifying farmers markets must be made entirely from grapes grown in a recognized Washington appellation or from other agricultural products grown in this state.

(d) Each approved location in a qualifying farmers market is deemed to be part of the winery license for the purpose of this title. The approved locations under an endorsement granted under this subsection include tasting or sampling privileges subject to the conditions pursuant to RCW 66.24.175. The winery may not store wine at a farmers market beyond the hours that the winery offers bottled wine for sale. The winery may not act as a distributor from a farmers market location.

(e) Before a winery may sell bottled wine at a qualifying farmers market, the farmers market must apply to the board for authorization for any winery with an endorsement approved under this subsection to sell bottled wine at retail at the farmers market. This application shall include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved winery may sell bottled wine; and (ii) the name and contact information for the on-site market managers who may be

contacted by the board or its designee to verify the locations at which bottled wine may be sold. Before authorizing a qualifying farmers market to allow an approved winery to sell bottled wine at retail at its farmers market location, the board ((shall)) must notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (5)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers. However, if a farmers market does not satisfy this subsection (5)(g)(i)(B), a farmers market is still considered a "qualifying farmers market" if the total combined gross annual sales of farmers and processors at the farmers market is one million dollars or more;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

(6) Wine produced in Washington state by a domestic winery licensee may be shipped out-of-state for the purpose of making it into sparkling wine and then returned to such licensee for resale. Such wine ((shall be)) is deemed wine manufactured in the state of Washington for the purposes of RCW 66.24.206, and shall not require a special license.

(7) During an event held by a nonprofit holding a special occasion license issued under RCW 66.24.380, a domestic winery licensed under this section may take orders, either in writing or electronically, and accept payment for wines of its own production under the following conditions:

(a) Wine produced by the domestic winery may be served for on-premises consumption by the special occasion licensee;

(b) The domestic winery delivers wine to the consumer on a date after the conclusion of the special occasion event;

(c) The domestic winery delivers wine to the consumer at a location different from the location at which the special occasion event is held;

(d) The domestic winery complies with all requirements in chapter 66.20 RCW for direct sale of wine to consumers;

(e) The wine is not sold for resale; and

(f) The domestic winery is entitled to all proceeds from the sale and delivery of its wine to a consumer after the conclusion of the special occasion event, but may enter into an agreement to share a portion of the proceeds of these sales with the special occasion licensee licensed under RCW 66.24.380.

Sec. 2. RCW 66.24.380 and 2012 c 2 s 112 are each amended to read as follows:

There is a retailer's license to be designated as a special occasion license to be issued to a not-for-profit society or organization to sell spirits, beer, and wine by the individual serving for on-premises consumption at a specified event, such as at picnics or other special occasions, at a specified date and place; fee sixty dollars per day.

(1) The not-for-profit society or organization is limited to sales of no more than twelve calendar days per year. For the purposes of this subsection, special occasion licensees that are "agricultural area fairs" or "agricultural county, district, and area fairs," as defined by RCW 15.76.120, that receive a special occasion license may, once per calendar year, count as one event fairs that last multiple days, so long as alcohol sales are at set dates, times, and locations, and the board receives prior notification of the dates, times, and locations. The special occasion license applicant will pay the sixty dollars per day for this event.

(2) The licensee may sell spirits, beer, and/or wine in original, unopened containers for off-premises consumption if permission is obtained from the board prior to the event.

(3) In addition to offering the sale of wine by the individual serving for on-premises consumption, the licensee may sell wine in original, unopened containers for on-premises consumption if permission is obtained from the board prior to the event.

(4) Sale, service, and consumption of spirits, beer, and wine is to be confined to specified premises or designated areas only.

((4)) (5) Liquor sold under this special occasion license must be purchased from a licensee of the board.

((5)) (6) Any violation of this section is a class 1 civil infraction having a maximum penalty of two hundred fifty dollars as provided for in chapter 7.80 RCW.

Sec. 3. RCW 66.12.110 and 2012 c 117 s 272 are each amended to read as follows:

A person twenty-one years of age or over may bring into the state from without the United States, free of tax and markup, for his or her personal or household use such

alcoholic beverages as have been declared and permitted to enter the United States duty free under federal law.

Such entry of alcoholic beverages in excess of that herein provided may be authorized by the board upon payment of an equivalent ((markup and)) tax as would be applicable to the purchase of the same or similar liquor at retail ((from a Washington state liquor store)) in this state. The board ((shall)) must adopt appropriate regulations pursuant to chapter 34.05 RCW for the purpose of carrying out the provisions of this section. The board may issue a spirits, beer, and wine private club license to a charitable or nonprofit corporation of the state of Washington, the majority of the officers and directors of which are United States citizens and the minority of the officers and directors of which are citizens of the Dominion of Canada, and where the location of the premises for such spirits, beer, and wine private club license is not more than ten miles south of the border between the United States and the province of British Columbia.

Sec. 4. RCW 66.12.120 and 1995 c 100 s 1 are each amended to read as follows:

Notwithstanding any other provision of this title ((66 RCW)), a person twenty-one years of age or over may, free of tax ((and markup)), for personal or household use, bring into the state of Washington from another state no more than once per calendar month up to two liters of spirits or wine or two hundred eighty-eight ounces of beer. Additionally, such person may be authorized by the board to bring into the state of Washington from another state a reasonable amount of alcoholic beverages in excess of that provided in this section for personal or household use only upon payment of an equivalent ((markup and)) tax as would be applicable to the purchase of the same or similar liquor at retail ((from a state liquor store)) in this state. The board ((shall)) must adopt appropriate regulations pursuant to chapter 34.05 RCW for the purpose of carrying into effect the provisions of this section.

Sec. 5. RCW 66.12.240 and 2009 c 361 s 1 are each amended to read as follows:

(1) Nothing in this title applies to or prevents a wedding boutique or art gallery from offering or supplying without charge wine or beer by the individual glass to a customer for consumption on the premises. However, the customer must be at least twenty-one years of age and may only be offered one glass of wine or beer, and wine or beer served or consumed ((shall)) must be purchased from a Washington state licensed retailer ((or a Washington state liquor store or agency)) at full retail price. A wedding boutique or art gallery offering wine or beer without charge may not advertise the service of complimentary wine or beer and may not sell wine or beer in any manner. Any employee involved in the service of wine or beer must complete a board-approved limited alcohol server training program.

(2) ((For the purposes of this section:)) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Art gallery" means a room or building devoted to the exhibition and/or sale of the works of art.

(b) "Wedding boutique" means a business primarily engaged in the sale of wedding merchandise.

Sec. 6. RCW 66.20.010 and 2015 c 195 s 1, 2015 c 194 s 3, and 2015 c 59 s 1 are each reenacted and amended to read as follows:

Upon application in the prescribed form being made to any employee authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the employee being satisfied that the applicant should be granted a permit under this title, the employee must issue to the applicant under such regulations and at such fee as may be prescribed by the board a permit of the class applied for, as follows:

(1) Where the application is for a special permit by a physician or dentist, or by any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, a special liquor purchase permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(2) Where the application is for a special permit by a person engaged within the state in mechanical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by any private individual, a special permit to purchase alcohol for the purpose named in the permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(3) Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit to purchase liquor for consumption at such banquet, to such applicants as may be fixed by the board;

(4) Where the application is for a special permit to consume liquor on the premises of a business not licensed under this title, a special permit to purchase liquor for consumption thereon for such periods of time and to such applicants as may be fixed by the board;

(5) Where the application is for a special permit by a manufacturer to import or purchase within the state alcohol, malt, and other materials containing alcohol to be used in the manufacture of liquor, or other products, a special permit;

(6) Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by such person on the prescription of a physician, a special liquor purchase permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(7) Where the application is for a special permit by an authorized representative of a military installation operated by or for any of the armed forces within the geographical boundaries of the state of Washington, a special permit to purchase liquor for use on such military installation;

(8) Where the application is for a special permit by a vendor that manufactures or sells a product which cannot

be effectively presented to potential buyers without serving it with liquor or by a manufacturer, importer, or distributor, or representative thereof, to serve liquor without charge to delegates and guests at a convention of a trade association composed of licensees of the board, when the said liquor is served in a hospitality room or from a booth in a board-approved suppliers' display room at the convention, and when the liquor so served is for consumption in the said hospitality room or display room during the convention, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(9) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at a convention of a trade association composed of licensees of the board, when the liquor so donated is for consumption at the said reception, breakfast, luncheon, or dinner during the convention, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(10) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate and/or serve liquor without charge to delegates and guests at an international trade fair, show, or exposition held under the auspices of a federal, state, or local governmental entity or organized and promoted by a nonprofit organization, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a liquor spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(11) Where the application is for an annual special permit by a person operating a bed and breakfast lodging facility to donate or serve wine or beer without charge to overnight guests of the facility if the wine or beer is for consumption on the premises of the facility. "Bed and breakfast lodging facility," as used in this subsection, means a facility offering from one to eight lodging units and breakfast to travelers and guests;

(12) Where the application is for a special permit to allow tasting of alcohol by persons at least eighteen years of age under the following circumstances:

(a) The application is from a community or technical college as defined in RCW 28B.50.030, a regional university, or a state university;

(b) The person who is permitted to taste under this subsection is enrolled as a student in a required or elective class that is part of a culinary, sommelier, wine business, enology, viticulture, wine technology, beer technology, or spirituous technology-related degree program;

(c) The alcohol served to any person in the degree-related programs under (b) of this subsection is tasted but not consumed for the purposes of educational training as part of the class curriculum with the approval of the educational provider;

(d) The service and tasting of alcoholic beverages is supervised by a faculty or staff member of the educational provider who is twenty-one years of age or older. The supervising faculty or staff member shall possess a class 12 or 13 alcohol server permit under the provisions of RCW 66.20.310;

(e) The enrolled student permitted to taste the alcoholic beverages does not purchase the alcoholic beverages; and

(f) The permit fee for the special permit provided for in this subsection (12) must be waived by the board;

(13) Where the application is for a special permit by a distillery or craft distillery for an event not open to the general public to be held or conducted at a specific place, including at the licensed premise of the applying distillery or craft distillery, upon a specific date for the purpose of tasting and selling spirits of its own production. The distillery or craft distillery must obtain a permit for a fee of ten dollars per event. An application for the permit must be submitted for private banquet permits prior to the event and, once issued, must be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use. No licensee may receive more than twelve permits under this subsection (13) each year;

(14) Where the application is for a special permit by a manufacturer of wine for an event not open to the general public to be held or conducted at a specific place upon a specific date for the purpose of tasting and selling wine of its own production. The winery must obtain a permit for a fee of ten dollars per event. An application for the permit must be submitted at least ten days before the event and once issued, must be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use. No more than twelve events per year may be held by a single manufacturer under this subsection;

(15) Where the application is for a special permit by an individual or business to sell a private collection of wine or spirits to an individual or business. The seller must obtain a permit at least five business days before the sale, for a fee of twenty-five dollars per sale. The seller must provide an inventory of products sold and the agreed price on a form provided by the board. The seller shall submit the report and taxes due to the board no later than twenty calendar days after the sale. A permit may be issued under this section to allow the sale of a private collection to licensees, but may not be issued to a licensee to sell to a private individual or business which is not otherwise authorized under the license held by the seller. If the liquor is purchased by a licensee, all sales are subject to taxes assessed as on liquor acquired from any other source. The board may adopt rules to implement this section.

Sec. 7. RCW 66.20.170 and 1973 1st ex.s. c 209 s 5 are each amended to read as follows:

A card of identification may for the purpose of this title and for the purpose of procuring liquor, be accepted as an identification card by any licensee ((or store employee)) and as evidence of legal age of the person presenting such card, provided the licensee ((or store employee)) complies with the conditions and procedures

prescribed herein and such regulations as may be made by the board.

Sec. 8. RCW 66.20.180 and 2005 c 151 s 9 are each amended to read as follows:

A card of identification ((shall)) must be presented by the holder thereof upon request of any licensee, ((store employee, contract liquor store manager, contract liquor store employee,)) peace officer, or enforcement officer of the board for the purpose of aiding the licensee, ((store employee, contract liquor store manager, contract liquor store employee,)) peace officer, or enforcement officer of the board to determine whether or not such person is of legal age to purchase liquor when such person desires to procure liquor from a licensed establishment ((or state liquor store or contract liquor store)).

Sec. 9. RCW 66.20.190 and 2012 c 117 s 280 are each amended to read as follows:

In addition to the presentation by the holder and verification by the licensee ((or store employee)) of such card of identification, the licensee ((or store employee)) who is still in doubt about the true age of the holder ((shall)) must require the person whose age may be in question to sign a certification card and record an accurate description and serial number of his or her card of identification thereon. Such statement ((shall)) must be upon a five-inch by eight-inch file card, which card ((shall)) must be filed alphabetically by the licensee ((or store employee)) at or before the close of business on the day on which the statement is executed, in the file box containing a suitable alphabetical index and the card ((shall)) must be subject to examination by any peace officer or agent or employee of the board at all times. The certification card ((shall)) must also contain in bold-face type a statement stating that the signer understands that conviction for unlawful purchase of alcoholic beverages or misuse of the certification card may result in criminal penalties including imprisonment or fine or both.

Sec. 10. RCW 66.20.200 and 2003 c 53 s 295 are each amended to read as follows:

(1) It ((shall be)) is unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee ((or store employee)). Any person who ((shall)) permits his or her card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee ((or store employee)) or gain admission to a premises or portion of a premises classified by the board as off-limits to persons under twenty-one years of age, ((shall be)) is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars ((shall)) must be imposed and any sentence requiring community restitution ((shall)) must require not fewer than twenty-five hours of community restitution.

(2) Any person not entitled thereto who unlawfully procures or has issued or transferred to him or her a card of identification, and any person who possesses a card of identification not issued to him or her, and any person who makes any false statement on any certification card

required by RCW 66.20.190, to be signed by him or her, ((shall be)) is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars ((shall)) must be imposed and any sentence requiring community restitution ((shall)) must require not fewer than twenty-five hours of community restitution.

Sec. 11. RCW 66.20.210 and 1973 1st ex.s. c 209 s 9 are each amended to read as follows:

(1) No licensee or the agent or employee of the licensee((, or store employee, shall)) may be prosecuted criminally or be sued in any civil action for serving liquor to a person under legal age to purchase liquor if such person has presented a card of identification in accordance with RCW 66.20.180, and has signed a certification card as provided in RCW 66.20.190.

(2) Such card in the possession of a licensee may be offered as a defense in any hearing held by the board for serving liquor to the person who signed the card and may be considered by the board as evidence that the licensee acted in good faith.

Sec. 12. RCW 66.24.210 and 2012 c 20 s 2 are each amended to read as follows:

(1) There is hereby imposed upon all wines except cider sold to wine distributors ((and the Washington state liquor control board,)) within the state a tax at the rate of twenty and one-fourth cents per liter. Any domestic winery or certificate of approval holder acting as a distributor of its own production ((shall)) must pay taxes imposed by this section. There is hereby imposed on all cider sold to wine distributors ((and the Washington state liquor control board)) within the state a tax at the rate of three and fifty-nine one-hundredths cents per liter. However, wine sold or shipped in bulk from one winery to another winery ((shall)) is not ((be)) subject to such tax.

(a) The tax provided for in this section shall be collected by direct payments based on wine purchased by wine distributors.

(b) Except as provided in subsection (7) of this section, every person purchasing wine under the provisions of this section ((shall)) must on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report ((shall)) must pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. The board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may ((forthwith)) suspend or cancel the license until all taxes are paid.

(c) Any licensed retailer authorized to purchase wine from a certificate of approval holder with a direct shipment endorsement or a domestic winery ((shall)) must make monthly reports to the liquor ((control)) and

cannabis board on wine purchased during the preceding calendar month in the manner and upon such forms as may be prescribed by the board.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax ((shall)) must be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. After June 30, 1996, such additional tax does not apply to cider. An additional tax of five one-hundredths of one cent per liter is imposed on cider sold after June 30, 1996. All revenues collected under this subsection

(3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) An additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on fortified wine as defined in RCW 66.04.010 when bottled or packaged by the manufacturer, one cent per liter on all other wine except cider, and eighteen one-hundredths of one cent per liter on cider. All revenues collected during any month from this additional tax shall be deposited in the state general fund by the twenty-fifth day of the following month.

(5)(a) An additional tax is imposed on all cider subject to tax under subsection (1) of this section. The additional tax is equal to two and four one-hundredths cents per liter of cider sold after June 30, 1996, and before July 1, 1997, and is equal to four and seven one-hundredths cents per liter of cider sold after June 30, 1997.

(b) All revenues collected from the additional tax imposed under this subsection (5) ((shall)) must be deposited in the state general fund.

(6) For the purposes of this section, "cider" means table wine that contains not less than one-half of one percent of alcohol by volume and not more than seven percent of alcohol by volume and is made from the normal alcoholic fermentation of the juice of sound, ripe apples or pears. "Cider" includes, but is not limited to, flavored, sparkling, or carbonated cider and cider made from condensed apple or pear must.

(7) For the purposes of this section, out-of-state wineries ((shall)) must pay taxes under this section on wine sold and shipped directly to Washington state residents in a manner consistent with the requirements of a wine distributor under subsections (1) through (4) of this section, except wineries shall be responsible for the tax and not the resident purchaser.

(8) Notwithstanding any other provision of this section, any domestic winery or wine certificate of approval holder acting as a distributor of its own production that had total taxable sales of wine in Washington state of six thousand gallons or less during the calendar year preceding the date on which the tax would otherwise be due is not required to pay taxes under this section more often than annually.

Sec. 13. RCW 66.28.030 and 2012 c 2 s 113 are each amended to read as follows:

Every domestic distillery, brewery, and microbrewery, domestic winery, certificate of approval holder, licensed ((liquor)) spirits importer, licensed wine importer, and licensed beer importer is responsible for the conduct of any licensed spirits, beer, or wine distributor in selling, or contracting to sell, to retail licensees, spirits, beer, or wine manufactured by such domestic distillery, brewery, microbrewery, domestic winery, manufacturer holding a certificate of approval, sold by an authorized representative holding a certificate of approval, or imported by such ((liquor)) spirits, beer, or wine importer. Where the board finds that any licensed spirits, beer, or wine distributor has violated any of the provisions of this title or of the regulations of the board in selling or contracting to sell spirits, beer, or wine to retail licensees, the board may, in addition to any punishment inflicted or imposed upon such distributor, prohibit the sale of the brand or brands of spirits, beer, or wine involved in such violation to any or all retail licensees within the trade territory usually served by such distributor for such period of time as the board may fix, irrespective of whether the distiller manufacturing such spirits or the ((liquor)) spirits importer importing such spirits, brewer manufacturing such beer or the beer importer importing such beer, or the domestic winery manufacturing such wine or the wine importer importing such wine or the certificate of approval holder manufacturing such spirits, beer, or wine or acting as authorized representative actually participated in such violation.

Sec. 14. RCW 66.28.035 and 2012 c 39 s 7 are each amended to read as follows:

(1) By the ((15th)) 20th day of each month, all spirits certificate of approval holders must file with the board, in a form and manner required by the board, a report of all spirits delivered to purchasers in this state during the preceding month ((along with a copy)). Copies of the invoices for all such purchases or other information required by the board that would disclose the identity of the purchasers must be made available upon request.

(2) A spirits certificate of approval holder may not ship or cause to be transported into this state any spirits unless the purchaser to whom the spirits are to be delivered is:

(a) Licensed by the board to sell spirits in this state, and the license is in good standing; or

(b) Otherwise legally authorized to sell spirits in this state.

(3) The liquor ((control)) and cannabis board must maintain on its web site a list of all purchasers that meet the conditions of subsection (2) of this section.

(4) A violation of this section is grounds for suspension of a spirits certificate of approval license in accordance with RCW 66.08.150, in addition to any punishment as may be authorized by RCW 66.28.030.

Sec. 15. RCW 66.28.040 and 2014 c 92 s 2 are each amended to read as follows:

Except as permitted by the board under RCW 66.20.010, no domestic brewery, microbrewery, distributor, distiller, domestic winery, importer, rectifier, certificate of approval holder, or other manufacturer of liquor may,

within the state of Washington, give to any person any liquor; but nothing in this section nor in RCW 66.28.305 prevents a domestic brewery, microbrewery, distributor, domestic winery, distiller, certificate of approval holder, or importer from furnishing samples of beer, wine, or spirituous liquor to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor ((control)) and cannabis board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210; nothing in this section prevents a domestic brewery, microbrewery, domestic winery, distillery, certificate of approval holder, or distributor from furnishing beer, wine, or spirituous liquor for instructional purposes under RCW 66.28.150; nothing in this section prevents a domestic winery, certificate of approval holder, or distributor from furnishing wine without charge, subject to the taxes imposed by RCW 66.24.210, to a not-for-profit group organized and operated solely for the purpose of enology or the study of viticulture which has been in existence for at least six months and that uses wine so furnished solely for such educational purposes or a domestic winery, or an out-of-state certificate of approval holder, from furnishing wine without charge or a domestic brewery, or an out-of-state certificate of approval holder, from furnishing beer without charge, subject to the taxes imposed by RCW 66.24.210 or 66.24.290, or a domestic distiller licensed under RCW 66.24.140 or an accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310, from furnishing spirits without charge, to a nonprofit charitable corporation or association exempt from taxation under 26 U.S.C. Sec. 501(c)(3) or (6) of the internal revenue code of 1986 for use consistent with the purpose or purposes entitling it to such exemption; nothing in this section prevents a domestic brewery or microbrewery from serving beer without charge, on the brewery premises; nothing in this section prevents donations of wine for the purposes of RCW 66.12.180; nothing in this section prevents a domestic winery from serving wine without charge, on the winery premises; and nothing in this section prevents a craft distillery from serving spirits, on the distillery premises subject to RCW 66.24.145.

Sec. 16. RCW 66.44.350 and 2014 c 29 s 4 are each amended to read as follows:

Notwithstanding provisions of RCW 66.44.310, employees of businesses holding beer and/or wine restaurant; beer and/or wine private club; snack bar; spirits, beer, and wine restaurant; spirits, beer, and wine private club; catering; and sports entertainment facility licenses who are ((licensees)) between eighteen and twenty-one years of age ((and over)) may take orders for, serve, and sell liquor in any part of the licensed premises except cocktail lounges, bars, or other areas classified by the Washington state liquor ((control)) and cannabis board as off-limits to persons under twenty-one years of age: PROVIDED, That such employees may enter such restricted areas to perform work assignments including picking up liquor for service in other parts of the licensed premises, performing clean up work, setting up and arranging tables, delivering supplies, delivering

messages, serving food, and seating patrons: PROVIDED FURTHER, That such employees ((shall)) remain in the areas off-limits to minors no longer than is necessary to carry out their aforementioned duties: PROVIDED FURTHER, That such employees ((shall)) are not be permitted to perform activities or functions of a bartender.

NEW SECTION. Sec. 17. RCW 66.24.440 (Liquor by the drink, spirits, beer, and wine restaurant, spirits, beer, and wine private club, hotel, spirits, beer, and wine nightclub, sports entertainment facility, and VIP airport lounge license—Purchase of liquor by licensees—Discount) and 2011 c 325 s 3, 2009 c 271 s 8, 2007 c 370 s 20, 1998 c 126 s 8, 1997 c 321 s 29, & 1949 c 5 s 5 are each repealed."

Correct the title.

Signed by Representatives Hurst, Chair; Wylie, Vice Chair; Condotta, Ranking Minority Member; Blake; Kirby; Scott; Van De Wege and Vick.

Passed to Committee on General Government & Information Technology.

February 24, 2016

SB 6491 Prime Sponsor, Senator Pedersen: Concerning apostille or other signature or attestation services by the secretary of state. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

February 24, 2016

ESSB 6513 Prime Sponsor, Committee on Agriculture, Water & Rural Economic Development: Concerning reservations of water in water resource inventory area 45. (REVISED FOR ENGROSSED: Concerning reservations of water in water resource inventory areas 18 and 45. ) Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hurst; Lytton; Orcutt; Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

February 24, 2016

ESSB 6525 Prime Sponsor, Committee on Government Operations & Security: Concerning the state building code council. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.27.085 and 1989 c 256 s 1 are each amended to read as follows:

(1) There is hereby created the building code council account in the state treasury. Moneys deposited into the account shall be used by the building code council, after appropriation, to perform the purposes of the council.

(2) All moneys collected under subsection (3) of this section shall be deposited into the building code council account. Every four years the state treasurer shall report to the legislature on the balances in the account so that the legislature may adjust the charges imposed under subsection (3) of this section.

(3) There is imposed a fee of four dollars and fifty cents on each building permit issued by a county or a city, plus an additional surcharge of two dollars for each residential unit, but not including the first unit, on each building containing more than one residential unit. Quarterly each county and city shall remit moneys collected under this section to the state treasury; however, no remittance is required until a minimum of fifty dollars has accumulated pursuant to this subsection. (4) In addition to the fees under subsection (3) of this section, there is imposed a temporary surcharge of one dollar on each residential building permit issued by a county or a city, and a temporary surcharge of five dollars and fifty cents for each nonresidential building permit issued by a county or a city. These temporary surcharges expire July 1, 2018.

Sec. 2. RCW 19.27.070 and 2011 1st sp.s. c 43 s 244 are each amended to read as follows:

There is hereby established in the department of enterprise services a state building code council, to be appointed by the governor.

(1) The state building code council shall consist of fifteen members:

(a) Two members must be county elected legislative body members or elected executives;

(b) Two members must be city elected legislative body members or mayors;

(c) One member must be a local government building code enforcement official;

(d) One member must be a local government fire service official;

(e) One member must be a person with a physical disability and shall represent the disability community;

(f) One member must represent the general public; and

(g) Seven members must represent the private sector as follows:

(i) One member shall represent general construction, specializing in commercial and industrial building construction;

((f)) (ii) One member shall represent general construction, specializing in residential and multifamily building construction;

((g)) (iii) One member shall represent the architectural design profession;

((h)) (iv) One member shall represent the structural engineering profession;

((i)) (v) One member shall represent the mechanical engineering profession;

((j)) (vi) One member shall represent the construction building trades;

((k)) (vii) One member shall represent manufacturers, installers, or suppliers of building materials and components(;

(l) One member must be a person with a physical disability and shall represent the disability community; and

(m) One member shall represent the general public)).

(2) At least six of these fifteen members shall reside east of the crest of the Cascade mountains.

(3) The council shall include: Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership.

(4)(a) Terms of office shall be for three years, or for so long as the member remains qualified for the appointment.

(b) The council shall elect a member to serve as chair of the council for one-year terms of office.

(c) Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment.

(d)(i) Any member who is appointed to represent a specific private sector industry must maintain sufficiently similar employment or circumstances throughout the term of office to remain qualified to represent the specified industry. Retirement or unemployment is not cause for termination. However, if a councilmember enters into employment outside of the industry he or she has been appointed to represent, then he or she shall be removed from the council.

(ii) Any member who is appointed after the effective date of this section to represent a specific private sector industry must maintain sufficiently similar private sector employment or circumstances throughout the term of office to remain qualified to represent the specified industry. Retirement or unemployment is not cause for termination. However, if a councilmember appointed after the effective date of this section to represent a specific private sector industry enters into employment outside of the industry, or outside of the private sector, he or she has been appointed to represent, then he or she shall be removed from the council.

(e) Any member who no longer qualifies for appointment under this section may not vote on council actions, but may participate as an ex officio, nonvoting member until a replacement member is appointed. A member must notify the council staff and the governor's office within thirty days of the date the member no longer qualifies for appointment under this section. The governor shall appoint a qualified replacement for the member within sixty days of notice.

(5) Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests identified in this section.

(6) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

((7) The department of enterprise services shall provide administrative and clerical assistance to the building code council.)

Sec. 3. RCW 19.27.074 and 1989 c 266 s 3 are each amended to read as follows:

(1) The state building code council shall:

(a) Adopt and maintain the codes to which reference is made in RCW 19.27.031 in a status which is consistent with the state's interest as set forth in RCW 19.27.020. In maintaining these codes, the council shall regularly review updated versions of the codes referred to in RCW 19.27.031 and other pertinent information and shall amend the codes as deemed appropriate by the council;

(b) Approve or deny all county or city amendments to any code referred to in RCW 19.27.031 to the degree the amendments apply to single-family or multifamily residential buildings;

(c) As required by the legislature, develop and adopt any codes relating to buildings; and

(d) Propose a budget for the operation of the state building code council to be submitted to the office of financial management pursuant to RCW 43.88.090.

(2) The state building code council may:

(a) Appoint technical advisory committees which may include members of the council; and

(b) ((Employ permanent and temporary staff and contract for services; and

(c)) Conduct research into matters relating to any code or codes referred to in RCW 19.27.031 or any related matter.

(3)(a) All meetings of the state building code council shall be open to the public under the open public meetings act, chapter 42.30 RCW. All actions of the state building code council which adopt or amend any code of statewide applicability shall be pursuant to the administrative procedure act, chapter 34.05 RCW.

(b) All council decisions relating to the codes enumerated in RCW 19.27.031 shall require approval by at least a majority of the members of the council.

(c) All decisions to adopt or amend codes of statewide application shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.

(4) The department of enterprise services shall employ permanent and temporary staff and contract for services for the state building code council.

Sec. 4. RCW 19.27A.020 and 2015 c 11 s 3 are each amended to read as follows:

(1) The state building code council in the department of enterprise services shall adopt rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to adopt rules to be known as the

Washington state energy code. The Washington state energy code shall be designed to:

(a) Construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031;

(b) Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework; and

(c) Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. One climate zone includes: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties. The other climate zone includes all other counties not listed in this subsection (3). The assignment of a county to a climate zone may not be changed by adoption of a model code or rule. Nothing in this section prohibits the council from adopting the same rules or standards for each climate zone.

(4) The Washington state energy code for residential buildings shall be the 2006 edition of the Washington state energy code, or as amended by rule by the council.

(5) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 2006 edition, or as amended by the council by rule.

(6)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990.

(7) The state building code council shall consult with the department of enterprise services as provided in RCW 34.05.310 prior to publication of proposed rules. The director of the department of enterprise services shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(8) The state building code council shall evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code.

(9) The definitions in RCW 19.27A.140 apply throughout this section.

NEW SECTION. Sec. 5. A new section is added to chapter 19.27 RCW to read as follows:

(1)(a) A legislative task force on the state building code council's administration and operations is established, with members as provided in this subsection.

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

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

(iii) The president of the senate and the speaker of the house of representatives shall appoint the following eight members:

(A) Two current members of the building code council representing the private sector;

(B) One current member of the building code council representing local government;

(C) One current member of the building code council representing labor interests; and

(D) Four members who regularly work with the council, each representing one of the following: Local government, private sector interests, labor interests, and environmental interests.

(iv) The director of the department of enterprise services shall appoint one member from the department of enterprise services and one member from the department of commerce energy program.

(b) The task force shall choose its chair from among its legislative membership. The legislative members of the task force shall convene the initial meeting of the task force.

(2) The task force shall review and provide recommendations on the following issues:

(a) The current structure, operations, and resources of the council;

(b) The building code development process and length, including the policy and procedure, technical, and economic aspects including the public and private construction costs of review and adoption of the state building code;

(c) Total resources necessary for an effective state building code development process, including staffing and needs;

(d) Options for long-term, reliable funding of the council;

(e) The powers, duties, and support services of the department of enterprise services relevant to the council;

(f) Council membership, composition, and size; and

(g) The council's compliance with current statutes and requirements.

(3) Staff support for the task force must be provided by senate committee services and the office of program research.

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

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations to the appropriate committees of the legislature by October 1, 2017.

(7) This section expires October 1, 2017."  
Correct the title.

Signed by Representatives Appleton, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Barkis and Pike.

Passed to Committee on Rules for second reading.

February 24, 2016

ESB 6589 Prime Sponsor, Senator Bailey:  
Concerning a feasibility study to examine whether water storage would provide noninterruptible water resources to users of permit exempt wells. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hurst; Lytton; Orcutt; Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

February 24, 2016

SJR 8210 Prime Sponsor, Senator Schoesler:  
Amending the Constitution to advance the date for completion of the redistricting plan. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, S., Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame; Hawkins and Moscoso.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., February 26, 2016, the 47th Day of the Regular Session.

FRANK CHOPP, Speaker  
BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## FORTY SEVENTH DAY

House Chamber, Olympia, Friday, February 26, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

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

## RESOLUTION

**HOUSE RESOLUTION NO. 2016-4671**, by Representatives Blake, Tharinger, Rossetti, and Van De Wege

WHEREAS, The Review Club of Aberdeen is celebrating one hundred twenty-five years of existence; and

WHEREAS, The Review Club of Aberdeen was founded by fourteen pioneer women on March 3, 1891, "for the purpose of reading and discussing good books" with the hope of broadening their knowledge while helping to settle the Great Northwest; and

WHEREAS, Members of the Review Club of Aberdeen obtain knowledge through two monthly meetings featuring a short ten minute talk on any topic by one member and an hour long review of any book by another member; and

WHEREAS, There are currently seventeen members and an additional six lifetime members who have been involved in the organization for over twenty-five years; and

WHEREAS, Margery Morrison, Gretchen Brennan, and Joyce Smith joined the club over forty-five years ago and are still actively participating today;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Review Club of Aberdeen and its members' commitment to knowledge, education, and the benefits of reading and discussion; and

BE IT FURTHER RESOLVED, That the House of Representatives congratulate the Review Club of Aberdeen, and wish what is believed to be the oldest women's cultural club in the state of Washington many more years of successful meetings; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Review Club of Aberdeen.

The Speaker (Representative Orwall presiding) stated the question before the House to be adoption of House Resolution No. 4671.

HOUSE RESOLUTION NO. 4671 was adopted.

## RESOLUTION

**HOUSE RESOLUTION NO. 2016-4672**, by Representative Klippert

WHEREAS, National Missing Children's Day was first observed in 1983, following a proclamation by President Ronald Reagan; and

WHEREAS, May 25, 2016, will be the 33rd National Missing Children's Day; and

WHEREAS, National Missing Children's Day honors our nation's obligation to locate and recover missing children by prompting parents, guardians, and other trusted adult role models to make child safety an utmost priority; and

WHEREAS, In the United States, nearly 800,000 children are reported missing each year, more than 58,000 children are abducted by nonfamily members each year, and more than 2,000 children are reported missing every day; and

WHEREAS, Congress' efforts to provide resources, training, and technical assistance has increased the capability of state and local law enforcement to find children and return them home safely; and

WHEREAS, The 1979 disappearance of 6 year old Etan Patz served as the impetus for the first proclamation of National Missing Children's Day in 1983; and

WHEREAS, Etan's photo was distributed nationwide and appeared in media globally, and the powerful image came to represent the anguish of thousands of searching families;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives support the observation of National Missing Children's Day and encourage all Americans to join together to plan events in communities across America to raise public awareness about the issue of missing children and the need to address this national problem; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize that one of the most important tools for law enforcement to use in the case of a missing

child is an up-to-date, good quality photograph and urge all parents and guardians to take this important precaution; and

BE IT FURTHER RESOLVED, That the House of Representatives acknowledge that National Missing Children's Day should remind Americans not to forget the children who are still missing and not to waver in the effort to reunite them with their families.

The Speaker (Representative Orwall presiding) stated the question before the House to be adoption of House Resolution No. 4672.

HOUSE RESOLUTION NO. 4672 was adopted.

### RESOLUTION

#### **HOUSE RESOLUTION NO. 2016-4673, by Representative Muri**

WHEREAS, There is nothing on the planet quite as wonderful as a black and white giant panda, also known as *ailuropoda melanoleuca*; and

WHEREAS, Pandas are an endangered species and the rarest member of the bear family; and

WHEREAS, An estimated 1,800 wild pandas live in remote, mountainous regions in China, where they subsist on a bamboo diet; and

WHEREAS, There continue to be conservation efforts to protect pandas and improve panda habitat; and

WHEREAS, The first panda born in captivity was born in a Beijing zoo in 1963; and

WHEREAS, An estimated 300 pandas live in breeding centers and zoos in the world; and

WHEREAS, Four zoos in the United States house pandas; and

WHEREAS, Pandas symbolize the long-standing friendship between Washington state, the Sichuan Province, and the People's Republic of China; and

WHEREAS, The Washington State Panda Foundation was formed under the leadership of former Governor John Spellman, who initiated a close friendship with Sichuan Province in 1982 to explore the possibility of bringing pandas to Washington state; and

WHEREAS, The Washington State Panda Foundation works to showcase business partnerships, promote natural science, and expand our state's friendship with the People's Republic of China through panda exchange; and

WHEREAS, In late 2015, a group of state lawmakers and President Xi Jinping exchanged letters recognizing opportunities for cooperation and goodwill that could come with Washington state hosting pandas; and

WHEREAS, At least two Washington state zoos, the Woodland Park Zoo and Point Defiance Zoo, are being

considered as possible panda host locations through an exchange program; and

WHEREAS, In addition to the many cultural, scientific, and business opportunities that may come with hosting pandas, it is well known that pandas put smiles on the faces of everyone who encounters these bears;

NOW, THEREFORE, BE IT RESOLVED, The Washington State House of Representatives commend the efforts of the Washington State Panda Foundation, Woodland Park Zoo, and Point Defiance Zoo in working with the People's Republic of China to bring pandas to Washington state through an exchange; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington State Panda Foundation.

The Speaker (Representative Orwall presiding) stated the question before the House to be adoption of House Resolution No. 4673.

HOUSE RESOLUTION NO. 4673 was adopted.

### RESOLUTION

#### **HOUSE RESOLUTION NO. 2016-4674, by Representatives Chopp, Kristiansen, Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, S. Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger**

WHEREAS, The House of Representatives recognizes the selfless acts of courage of United States Forest Service members during Washington's wildfires of 2015; and

WHEREAS, Members of the service have dedicated their lives to protecting our national forests and the people in the communities surrounding them; and

WHEREAS, Through their noble occupation, many of these men and women are led to deeds of bravery, even of supreme sacrifice; and

WHEREAS, On Wednesday evening, August 19, 2015, four members of the United States Forest Service--wildland firefighters Tom Zbyszewski, 20, of Carlton;

Andrew Zajac, 26, of Winthrop; Richard Wheeler, 31, of Wenatchee; and Daniel Lyon, 25, of Puyallup; saw the peril and danger of task that lay before them, and nevertheless, went out to meet it; and

WHEREAS, The four-man crew, assigned to Engine 642, working up the narrow and winding Woods Canyon Road, went to protect a home from the approaching fire; and

WHEREAS, Their vehicle became engulfed in flames, resulting in the death of Tom Zbyszewski, Andrew Zajac, and Richard Wheeler, and severe injuries to Daniel Lyon; and

WHEREAS, Several other wildland firefighters were also injured in the line of duty fighting the fires; and

WHEREAS, The impact of these firefighters' sacrifices are immeasurable, and will continue through the people and the land they protect; and

WHEREAS, These firefighters did not merely speak of the brotherhood of man, they lived it; and

WHEREAS, The spirit of these firefighters' service will not be forgotten;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives join the citizens of the State of Washington in commending the valor of wildland firefighters; and

BE IT FURTHER RESOLVED, That the House of Representatives conveys its deepest condolences to the family, friends, colleagues, and community of Tom Zbyszewski, Andrew Zajac, Richard Wheeler, and Daniel Lyon, and join the people of the State of Washington in honoring their memory and commending their tremendous sacrifice; and

BE IT FURTHER RESOLVED, That the House of Representatives express profound appreciation and enduring gratitude to the brave men and women that protect our state every day as first responders and firefighters; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Methow Valley Ranger District for presentation to the families of Tom Zbyszewski, Andrew Zajac, Richard Wheeler, and Daniel Lyon.

The Speaker (Representative Orwall presiding) stated the question before the House to be adoption of House Resolution No. 4674.

HOUSE RESOLUTION NO. 4674 was adopted.

## RESOLUTION

**HOUSE RESOLUTION NO. 2016-4675, by Representative Fey**

WHEREAS, Joan M. "Joni" Earl is retiring from her position as Chief Executive Officer of Sound Transit after leading the agency for fifteen years; and

WHEREAS, Ms. Earl's prior government experience as Deputy County Executive of Snohomish County, City Manager of Mill Creek, and Director of Internal Management and Chief Fiscal Officer of Kitsap County together made her uniquely suited to pay attention to both the big picture and the financial bottom line, and she brought to Sound Transit laser-sharp business sense and drive for results; and

WHEREAS, From the time she was named Acting Executive Director in January 2001 and made Executive Director six months later, Ms. Earl instilled an agency culture of accountability and transparency around doing public projects; and

WHEREAS, In her 15 years leading Sound Transit, the agency evolved to become one of the nation's leading transit agencies, known for progress, professionalism, and industry achievement; and

WHEREAS, Ms. Earl and her leadership team dramatically restructured the way Sound Transit manages major projects, which by 2003 led to the restoration of \$500 million in federal funding for building the initial segment of the Link regional light rail system; and

WHEREAS, Link light rail service opened between Seattle and Sea-Tac Airport in 2009, providing residents and visitors with fast, dependable service 20 hours a day; and

WHEREAS, As Sound Transit's CEO and throughout her public career, Ms. Earl has forged important partnerships, working closely with elected and community leaders at all levels and across political aisles, in particular with the late Representative Ruth Fisher, after whom the Sound Transit board room is named; and

WHEREAS, Sound Transit's regional system of ST Express buses, Sounder trains, and Link light rail will provide more than 41 million rides this year, improving the economic and social health of central Puget Sound, home to 40 percent of the state's population, 70 percent of our state's economic activity, and 97 percent of our state's congestion; and

WHEREAS, Ms. Earl's extraordinary vision and leadership at Sound Transit provide a legacy for generations to come, truly leaving Puget Sound communities and our economy better than she found them, and we are grateful for her remarkable contributions to the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and congratulate Ms. Joni Earl for her lifetime of outstanding public service culminating in the successful reinvention of Sound Transit, and for her dedication to

transparency and accountability in doing the public's business; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Ms. Earl and to the Board of Directors of Sound Transit.

The Speaker (Representative Orwall presiding) stated the question before the House to be adoption of House Resolution No. 4675.

HOUSE RESOLUTION NO. 4675 was adopted.

### RESOLUTION

**HOUSE RESOLUTION NO. 2016-4676, by Representatives Goodman, Gregerson, Riccelli, Kilduff, Wylie, Robinson, Sells, Farrell, Appleton, Frame, Peterson, Pollet, Kirby, Sawyer, Rossetti, Ryu, McBride, Kagi, Blake, Stanford, Tharinger, Lytton, Fitzgibbon, Walkinshaw, and Moscoso**

WHEREAS, Hunger affects millions of people nationwide, including children, seniors, and military veterans; and

WHEREAS, Food bank shelves filled from winter holiday giving are often bare in late spring; and

WHEREAS, When school meal programs end in the summertime, millions of families with school age children must find alternate sources of food; and

WHEREAS, In 2015, the National Association of Letter Carriers' "Stamp Out Hunger" food drive collected 71 million pounds of donated food, which were distributed locally in 10,000 cities and towns across America; and

WHEREAS, In Washington state in 2015, 1.7 million pounds of donated food was collected by letter carriers; and

WHEREAS, In 2016, thousands of households in Washington state are still struggling with providing enough food for their families; and

WHEREAS, The National Association of Letter Carriers continues to work to end the challenges of hunger in Washington state through its 24th annual "Stamp Out Hunger" food drive; and

WHEREAS, On May 14, 2016, the second Saturday in May, letter carriers will collect food donations to be distributed to food banks and pantries at a much needed time of the year;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives support the observation of Saturday, May 14, 2016, as letter carrier "Stamp Out Hunger" food drive day in Washington state, and urge all Washingtonians to join in this special observance.

The Speaker (Representative Orwall presiding) stated the question before the House to be adoption of House Resolution No. 4676.

HOUSE RESOLUTION NO. 4676 was adopted.

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

### INTRODUCTION & FIRST READING

HB 2997 by Representative Pike

AN ACT Relating to requiring voter approval for any agreement between a public transportation benefit area and certain entities in adjoining states; amending RCW 36.57A.080; and providing an effective date.

Referred to Committee on Transportation.

HB 2998 by Representatives Hurst, Condotta and Sawyer

AN ACT Relating to facilitating the orderly development of the legal marijuana market and eliminating the illicit marijuana market; amending RCW 69.50.535; adding a new section to chapter 69.50 RCW; and creating new sections.

Referred to Committee on Commerce & Gaming.

HB 2999 by Representative Pike

AN ACT Relating to improving the availability and accuracy of advanced breast cancer screening through targeted tax incentives for advanced digital imaging technologies; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 70.14 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Finance.

HB 3000 by Representatives Springer and Magendanz

AN ACT Relating to education.

Referred to Committee on Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the following bills were referred to the Committee on Rules:

ENGROSSED HOUSE BILL NO. 1123  
HOUSE BILL NO. 1278  
HOUSE BILL NO. 1833  
HOUSE BILL NO. 2303

HOUSE BILL NO. 2616  
 HOUSE BILL NO. 2803  
 HOUSE BILL NO. 1250  
 HOUSE BILL NO. 2812  
 HOUSE BILL NO. 2046  
 HOUSE BILL NO. 1701  
 HOUSE BILL NO. 2436  
 HOUSE BILL NO. 2811  
 HOUSE BILL NO. 2892  
 HOUSE BILL NO. 1438  
 HOUSE BILL NO. 1441  
 HOUSE BILL NO. 1528  
 HOUSE BILL NO. 2341  
 HOUSE BILL NO. 2368  
 HOUSE BILL NO. 2477  
 HOUSE BILL NO. 2652  
 HOUSE BILL NO. 2758  
 HOUSE BILL NO. 2770  
 HOUSE BILL NO. 2799  
 HOUSE BILL NO. 2802  
 HOUSE BILL NO. 2823  
 HOUSE BILL NO. 2955  
 HOUSE BILL NO. 2976  
 SUBSTITUTE HOUSE BILL NO. 1966  
 HOUSE BILL NO. 1990  
 HOUSE BILL NO. 2182  
 HOUSE BILL NO. 2261  
 HOUSE BILL NO. 2319  
 HOUSE BILL NO. 2406  
 HOUSE BILL NO. 2424  
 HOUSE BILL NO. 2576  
 HOUSE BILL NO. 2646  
 HOUSE BILL NO. 2898  
 HOUSE BILL NO. 2931  
 HOUSE BILL NO. 1284  
 HOUSE BILL NO. 1809  
 HOUSE BILL NO. 2364  
 HOUSE BILL NO. 2630  
 HOUSE BILL NO. 2832  
 HOUSE BILL NO. 2863  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754

The Speaker (Representative Orwall presiding) called upon Representative Stanford to preside.

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

**REPORTS OF STANDING COMMITTEES**

February 24, 2016  
HCR 4415 Prime Sponsor, Representative Sells:  
 Approving the 2016 state comprehensive plan for workforce training and education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Beginning on page 1, on line 1, strike all material through "education." on page 3, line 13 and insert the following:

"WHEREAS, Chapter 238, Laws of 1991 created the Workforce Training and Education Coordinating Board (Workforce Board) to provide planning, coordinating, evaluation, and policy analysis for the state training system as a whole and to provide advice to the Governor and the Legislature concerning the training system in cooperation with the agencies that comprise the state training system and the Washington Student Achievement Council; and  
 WHEREAS, The Workforce Board is a unique partnership of business, labor, education, and training organizations dedicated to creating a highly skilled workforce that meets the needs of Washington businesses and workers; and  
 WHEREAS, The state faces the workforce challenges of: (1) Not enough workers with the education and training to fill key openings, hampering the ability of Washington's businesses to remain competitive in an increasingly global economy, and (2) a workforce that is growing older and increasingly diverse, bringing with it falling workforce participation rates and lower education and skill attainment among many target populations that are needed to fill new job openings; and  
 WHEREAS, RCW 28C.18.080 requires the Workforce Board to update the state comprehensive plan for workforce training and education every four years, and the plan was last updated in 2012; and  
 WHEREAS, Students, workers, and employers have wide ranging education and training needs; and  
 WHEREAS, By viewing the workforce system as a series of interconnected pathways, with multiple options for workers, jobseekers, and students to advance, the Workforce Board is able to outline strategies to strengthen these pathways so more Washington residents become economically self-sufficient, while also helping Washington businesses find the skilled workers they depend on; and  
 WHEREAS, The purpose of the 2016 state comprehensive plan for training and education is to provide direction to the workforce development system; and  
 WHEREAS, To meet the challenges of the next ten years workforce partners must work together as a seamless, customer-focused system; and  
 WHEREAS, This edition of the state comprehensive plan for workforce development represents the first time the Workforce Board will also submit a combined plan for workforce development to the federal Departments of Labor and Education, in accordance with the requirements of the federal Workforce Innovation and Opportunity Act of 2014; and  
 WHEREAS, The Workforce Board coordinated an inclusive process of work groups and public forums to reach agreement on the strategies identified in the 2016 state strategic plan for workforce development, under the leadership of the Workforce Board's labor and business representatives; and  
 WHEREAS, The strategies identified in the 2016 state strategic plan for workforce development represent the consensus of critical constituencies across the workforce system, including business, labor, and the agencies delivering workforce services; and

WHEREAS, The 2016 state comprehensive plan, titled Talent and Prosperity for All, emphasizes the following four strategic priorities:

(1) Achieving a more welcoming, streamlined customer experience in the workforce system by blending and braiding the delivery of services more effectively;

(2) Strengthening the breadth and quality of the workforce system's engagement with the business community, emphasizing sector strategies and a focus on in-demand industries;

(3) Ensuring a workforce system that is universally accessible for all customers, leveraging technology and other tools to identify and remove barriers to access; and

(4) Refining Washington's performance accountability system to inform a process of continual, data-driven improvement; and

WHEREAS, The provisions of the comprehensive plan and updates approved by the Legislature become the state's workforce policy unless legislation is enacted to alter the policies set forth therein;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington, the Senate concurring, hereby approve the 2016 state comprehensive plan for workforce training and education."

Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Rules for second reading.

February 24, 2016  
SB 5277 Prime Sponsor, Senator Kohl-Welles:  
Making the crime of patronizing a prostitute a gross misdemeanor. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Griffey and Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Appleton; Moscoso and Pettigrew.

Passed to Committee on Rules for second reading.

February 26, 2016  
ESSB 6149 Prime Sponsor, Committee on Commerce & Labor: Providing reasonable accommodations in the workplace for pregnant women. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass as amended by Committee on General Government & Information Technology and without amendment by Committee on Labor & Workplace Standards.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.10 RCW to read as follows:

(1) An employer must provide reasonable accommodations to an employee for a pregnancy-related or childbirth-related health condition if so requested, with written certification from a licensed health care provider, unless the employer demonstrates that the accommodation would impose an undue hardship on the operation of the employer's business. The employee must provide written notice to the employer stating that a health condition related to pregnancy or childbirth requires accommodation.

(2) Notwithstanding subsection (1) of this section, an employee who is pregnant or has a health condition related to pregnancy or childbirth shall not be required to obtain the advice of a licensed health care provider, nor may an employer claim undue hardship, for the following accommodations: (a) More frequent, longer, or flexible restroom, food, and water breaks; (b) seating; and (c) limits on lifting over twenty pounds.

(3) The employee and employer shall engage in an interactive process with respect to an employee's request for a reasonable accommodation.

(4) Notwithstanding any other provision of this section, an employer shall not be required to create a new or additional position in order to accommodate an employee pursuant to this section, and shall not be required to discharge any employee, transfer any other employee with greater seniority, or promote any employee.

(5) An employer shall not require an employee who has a pregnancy-related or childbirth-related health condition to accept an accommodation, if such accommodation is unnecessary to enable the employee to perform the job.

(6) An employer shall not:

(a) Take adverse action against an employee who requests or uses an accommodation under this section that affects the terms, conditions, or privileges of employment;

(b) Deny employment opportunities to an otherwise qualified employee if such denial is based on the employer's need to make reasonable accommodation required by this section; or

(c) Require an employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy-related or childbirth-related health condition.

(7) This section does not preempt, limit, diminish, or otherwise affect any other provision of law relating to sex discrimination or pregnancy, or in any way diminish or limit the coverage for pregnancy, childbirth, or a pregnancy-related health condition.

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

(a) "Employee" means an individual employed by an employer.

(b) "Employer" has the same meaning as RCW 49.60.040(11).

(c) "Reasonable accommodation" includes, but is not limited to:

- (i) Making existing facilities used by employees readily accessible to and usable by employees who have a pregnancy-related or childbirth-related condition;
- (ii) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, or appropriate adjustment or modifications of examinations;
- (iii) Temporary transfer to a less strenuous or hazardous position;
- (iv) Limits on heavy lifting;
- (v) Scheduling flexibility for prenatal and postnatal visits.

(d) "Undue hardship" means an action requiring significant difficulty or expense.

(9) The attorney general shall investigate complaints and enforce this section. The attorney general may issue civil investigative demands for the inspection of documents, interrogatory responses, and oral testimony in the enforcement of this section. The attorney general may seek all appropriate relief in the superior courts for violations of this section, including costs and a reasonable attorneys' fee. In addition to the complaint process with the attorney general, any aggrieved person injured by any act in violation of this section has a civil cause of action in court to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by state or federal law."

Correct the title.

Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; Morris and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Ranking Minority Member; Calder, Assistant Ranking Minority Member and Johnson.

Passed to Committee on General Government & Information Technology.

February 25, 2016

2SSB 6187 Prime Sponsor, Committee on Ways & Means: Concerning the authority of the pollution liability insurance agency. Reported by Committee on Environment

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends for the pollution liability insurance agency to establish a revolving loan and grant program to assist owners and operators of petroleum underground storage tank systems to: (1) Remediate past releases; (2) upgrade, replace, or remove petroleum underground storage tank systems to prevent future releases; and (3) install new

infrastructure or retrofit existing infrastructure for dispensing renewable or alternative energy.

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

(1) "Agency" means the Washington state pollution liability insurance agency.

(2) "Local government" means any political subdivision of the state, including a town, city, county, special purpose district, or other municipal corporation.

(3) "Operator" means any person in control of, or having responsibility for, the daily operation of a petroleum underground storage tank system.

(4) "Owner" means any person who owns a petroleum underground storage tank system.

(5) "Petroleum underground storage tank system" means an underground storage tank system regulated under chapter 90.76 RCW or subtitle I of the solid waste disposal act (42 U.S.C. Chapter 82, Subchapter IX) that is used for storing petroleum.

(6) "Release" has the same meaning as defined in RCW 70.105D.020.

(7) "Remedial action" has the same meaning as defined in RCW 70.105D.020.

(8) "Underground storage tank facility" means the location where one or more underground storage tank systems are installed. A facility encompasses all contiguous real property under common ownership associated with the operation of the underground storage tank system or systems.

(9) "Underground storage tank system" means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any, and includes any aboveground ancillary equipment connected to the underground storage tank or piping, such as dispensers.

NEW SECTION. Sec. 3. (1) The agency shall establish an underground storage tank revolving loan and grant program to provide loans or grants to owners or operators to:

(a) Conduct remedial actions in accordance with chapter 70.105D RCW, including investigations and cleanups of any release or threatened release of a hazardous substance at or affecting an underground storage tank facility, provided that at least one of the releases or threatened releases involves petroleum;

(b) Upgrade, replace, or permanently close a petroleum underground storage tank system in accordance with chapter 90.76 RCW or subtitle I of the solid waste disposal act (42 U.S.C., chapter 82, subchapter IX), as applicable;

(c) Install new infrastructure or retrofit existing infrastructure at an underground storage tank facility for dispensing renewable or alternative energy for motor vehicles, including electric vehicle charging stations, when conducted in conjunction with either (a) or (b) of this subsection; or

(d) Install and subsequently remove a temporary petroleum aboveground storage tank system in compliance with applicable laws, when conducted in conjunction with either (a) or (b) of this subsection.

(2) The maximum amount that may be loaned or granted under this program to an owner or operator for a single underground storage tank facility is two million dollars.

NEW SECTION. Sec. 4. (1) A recipient of a loan or grant may not use these funds to conduct remedial actions of a release or threatened release from a petroleum underground storage tank system requiring financial assurances under chapter 90.76 RCW or subtitle I of the solid waste disposal act (42 U.S.C., chapter 82, subchapter IX) unless the owner or operator:

(a) Agrees to first expend all moneys available under the required financial assurances;

(b) Demonstrates that all moneys available under the required financial assurances have been expended; or

(c) Demonstrates that a claim has been made under the required financial assurances and the claim has been rejected by the provider.

(2) A recipient must use a loan or grant for a project that develops and acquires assets that have a useful life of at least thirteen years.

NEW SECTION. Sec. 5. The agency shall partner and enter into a memorandum of agreement with the department of health to implement the revolving loan and grant program.

(1) The agency shall select loan and grant recipients and manage the work conducted under section 3(1) of this act.

(2) The department of health shall administer the loans and grants to qualified recipients as determined by the agency.

(3) The department of health may collect, from persons requesting financial assistance, loan origination fees to cover costs incurred by the department of health in operating the financial assistance program.

(4) The agency may use the moneys in the pollution liability insurance agency underground storage tank revolving account to fund the department of health's operating costs for the program.

NEW SECTION. Sec. 6. (1) The agency may conduct remedial actions and investigate or clean up a release or threatened release of a hazardous substance at or affecting an underground storage tank facility if the following conditions are met:

(a) The owner or operator received a loan or grant for the underground storage tank facility under the revolving program created in this chapter for two million dollars or less;

(b) The remedial actions are conducted in accordance with the rules adopted under chapter 70.105D RCW;

(c) The owner of real property subject to the remedial actions provides consent for the agency to:

(i) Recover the remedial action costs from the owner; and

(ii) Enter upon the real property to conduct remedial actions limited to those authorized by the owner or operator. Remedial actions must be focused on maintaining the economic vitality of the property. The agency or the agency's authorized representatives shall give reasonable notice before entering property unless an emergency prevents the notice; and

(d) The owner of the underground storage tank facility consents to the agency filing a lien on the underground

storage tank facility to recover the agency's remedial action costs.

(2) The agency may conduct the remedial actions authorized under subsection (1) of this section using the moneys in the pollution liability insurance agency underground storage tank revolving account, as required under section 5 of this act. However, for any remedial action where the owner or operator has received a loan or grant, the agency may not expend more than the difference between the amount loaned or granted and two million dollars.

(3) The agency may request informal advice and assistance and written opinions on the sufficiency of remedial actions from the department of ecology under RCW 70.105D.030(1)(i).

NEW SECTION. Sec. 7. (1) The agency may file a lien against the underground storage tank facility if the agency incurs remedial action costs and those costs are unrecovered by the agency.

(a) A lien filed under this section may not exceed the remedial action costs incurred by the agency.

(b) A lien filed under this section has priority in rank over all other privileges, liens, monetary encumbrances, or other security interests affecting the real property, whenever incurred, filed, or recorded, except for local and special district property tax assessments.

(2) Before filing a lien under this section, the agency shall give notice of its intent to file a lien to the owner of the underground storage tank facility on which the lien is to be filed, mortgagees, and lien holders of record.

(a) The agency shall send the notice by certified mail to the underground storage tank facility owner and mortgagees of record at the addresses listed in the recorded documents. If the underground storage tank facility owner is unknown or if a mailed notice is returned as undeliverable, the agency shall provide notice by posting a legal notice in the newspaper of largest circulation in the county in which the site is located. The notice must provide:

(i) A statement of the purpose of the lien;

(ii) A brief description of the real property to be affected by the lien; and

(iii) A statement of the remedial action costs incurred by the agency.

(b) If the agency has reason to believe that exigent circumstances require the filing of a lien prior to giving notice under this subsection, the agency may file the lien immediately. Exigent circumstances include, but are not limited to, an imminent bankruptcy filing by the underground storage tank facility owner or the imminent transfer or sale of the real property subject to lien by the underground storage tank facility owner, or both.

(3) A lien filed under this section is effective when a statement of lien is filed with the county auditor in the county where the underground storage tank facility is located. The statement of lien must include a description of the real property subject to lien and the amount of the lien.

(4) Unless the agency determines it is in the public interest to remove the lien, the lien continues until the liabilities for the remedial action costs have been satisfied through sale of the real property, foreclosure, or

other means agreed to by the agency. Any action for foreclosure of the lien must be brought by the attorney general in a civil action in the court having jurisdiction and in the manner prescribed for judicial foreclosure of a mortgage under chapter 61.24 RCW.

(5) The agency may not file a lien under this section against an underground storage tank facility owned by a local government.

**NEW SECTION. Sec. 8.** (1) The pollution liability insurance agency underground storage tank revolving account is created in the state treasury. All receipts from sources identified under subsection (2) of this section must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for items identified under subsection (3) of this section.

(2) The following receipts must be deposited into the account:

(a) All moneys appropriated by the legislature to pay for the agency's operating costs to carry out the purposes of this chapter;

(b) All moneys appropriated by the legislature to provide loans and grants under section 3 of this act;

(c) Any repayment of loans provided under section 3 of this act;

(d) All moneys appropriated by the legislature to conduct remedial actions under section 6 of this act;

(e) Any recovery of the costs of remedial actions conducted under section 6 of this act;

(f) Any grants provided by the federal government to the agency to achieve the purposes of this chapter; and

(g) Any other deposits made from a public or private entity to achieve the purposes of this chapter.

(3) Moneys in the account may be used by the agency only to carry out the purposes of this chapter including, but not limited to:

(a) The costs of the agency and department of health to carry out the purposes of this chapter;

(b) Loans and grants under section 3 of this act;

(c) Remedial actions under section 6 of this act; and

(d) State match requirements for grants provided to the agency by the federal government.

**NEW SECTION. Sec. 9.** By September 1st of each even-numbered year, the agency must provide the office of financial management and the appropriate legislative committees a report on the agency's activities supported by expenditures from the pollution liability insurance agency underground storage tank revolving account. The report must at a minimum include:

(1) The amount of money the legislature appropriated from the pollution liability insurance agency underground storage tank revolving account under section 8 of this act during the last biennium;

(2) For the previous biennium, the total number of loans and grants, the amounts loaned or granted, sites cleaned up, petroleum underground storage tank systems upgraded, replaced, or permanently closed, and jobs preserved;

(3) For each loan and grant awarded during the previous biennium, the name of the recipient, the location of the underground storage tank facility, a description of the

project and its status, the amount loaned, and the amount repaid;

(4) For each underground storage tank facility where the agency conducted remedial actions under section 6 of this act during the previous biennium, the name and location of the site, the amount of money used to conduct the remedial actions, the status of remedial actions, whether liens were filed against the underground storage tank facility under section 7 of this act, and the amount of money recovered; and

(5) The operating costs of the agency and department of health to carry out the purposes of this chapter during the last biennium.

**NEW SECTION. Sec. 10.** The agency must adopt rules under chapter 34.05 RCW necessary to carry out the provisions of this chapter. To accelerate remedial actions, the agency shall enter into a memorandum of agreement with the department of health under section 5 of this act within one year of the effective date of this section. To ensure the adoption of rules will not delay the award of a loan or grant, the agency may implement the underground storage tank revolving program through interpretative guidance pending adoption of rules.

**NEW SECTION. Sec. 11.** Officers, employees, and authorized representatives of the agency and the department of health, and the state of Washington are immune from civil liability and no cause of action of any nature may arise from any act or omission in exercising powers and duties under this chapter.

**NEW SECTION. Sec. 12.** Nothing in this chapter limits the authority of the department of ecology under chapter 70.105D RCW.

**NEW SECTION. Sec. 13.** (1) Sections 1 through 12 of this act expire July 1, 2030.

(2) The expiration of sections 1 through 12 of this act does not terminate any of the following rights, obligations, authorities or any provision necessary to carry out:

(a) The repayment of loans due and payable to the lender or the state of Washington;

(b) The resolution of any cost recovery action or the initiation of any action or other collection process to recover defaulted loan moneys due to the state of Washington; and

(c) The resolution of any action or the initiation of any action to recover the agency's remedial actions costs under section 7 of this act.

(3) On July 1, 2030, the pollution liability insurance agency underground storage tank revolving account and all moneys due that account revert to, and accrue to the benefit of, the department of health.

**NEW SECTION. Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**Sec. 15.** RCW 70.148.020 and 2013 2nd sp.s. c 4 s 993 are each amended to read as follows:

(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in

the account. Except as provided in chapter 70.-- RCW (the new chapter created in section 22 of this act), expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the pollution liability insurance and underground storage tank community assistance programs. Expenditures for payment of administrative and operating costs of the agency are subject to the allotment procedures under chapter 43.88 RCW and may be made only after appropriation by statute. No appropriation is required for other expenditures from the account.

(2) Each calendar quarter, the director shall report to the insurance commissioner the loss and surplus reserves required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

(3) ((Each calendar quarter the director shall determine the amount of reserves necessary to fund commitments made to provide financial assistance under RCW 70.148.130 to the extent that the financial assistance reserves do not jeopardize the operations and liabilities of the pollution liability insurance program. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter. The director may immediately establish an initial financial assistance reserve of five million dollars from available revenues. The director may not expend more than fifteen million dollars for the financial assistance program.

(4) During the 2013-2015 fiscal biennium, the legislature may transfer from the pollution liability insurance program trust account to the state general fund such amounts as reflect the excess fund balance of the account.

(5))) This section expires July 1, ((2020)) 2030.

Sec. 16. RCW 70.148.900 and 2012 1st sp.s. c 3 s 2 are each amended to read as follows:

This chapter expires July 1, ((2020)) 2030.

Sec. 17. RCW 70.149.900 and 2012 1st sp.s. c 3 s 3 are each amended to read as follows:

This chapter expires July 1, ((2020)) 2030.

Sec. 18. RCW 82.23A.020 and 2012 1st sp.s. c 3 s 5 are each amended to read as follows:

(1) A tax is imposed on the privilege of possession of petroleum products in this state. The rate of the tax shall be thirty one-hundredths of one percent multiplied by the wholesale value of the petroleum product. After July 1, 2021, the rate of tax is fifteen one-hundredths of one percent multiplied by the wholesale value of the petroleum product. For purposes of determining the tax imposed under this section for petroleum products introduced at the rack, the wholesale value is determined when the petroleum product is removed at the rack unless the removal is to an exporter licensed under chapter ((82.36 or)) 82.38 RCW for direct delivery to a destination outside of the state. For all other cases, the wholesale value is determined upon the first nonbulk possession in the state.

(2) Except as identified in section 21 of this act, moneys collected under this chapter shall be deposited in the pollution liability insurance program trust account under RCW 70.148.020.

(3) Chapter 82.32 RCW applies to the tax imposed in this chapter. The tax due dates, reporting periods, and return requirements applicable to chapter 82.04 RCW apply equally to the tax imposed in this chapter.

(4) Within thirty days after the end of each calendar quarter the department shall determine the "quarterly balance," which shall be the cash balance in the pollution liability insurance program trust account as of the last day of that calendar quarter, after excluding the reserves determined for that quarter under RCW 70.148.020(2) ((and (3))). Balance determinations by the department under this section are final and shall not be used to challenge the validity of any tax imposed under this section. For each subsequent calendar quarter, tax shall be imposed under this section during the entire calendar quarter unless:

(a) Tax was imposed under this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than fifteen million dollars; or

(b) Tax was not imposed under this section during the immediately preceding calendar quarter, and the most recent quarterly balance is more than seven million five hundred thousand dollars.

Sec. 19. RCW 82.23A.902 and 2012 1st sp.s. c 3 s 6 are each amended to read as follows:

This chapter expires July 1, ((2020)) 2030, coinciding with the expiration of chapter 70.148 RCW.

Sec. 20. RCW 43.84.092 and 2015 3rd sp.s. c 44 s 107 and 2015 3rd sp.s. c 12 s 3 are each reenacted and amended to read as follows:

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

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

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to

financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

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

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation

account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan

implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

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

**NEW SECTION. Sec. 21.** (1) On July 1, 2016, if the cash balance amount in the pollution liability insurance program trust account exceeds seven million five hundred thousand dollars after excluding the reserves under RCW 70.148.020(2), the state treasurer shall transfer the amount exceeding seven million five hundred thousand dollars, up to a transfer of ten million dollars, from the pollution liability insurance program trust account into the pollution liability insurance agency underground storage tank revolving account.

(2) On July 1, 2017, and every two years thereafter at the start of each successive biennium, if the cash balance amount in the pollution liability insurance program trust account exceeds seven million five hundred thousand dollars, the state treasurer shall transfer the amount exceeding seven million five hundred thousand dollars after excluding the reserves under RCW 70.148.020(2), up to a transfer of twenty million dollars, from the pollution liability insurance program trust account into the pollution liability insurance agency underground storage tank revolving account. If twenty million dollars is not available to be transferred at the beginning of the first fiscal year of the biennium, on July 1st of the subsequent fiscal year, if the cash balance amount in the pollution liability insurance program trust account exceeds seven million five hundred thousand dollars after excluding the reserves under RCW 70.148.020(2), the state treasurer shall transfer the amount exceeding seven million five hundred thousand dollars from the pollution liability insurance program trust account into the pollution liability insurance agency underground storage tank revolving account. The total amount transferred in a biennium from the pollution liability insurance program trust account into the pollution liability insurance agency underground storage tank revolving account may not exceed twenty million dollars.

**NEW SECTION. Sec. 22.** Sections 1 through 13, 21, and 23 of this act constitute a new chapter in Title 70 RCW.

**NEW SECTION. Sec. 23.** Sections 1 through 13 of this act take effect July 1, 2016.

**NEW SECTION. Sec. 24.** The following acts or parts of acts are each repealed:

(1)RCW 70.148.120 (Financial assistance for corrective actions in small communities—Intent) and 2005 c 428 s 1 & 1991 c 4 s 1;

(2)RCW 70.148.130 (Financial assistance—Criteria) and 2005 c 428 s 2 & 1991 c 4 s 2;

(3)RCW 70.148.140 (Financial assistance—Private owner or operator) and 1991 c 4 s 3;

(4)RCW 70.148.150 (Financial assistance—Public owner or operator) and 1991 c 4 s 4;

(5)RCW 70.148.160 (Financial assistance—Rural hospitals) and 1991 c 4 s 5; and

(6)RCW 70.148.170 (Certification) and 1991 c 4 s 6."

Correct the title.

Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye; Farrell; Fey; Goodman; McBride; Pike and Taylor.

Passed to Committee on Capital Budget.

February 24, 2016

ESSB 6203 Prime Sponsor, Committee on Health Care: Updating statutes relating to the practice of pharmacy including the practice of pharmacy in long-term care settings. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.64.011 and 2015 c 234 s 3 are each amended to read as follows:

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

(1) "Administer" means the direct application of a drug or device, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject.

(2) "Business licensing system" means the mechanism established by chapter 19.02 RCW by which business licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a business license application and a business license expiration date common to each renewable license endorsement.

(3) "Commission" means the pharmacy quality assurance commission.

(4) "Compounding" means the act of combining two or more ingredients in the preparation of a prescription.

(5) "Controlled substance" means a drug or substance, or an immediate precursor of such drug or substance, so designated under or pursuant to the provisions of chapter 69.50 RCW.

(6) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to

another of a drug or device, whether or not there is an agency relationship.

(7) "Department" means the department of health.

(8) "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or other animals, or (b) to affect the structure or any function of the body of human beings or other animals.

(9) "Dispense" means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(10) "Distribute" means the delivery of a drug or device other than by administering or dispensing.

(11) "Drug" and "devices" do not include surgical or dental instruments or laboratory materials, gas and oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts or accessories, or equipment, instruments, apparatus, or contrivances used to render such articles effective in medical, surgical, or dental treatment, or for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes. "Drug" also does not include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated feed intended for and used exclusively as a feed for animals other than human beings.

(12) "Drugs" means:

(a) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of human beings or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection, but not including devices or their component parts or accessories.

(13) "Health care entity" means an organization that provides health care services in a setting that is not otherwise licensed by the state to acquire or possess legend drugs. Health care entity includes a freestanding outpatient surgery center, a residential treatment facility, and a freestanding cardiac care center. "Health care entity" does not include an individual practitioner's office or a multipractitioner clinic, regardless of ownership, unless the owner elects licensure as a health care entity. "Health care entity" also does not include an individual practitioner's office or multipractitioner clinic identified by a hospital on a pharmacy application or renewal pursuant to RCW 18.64.043.

(14) "Labeling" means the process of preparing and affixing a label to any drug or device container. The label

must include all information required by current federal and state law and pharmacy rules.

(15) "Legend drugs" means any drugs which are required by any applicable federal or state law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.

(16) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, personally prepares, compounds, packages, or labels such substance or device. "Manufacture" includes the distribution of a licensed pharmacy compounded drug product to other state licensed persons or commercial entities for subsequent resale or distribution, unless a specific product item has approval of the commission. The term does not include:

(a) The activities of a licensed pharmacy that compounds a product on or in anticipation of an order of a licensed practitioner for use in the course of their professional practice to administer to patients, either personally or under their direct supervision;

(b) The practice of a licensed pharmacy when repackaging commercially available medication in small, reasonable quantities for a practitioner legally authorized to prescribe the medication for office use only;

(c) The distribution of a drug product that has been compounded by a licensed pharmacy to other appropriately licensed entities under common ownership or control of the facility in which the compounding takes place; or

(d) The delivery of finished and appropriately labeled compounded products dispensed pursuant to a valid prescription to alternate delivery locations, other than the patient's residence, when requested by the patient, or the prescriber to administer to the patient, or to another licensed pharmacy to dispense to the patient.

(17) "Manufacturer" means a person, corporation, or other entity engaged in the manufacture of drugs or devices.

(18) "Nonlegend" or "nonprescription" drugs means any drugs which may be lawfully sold without a prescription.

(19) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(20) "Pharmacist" means a person duly licensed by the commission to engage in the practice of pharmacy.

(21) "Pharmacy" means every place properly licensed by the commission where the practice of pharmacy is conducted.

(22) "Poison" does not include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended.

(23) "Practice of pharmacy" includes the practice of and responsibility for: Interpreting prescription orders; the

compounding, dispensing, labeling, administering, and distributing of drugs and devices; the monitoring of drug therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs; the participating in drug utilization reviews and drug product selection; the proper and safe storing and distributing of drugs and devices and maintenance of proper records thereof; the providing of information on legend drugs which may include, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.

(24) "Practitioner" means a physician, dentist, veterinarian, nurse, or other person duly authorized by law or rule in the state of Washington to prescribe drugs.

(25) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

(26) "Secretary" means the secretary of health or the secretary's designee.

(27) "Wholesaler" means a corporation, individual, or other entity which buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.

(28) "Chart order" means a lawful order for a drug or device entered on the chart or medical record of an inpatient or resident of an institutional facility by a practitioner or his or her designated agent.

(29) "Closed door long-term care pharmacy" means a pharmacy that provides pharmaceutical care to a defined and exclusive group of patients who have access to the services of the pharmacy because they are treated by or have an affiliation with a long-term care facility or hospice program, and that is not a retailer of goods to the general public.

(30) "Hospice program" means a hospice program certified or paid by medicare under Title XVIII of the federal social security act, or a hospice program licensed under chapter 70.127 RCW.

(31) "Institutional facility" means any organization whose primary purpose is to provide a physical environment for patients to obtain health care services including, but not limited to, services in a hospital, long-term care facility, hospice program, mental health facility, drug abuse treatment center, residential habilitation center, or a local, state, or federal correction facility.

(32) "Long-term care facility" means a nursing home licensed under chapter 18.51 RCW, an assisted living facility licensed under chapter 18.20 RCW, or an adult family home licensed under chapter 70.128 RCW.

(33) "Shared pharmacy services" means a system that allows a participating pharmacist or pharmacy pursuant to a request from another participating pharmacist or pharmacy to process or fill a prescription or drug order, which may include but is not necessarily limited to preparing, packaging, labeling, data entry, compounding for specific patients, dispensing, performing drug utilization reviews, conducting claims adjudication,

obtaining refill authorizations, reviewing therapeutic interventions, or reviewing chart orders.

NEW SECTION. Sec. 2. A new section is added to chapter 18.64 RCW to read as follows:

(1) A chart order must be considered a prescription if it contains:

(a) The full name of the patient;

(b) The date of issuance;

(c) The name, strength, and dosage form of the drug prescribed;

(d) Directions for use; and

(e) An authorized signature:

(i) For written orders, the order must contain the prescribing practitioner's signature or the signature of the practitioner's authorized agent, including the name of the prescribing practitioner; or

(ii) For electronic or digital orders, the order must contain the prescribing practitioner's electronic or digital signature, or the electronic or digital signature of the practitioner's authorized agent, including the name of the prescribing practitioner.

(2) A licensed nurse, pharmacist, or physician practicing in a long-term care facility or hospice program may act as the practitioner's agent for purposes of this chapter, without need for a written agency agreement, to document a chart order in the patient's medical record on behalf of the prescribing practitioner pending the prescribing practitioner's signature; or to communicate a prescription to a pharmacy whether telephonically, via facsimile, or electronically. The communication of a prescription to a dispenser by the prescriber's agent has the same force and effect as if communicated directly by the authorized practitioner.

(3) Nothing in this chapter prevents an authorized credentialed employee of a long-term care facility from transmitting a chart order pursuant to RCW 74.42.230, or transmitting a prescription on behalf of a resident to the extent otherwise authorized by law.

NEW SECTION. Sec. 3. A new section is added to chapter 18.64 RCW to read as follows:

(1) A pharmacy or pharmacist may provide a limited quantity of drugs to a nursing home or hospice program without a prescription for emergency administration by authorized personnel of the facility or program pursuant to a valid prescription. The drugs so provided must be limited to those required to meet the immediate therapeutic needs of residents or patients and may not be available from another authorized source in sufficient time to prevent risk of harm by delay resulting from obtaining drugs from another source. Emergency kits must be secured in a locked room, container, or device to prevent unauthorized access and to ensure the proper environment for preservation of the drugs.

(2) In addition to or in connection with the emergency kit authorized under subsection (1) of this section, a nursing home that employs a unit dose drug distribution system may maintain a supplemental dose kit for supplemental nonemergency drug therapy. Supplemental dose kits must be secured in a locked room, container, or device to prevent unauthorized access, and to ensure the proper environment for preservation of the drugs. Administration of drugs from

a supplemental dose kit must be under a valid prescription or chart order.

(3) The types and quantity of drugs appropriate to serve the resident or patient population of a nursing home or hospice program using an emergency kit or supplemental dose kit and procedures for the proper storage and security of drugs must be determined by a pharmaceutical services committee that includes a pharmacist licensed under this chapter, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, or an advanced registered nurse practitioner licensed under chapter 18.79 RCW, and appropriate clinical or administrative personnel of the nursing home or hospice program as set forth in rules adopted by the pharmacy quality assurance commission.

(4) A registered nurse or licensed practical nurse operating under appropriate direction and supervision by a pharmacist may restock an emergency kit or supplemental dose kit to provide for safe and timely patient access.

NEW SECTION. Sec. 4. A new section is added to chapter 18.64 RCW to read as follows:

(1) A pharmacy may resupply a legend drug to a patient at a long-term care facility or hospice program pursuant to a valid chart order that is signed by the prescribing practitioner, is not time limited, and has not been discontinued.

(2) A pharmacy may outsource shared pharmacy services for a long-term care facility or hospice program to another pharmacy if the outsourcing pharmacy:

(a) Obtains approval from the long-term care facility or hospice program to outsource shared pharmacy services for the facility's or program's residents or patients; and  
(b) Provides a copy of the prescription or order to the pharmacy providing the shared pharmacy services.

(3) Shared pharmacy services may be used for, but are not limited to, the purpose of ensuring that drugs or devices are attainable to meet the immediate needs of residents of the long-term care facility or hospice program, or when the outsourcing pharmacy cannot provide services on an ongoing basis. Where a pharmacy uses shared pharmacy services to have a second pharmacy provide a first dose or partial fill of a prescription or drug order to meet a patient's or resident's immediate needs, the second supplying pharmacy may dispense the first dose or partially filled prescription on a satellite basis without the outsourcing pharmacy being required to fully transfer the prescription to the supplying pharmacy. The supplying pharmacy must retain a copy of the prescription or order on file, a copy of the dispensing record or fill, and must notify the outsourcing pharmacy of the service and quantity provided.

(4) A pharmacy may repackage and dispense unused drugs returned by a long-term care facility or hospice program to the pharmacy in per-use, blister packaging, whether in unit dose or modified unit dose form, except as prohibited by federal law. The commission must adopt rules providing for the safe and efficient repackaging, reuse, and disposal of unused drugs returned to a pharmacy from a long-term care facility or

hospice program. In adopting rules, the commission must take into consideration the acceptance and dispensing requirements of RCW 69.70.050 (1), (2), and (5).

NEW SECTION. Sec. 5. A new section is added to chapter 18.64 RCW to read as follows:

The commission must adopt reasonable, task-based standards regarding the ratio of pharmacists to pharmacy technicians in a closed door long-term care pharmacy. For the purpose of such standards, a pharmacy technician licensed under chapter 18.64A RCW may not be considered to be practicing as a pharmacy technician while performing administrative tasks not associated with immediate dispensing of drugs that may lawfully be performed by a registered pharmacy assistant. Administrative tasks not associated with immediate dispensing of drugs include but are not necessarily limited to medical records maintenance, billing, prepackaging unit dose drugs, inventory control, delivery, and processing returned drugs.

NEW SECTION. Sec. 6. A new section is added to chapter 18.64 RCW to read as follows:

The commission may adopt rules implementing sections 2 through 5 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 69.41 RCW to read as follows:

(1) A pharmacy may dispense legend drugs to the resident of a long-term care facility or hospice program on the basis of a written or digitally signed prescription or chart order sent via facsimile copy by the prescriber to the long-term care facility or hospice program, and communicated or transmitted to the pharmacy pursuant to section 2 of this act.

(2) For the purpose of this section, the terms "long-term care facility," "hospice program," and "chart order" have the meanings provided in RCW 18.64.011.

Sec. 8. RCW 69.50.308 and 2013 c 276 s 3 are each amended to read as follows:

(a) A controlled substance may be dispensed only as provided in this section. Prescriptions electronically communicated must also meet the requirements under RCW 69.50.312.

(b) Except when dispensed directly by a practitioner authorized to prescribe or administer a controlled substance, other than a pharmacy, to an ultimate user, a substance included in Schedule II may not be dispensed without the written or electronically communicated prescription of a practitioner.

(1) Schedule II narcotic substances may be dispensed by a pharmacy pursuant to a facsimile prescription under the following circumstances:

(i) The facsimile prescription is transmitted by a practitioner to the pharmacy; and

(ii) The facsimile prescription is for a patient in a long-term care facility or a hospice program ((certified or paid by medicare under Title XVIII of the federal social security act. "Long-term care facility" means nursing homes licensed under chapter 18.51 RCW, assisted living facilities licensed under chapter 18.20 RCW, and adult family homes licensed under chapter 70.128 RCW; or

(iii) The facsimile prescription is for a patient of a hospice program licensed by the state); and

((iv)) (iii) The practitioner or the practitioner's agent notes on the facsimile prescription that the patient is a long-term care or hospice patient.

(2) Injectable Schedule II narcotic substances that are to be compounded for patient use may be dispensed by a pharmacy pursuant to a facsimile prescription if the facsimile prescription is transmitted by a practitioner to the pharmacy.

(3) Under (1) and (2) of this subsection the facsimile prescription shall serve as the original prescription and shall be maintained as other Schedule II narcotic substances prescriptions.

(c) In emergency situations, as defined by rule of the commission, a substance included in Schedule II may be dispensed upon oral prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of RCW 69.50.306.

(d) A prescription for a substance included in Schedule II may not be refilled. A prescription for a substance included in Schedule II may not be filled more than six months after the date the prescription was issued.

(e) Except when dispensed directly by a practitioner authorized to prescribe or administer a controlled substance, other than a pharmacy, to an ultimate user, a substance included in Schedule III, IV, or V, which is a prescription drug as determined under RCW 69.04.560, may not be dispensed without a written, oral, or electronically communicated prescription of a practitioner. Any oral prescription must be promptly reduced to writing.

(f) A written, oral, or electronically communicated prescription for a substance included in Schedule III, IV, or V, which is a prescription drug as determined under RCW 69.04.560, for a resident in a long-term care facility or hospice program may be communicated to the pharmacy by an authorized agent of the prescriber. A registered nurse, pharmacist, or physician practicing in a long-term care facility or hospice program may act as the practitioner's agent for purposes of this section, without need for a written agency agreement.

(g) The prescription for a substance included in Schedule III, IV, or V may not be filled or refilled more than six months after the date issued by the practitioner or be refilled more than five times, unless renewed by the practitioner.

((g)) (h) A valid prescription or lawful order of a practitioner, in order to be effective in legalizing the possession of controlled substances, must be issued in good faith for a legitimate medical purpose by one authorized to prescribe the use of such controlled substance. An order purporting to be a prescription not in the course of professional treatment is not a valid prescription or lawful order of a practitioner within the meaning and intent of this chapter; and the person who knows or should know that the person is filling such an order, as well as the person issuing it, can be charged with a violation of this chapter.

((h)) (i) A substance included in Schedule V must be distributed or dispensed only for a medical purpose.

((i)) (j) A practitioner may dispense or deliver a controlled substance to or for an individual or animal only for medical treatment or authorized research in the ordinary course of that practitioner's profession. Medical treatment includes dispensing or administering a narcotic drug for pain, including intractable pain.

((j)) (k) No administrative sanction, or civil or criminal liability, authorized or created by this chapter may be imposed on a pharmacist for action taken in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.

((k)) (l) An individual practitioner may not dispense a substance included in Schedule II, III, or IV for that individual practitioner's personal use.

(4) For the purposes of this section, the terms "long-term care facility" and "hospice program" have the meaning provided in RCW 18.64.011.

Sec. 9. RCW 74.42.230 and 1994 sp.s. c 9 s 751 are each amended to read as follows:

(1) The resident's attending or staff physician or authorized practitioner approved by the attending physician shall order all medications for the resident. The order may be oral or written and shall ((be limited by time)) continue in effect until discontinued by a physician or other authorized prescriber, unless the order is specifically limited by time. An "authorized practitioner," as used in this section, is a registered nurse under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, an osteopathic physician assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners, ((or)) a physician assistant under chapter 18.71A RCW when authorized by the medical quality assurance commission, or a pharmacist under chapter 18.64 RCW when authorized by the pharmacy quality assurance commission.

(2) An oral order shall be given only to a licensed nurse, pharmacist, or another physician. The oral order shall be recorded and physically or electronically signed immediately by the person receiving the order. The attending physician shall sign the record of the oral order in a manner consistent with good medical practice.

(3) A licensed nurse, pharmacist, or another physician receiving and recording an oral order may, if so authorized by the physician or authorized practitioner, communicate that order to a pharmacy on behalf of the physician or authorized practitioner. The order may be communicated verbally by telephone, by facsimile manually signed by the person receiving the order pursuant to subsection (2) of this section, or by electronic transmission pursuant to RCW 69.41.055. The communication of a resident's order to a pharmacy by a licensed nurse, pharmacist, or another physician acting at the prescriber's direction has the same force and effect as if communicated directly by the delegating physician or authorized practitioner. Nothing in this provision limits the authority of a licensed nurse, pharmacist, or physician to delegate to an authorized agent, including but not limited to delegation of operation of a facsimile machine by credentialed facility

staff, to the extent consistent with his or her professional license.

Sec. 10. RCW 69.41.010 and 2013 c 276 s 1 and 2013 c 19 s 55 are each reenacted and amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) "Community-based care settings" include: Community residential programs for persons with developmental disabilities, certified by the department of social and health services under chapter 71A.12 RCW; adult family homes licensed under chapter 70.128 RCW; and assisted living facilities licensed under chapter 18.20 RCW. Community-based care settings do not include acute care or skilled nursing facilities.

(3) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

(4) "Department" means the department of health.

(5) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(6) "Dispenser" means a practitioner who dispenses.

(7) "Distribute" means to deliver other than by administering or dispensing a legend drug.

(8) "Distributor" means a person who distributes.

(9) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of human beings or animals; and

(d) Substances intended for use as a component of any article specified in (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

(10) "Electronic communication of prescription information" means the transmission of a prescription or refill authorization for a drug of a practitioner using computer systems. The term does not include a prescription or refill authorization transmitted verbally by telephone nor a facsimile manually signed by the practitioner.

(11) "In-home care settings" include an individual's place of temporary and permanent residence, but does

not include acute care or skilled nursing facilities, and does not include community-based care settings.

(12) "Legend drugs" means any drugs which are required by state law or regulation of the pharmacy quality assurance commission to be dispensed on prescription only or are restricted to use by practitioners only.

(13) "Legible prescription" means a prescription or medication order issued by a practitioner that is capable of being read and understood by the pharmacist filling the prescription or the nurse or other practitioner implementing the medication order. A prescription must be hand printed, typewritten, or electronically generated.

(14) "Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based care setting or in-home care setting to facilitate the individual's self-administration of a legend drug or controlled substance. It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department. A nonpractitioner may help in the preparation of legend drugs or controlled substances for self-administration where a practitioner has determined and communicated orally or by written direction that such medication preparation assistance is necessary and appropriate. Medication assistance shall not include assistance with intravenous medications or injectable medications, except prefilled insulin syringes.

(15) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(16) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse, advanced registered nurse practitioner, or licensed practical nurse under chapter 18.79 RCW, an optometrist under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, an osteopathic physician assistant under chapter 18.57A RCW, a physician assistant under chapter 18.71A RCW, a naturopath licensed under chapter 18.36A RCW, a pharmacist under chapter 18.64 RCW, or, when acting under the required supervision of a dentist licensed under chapter 18.32 RCW, a dental hygienist licensed under chapter 18.29 RCW;

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and

(c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery in any state, or province of Canada, which shares a common border with the state of Washington.

(17) "Secretary" means the secretary of health or the secretary's designee.

(18) "Commission" means the pharmacy quality assurance commission.

Sec. 11. RCW 69.41.030 and 2013 c 71 s 1 and 2013 c 12 s 1 are each reenacted and amended to read as follows:

(1) It shall be unlawful for any person to sell, deliver, or possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW who is certified by the optometry board under RCW 18.53.010, a dentist under chapter 18.32 RCW, a podiatric physician and surgeon under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a commissioned medical or dental officer in the United States armed forces or public health service in the discharge of his or her official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his or her official duties, a registered nurse or advanced registered nurse practitioner under chapter 18.79 RCW when authorized by the nursing care quality assurance commission, a pharmacist licensed under chapter 18.64 RCW to the extent permitted by drug therapy guidelines or protocols established under RCW 18.64.011 and authorized by the ((board of pharmacy)) commission and approved by a practitioner authorized to prescribe drugs, an osteopathic physician assistant under chapter 18.57A RCW when authorized by the board of osteopathic medicine and surgery, a physician assistant under chapter 18.71A RCW when authorized by the medical quality assurance commission, or any of the following professionals in any province of Canada that shares a common border with the state of Washington or in any state of the United States: A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathic medicine and surgery, a dentist licensed to practice dentistry, a podiatric physician and surgeon licensed to practice podiatric medicine and surgery, a licensed advanced registered nurse practitioner, a licensed physician assistant, a licensed osteopathic physician assistant, or a veterinarian licensed to practice veterinary medicine: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his or her license, or to a common or contract carrier or warehouse operator, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment: PROVIDED FURTHER, That nothing in this chapter or chapter 18.64 RCW shall prevent a family planning clinic that is under contract with the health care authority from selling, delivering, possessing, and dispensing commercially prepackaged oral contraceptives prescribed by authorized, licensed health care practitioners.

(2)(a) A violation of this section involving the sale, delivery, or possession with intent to sell or deliver is a class B felony punishable according to chapter 9A.20 RCW.

(b) A violation of this section involving possession is a misdemeanor.

Sec. 12. RCW 69.41.032 and 1987 c 41 s 2 are each amended to read as follows:

This chapter shall not prevent a medicare-approved dialysis center or facility operating a medicare-approved home dialysis program from selling, delivering, possessing, or dispensing directly to its dialysis patients, in case or full shelf lots, if prescribed by a physician licensed under chapter 18.57 or 18.71 RCW, those legend drugs determined by the ((board)) commission pursuant to rule.

Sec. 13. RCW 69.41.042 and 1989 1st ex.s. c 9 s 405 are each amended to read as follows:

A pharmaceutical manufacturer, wholesaler, pharmacy, or practitioner who purchases, dispenses, or distributes legend drugs shall maintain invoices or such other records as are necessary to account for the receipt and disposition of the legend drugs.

The records maintained pursuant to this section shall be available for inspection by the ((board)) commission and its authorized representatives and shall be maintained for two years.

Sec. 14. RCW 69.41.044 and 2005 c 274 s 328 are each amended to read as follows:

All records, reports, and information obtained by the ((board)) commission or its authorized representatives from or on behalf of a pharmaceutical manufacturer, representative of a manufacturer, wholesaler, pharmacy, or practitioner who purchases, dispenses, or distributes legend drugs under this chapter are confidential and exempt from public inspection and copying under chapter 42.56 RCW. Nothing in this section restricts the investigations or the proceedings of the ((board)) commission so long as the ((board)) commission and its authorized representatives comply with the provisions of chapter 42.56 RCW.

Sec. 15. RCW 69.41.055 and 1998 c 222 s 2 are each amended to read as follows:

(1) Information concerning an original prescription or information concerning a prescription refill for a legend drug may be electronically communicated between an authorized practitioner and a pharmacy of the patient's choice with no intervening person having access to the prescription drug order pursuant to the provisions of this chapter if the electronically communicated prescription information complies with the following:

(a) Electronically communicated prescription information must comply with all applicable statutes and rules regarding the form, content, recordkeeping, and processing of a prescription or order for a legend drug;

(b) The system used for transmitting electronically communicated prescription information and the system used for receiving electronically communicated prescription information must be approved by the ((board)) commission. This subsection does not apply to currently used facsimile equipment transmitting an exact visual image of the prescription. The ((board)) commission shall maintain and provide, upon request, a list of systems used for electronically communicating prescription information currently approved by the ((board)) commission;

(c) An explicit opportunity for practitioners must be made to indicate their preference on whether or not a therapeutically equivalent generic drug or interchangeable biological product may be substituted. This section does not limit the ability of practitioners and pharmacists to permit substitution by default under a prior-consent authorization;

(d) Prescription drug orders are confidential health information, and may be released only to the patient or the patient's authorized representative, the prescriber or other authorized practitioner then caring for the patient, or other persons specifically authorized by law to receive such information;

(e) To maintain confidentiality of prescription records, the electronic system shall have adequate security and systems safeguards designed to prevent and detect unauthorized access, modification, or manipulation of these records. The pharmacist in charge shall establish or verify the existence of policies and procedures which ensure the integrity and confidentiality of prescription information transmitted to the pharmacy by electronic means. All managers, employees, and agents of the pharmacy are required to read, sign, and comply with the established policies and procedures; and

(f) The pharmacist shall exercise professional judgment regarding the accuracy, validity, and authenticity of the prescription drug order received by way of electronic transmission, consistent with federal and state laws and rules and guidelines of the ((board)) commission.

(2) The electronic or digital signature of the prescribing practitioner's agent on behalf of the prescribing practitioner for a resident in a long-term care facility or hospice program, pursuant to a valid order and authorization under section 2 of this act, constitutes a valid electronic communication of prescription information. Such an authorized signature and transmission by an agent in a long-term care facility or hospice program does not constitute an intervening person having access to the prescription drug order.

(3) The ((board)) commission may adopt rules implementing this section.

Sec. 16. RCW 69.41.220 and 1989 1st ex.s. c 9 s 428 are each amended to read as follows:

Each manufacturer and distributor shall publish and provide to the ((board)) commission by filing with the department printed material which will identify each current imprint used by the manufacturer or distributor. The ((board)) commission shall be notified of any change by the filing of any change with the department. This information shall be provided by the department to all pharmacies licensed in the state of Washington, poison control centers, and hospital emergency rooms.

Sec. 17. RCW 18.64.245 and 2013 c 19 s 17 are each amended to read as follows:

(1) Every proprietor or manager of a pharmacy shall keep readily available a suitable record of prescriptions which shall preserve for a period of not less than two years the record of every prescription dispensed at such pharmacy which shall be numbered, dated, and filed, and shall produce the same in court or before any grand jury whenever lawfully required to do so. The record shall be maintained either separately from all other records of the

pharmacy or in such form that the information required is readily retrievable from ordinary business records of the pharmacy. All recordkeeping requirements for controlled substances must be complied with. Such record of prescriptions shall be for confidential use in the pharmacy, only. The record of prescriptions shall be open for inspection by the commission or any officer of the law, who is authorized to enforce this chapter ((18.64,)) or chapter 69.41((,)) or 69.50 RCW.

(2) When a pharmacy receives a prescription in digital or electronic format through facsimile equipment transmitting an exact visual image of the prescription, or through electronic communication of prescription information, the digital or electronic record of every such prescription dispensed at the pharmacy constitutes a suitable record of prescriptions, provided that the original or direct copy of the prescription is electronically or digitally numbered or referenced, dated, and filed in a form that permits the information required to be readily retrievable.

(3) A person violating this section is guilty of a misdemeanor.

Sec. 18. RCW 18.64.500 and 2013 c 19 s 30 are each amended to read as follows:

(1) ((Effective July 1, 2010,)) Every prescription written in this state by a licensed practitioner must be written on a tamper-resistant prescription pad or paper approved by the commission.

(2) A pharmacist may not fill a written prescription from a licensed practitioner unless it is written on an approved tamper-resistant prescription pad or paper, except that a pharmacist may provide emergency supplies in accordance with the commission and other insurance contract requirements.

(3) If a hard copy of an electronic prescription is given directly to the patient, the manually signed hard copy prescription must be on approved tamper-resistant paper that meets the requirements of this section.

(4) For the purposes of this section, "tamper-resistant prescription pads or paper" means a commission pad or paper that has been approved by the commission for use and contains the following characteristics:

(a) One or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form;

(b) One or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription form by the practitioner; and

(c) One or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

(5) Practitioners shall employ reasonable safeguards to assure against theft or unauthorized use of prescriptions.

(6) All vendors must have their tamper-resistant prescription pads or paper approved by the commission prior to the marketing or sale of pads or paper in Washington state.

(7) The commission shall create a seal of approval that confirms that a pad or paper contains all three industry-recognized characteristics required by this section. The seal must be affixed to all prescription pads or paper used in this state.

(8) The commission may adopt rules necessary for the administration of chapter 328, Laws of 2009.

(9) The tamper-resistant prescription pad or paper requirements in this section shall not apply to:

(a) Prescriptions that are transmitted to the pharmacy by telephone, facsimile, or electronic means; or

(b) Prescriptions written for inpatients of a hospital, outpatients of a hospital, residents of a ((nursing home)) long-term care facility, patients of a hospice program, inpatients or residents of a mental health facility, or individuals incarcerated in a local, state, or federal correction facility, when the health care practitioner authorized to write prescriptions, or his or her authorized agent, writes the order into the patient's medical or clinical record, the order is given directly to the pharmacy, and the patient never has the opportunity to handle the written order.

(10) All acts related to the prescribing, dispensing, and records maintenance of all prescriptions shall be in compliance with applicable federal and state laws, rules, and regulations."

Correct the title.

Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 25, 2016

2SSB 6239 Prime Sponsor, Committee on Ways & Means: Providing local governments with options to preserve affordable housing in their communities. Reported by Committee on Community Development, Housing & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Families, senior citizens, and workers with fewer financial resources are more likely to experience unhealthy and unsafe housing conditions;

(2) Healthy homes promote good physical and mental health. When adequate housing protects individuals and families from harmful exposures and provides them with a sense of privacy, security, stability, and control, it can make important contributions to health and well-being;

(3) Affordable housing is a necessary component of strong, thriving neighborhoods with healthy physical and social environments;

(4) Very low-income household renters should have the opportunity to live in homes in neighborhoods close to major infrastructure investments like transit, quality schools for children, and vital services like health care, grocery shopping, and employment;

(5) Community members with critical occupations, senior citizens, and families are struggling to afford rent around the state;

(6) Rising rents are causing the displacement of very low-income household renters and long-time community members, risking the loss of cultural communities;

(7) Nonprofit property owners require additional resources to make health, safety, and quality improvements to buildings without raising rents to pay for repairs; and

(8) Communities need a wide range of local tools to create healthy, affordable homes and address affordable housing needs.

NEW SECTION. Sec. 2. It is the purpose of this chapter to give communities a local option to preserve and increase healthy, high-quality affordable rental housing opportunities for very low-income households for which the governing authority has found that there are insufficient healthy affordable housing opportunities. It is also the purpose of this chapter to ensure that housing opportunities are affordable to renters at below-market rent levels, as determined by the governing authority, with consideration of community needs, market rental costs, and income levels of renters.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Energy and water efficiency standards" means housing that meets standards substantially equivalent to evergreen sustainable development standards, as established by the Washington state department of commerce.

(2) "Governing authority" means the local legislative authority of a city or county having jurisdiction over the property for which an exemption may be applied under this chapter.

(3) "Health and quality standards" means standards substantially equivalent to uniform physical condition standards, as established by the United States department of housing and urban development, or the national healthy housing standard, as established by the national center for healthy housing and the American public health association. Governing authority may use a residential housing inspection program within the jurisdiction that has established the tax exemption, as long as the standards are substantially equivalent to uniform physical condition standards or the national healthy housing standard.

(4) "High-cost area" means a county where the third quarter median house price for the previous year as reported by the Runstad center for real estate studies at the University of Washington is equal to or greater than one hundred thirty percent of the statewide median house price published during the same time period.

(5) "Household" means a single person, family, or unrelated persons living together.

(6) "Low-income households" means a single person, family, or unrelated persons living together whose adjusted income is at or below sixty percent of the median family income adjusted for family size, for the county in which the project is located, as reported by the

United States department of housing and urban development.

(7) "Multifamily dwelling" means a building consisting of more than one dwelling unit, as further defined by the governing authority.

(8) "Nonprofit" or "nonprofit entity" means a nonprofit that is exempt from federal income taxation under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended.

(9) "Owner" means the property owner of record.

(10) "Permanent residential occupancy" means housing that provides rental occupancy on a nontransient basis. "Permanent residential occupancy" includes rental accommodation that is leased for a period of at least one month. "Permanent residential occupancy" excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

(11) "Property" means a multifamily dwelling not designed as transient accommodations, and the land upon which the dwelling is located. "Property" excludes hotels or motels. "Property" may also include a single-family dwelling and the land upon which the dwelling is located if the governing authority adopts a program for such property as provided in section 9(1)(e) of this act.

(12) "Rehabilitation improvements" means modifications to existing property made to achieve substantial compliance with health and quality standards or energy and water efficiency standards.

(13) "Single-family dwelling unit" means an individual detached dwelling, as further defined by the governing authority.

(14) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median family income adjusted for family size, for the county in which the project is located, as reported by the United States department of housing and urban development. For cities located in high-cost areas, "very low-income household" means a household that has an income at or below sixty percent of the median family income adjusted for family size, for the county in which the project is located.

NEW SECTION. Sec. 4. A city governing authority may adopt a property tax exemption program to preserve affordable housing that meets health and quality standards for very low-income households at risk of displacement or that cannot afford market-rate housing. A county governing authority may adopt a property tax exemption program for unincorporated areas of the county to preserve affordable housing that meets health and quality standards for very low-income households at risk of displacement or that cannot afford market-rate housing.

NEW SECTION. Sec. 5. (1) Only properties owned by a nonprofit entity may qualify for a property tax exemption program under this chapter.

(2) Upon adoption of a property tax exemption program, the governing authority must establish standards for very low-income household rental housing under this chapter, including rent limits and income guidelines consistent with local housing needs, to assist very low-income

households that cannot afford market-rate housing. Affordable housing units must be:

(a) Below market rent levels as determined by the governing authority; and

(b) Affordable to households with an income of fifty percent or less of the county median family income, adjusted for family size.

(3)(a) The governing authority, after holding a public hearing, may also establish lower income levels or lower rent levels adjusted to serve very low-income household renters in the community.

(b) The governing authority of a high-cost area, after holding a public hearing, may also establish higher income levels. The higher income level may not exceed sixty percent of the county area median family income, adjusted for family size.

(4) Rent levels for affordable housing units may not exceed thirty percent of the income limit for the very low-income housing unit, as established by the governing authority, and must include tenant-paid utilities other than telephone and any mandatory fees required as a condition of tenancy.

NEW SECTION. Sec. 6. (1) The value of residential real property qualifying under this chapter is exempt from ad valorem property taxation, except taxes levied by the state, for a period of fifteen successive years beginning January 1st of the calendar year immediately following the calendar year in which a certificate of tax exemption is filed with the county assessor in accordance with section 12 of this act.

(2) The governing authority may extend the duration of the exemption period by three years for properties meeting energy and water efficiency standards.

(3) The incentive provided under this chapter is in addition to any tax credits, grants, or other incentives provided by law.

(4) This chapter neither applies to increases in assessed valuation made by the assessor on nonqualifying portions of building or land nor to increases made by lawful order of a county board of equalization, the department of revenue, or a county, to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

(5) The exemption does not apply to any county property tax unless the legislative authority of the county adopts a resolution and notifies the governing authority of the jurisdiction within the county that has established a tax exempt program of its intent to allow the property to be exempt.

(6) The governing authority must notify local taxing districts in the designated exemption area when a tax exemption program is established under this chapter.

NEW SECTION. Sec. 7. To be eligible for the exemption from property taxation under this chapter, in addition to other requirements set forth in this chapter, the property must be in compliance with the following applicable requirements for the entire exemption period:

(1) The property must be owned by a nonprofit entity;

(2)(a) A minimum of twenty-five percent of units in a multiple-unit property subject to tax exemption must be affordable as described in section 5 of this act. A

governing authority may require more than twenty-five percent affordable units in multiple-unit housing buildings subject to tax exemption to address local market conditions. Affordable units must be comparable in terms of quality and living conditions to market rate units in the building.

(b) If a nonprofit entity acquires a property that meets the requirements under (a) of this subsection, and which also had within the previous twelve-month period at least an additional twenty-five percent of its units affordable to low-income households, then the property must continue to provide no less than the same number of additional units affordable to low-income households or very low-income households;

(3) At least ninety percent of the units of multiple-unit property must be occupied by tenants at the time of application;

(4) The property must be part of a residential or mixed-use (residential and nonresidential) project;

(5) The property must provide for a minimum of fifty percent of the space in each building for permanent residential occupancy;

(6) The property must meet guidelines as adopted by the governing authority that may include height, density, public benefit features, number and size of proposed development, parking, income limits for occupancy, limits on rents, health and quality standards, and other adopted requirements indicated as necessary by the governing authority. The required amenities should be relative to the size of the project and tax benefit to be obtained; and

(7) The nonprofit property owner must enter into a contract with the city or county approved by the governing authority, or an administrative official or commission authorized by the governing authority, under which the nonprofit property owner has agreed to terms and conditions satisfactory to the governing authority.

**NEW SECTION. Sec. 8.** (1) To be eligible for the exemption from taxation under this chapter, the property must also comply with all applicable land use regulations, zoning requirements, and building and housing code requirements, including space and occupancy, structural, mechanical, fire, safety, and security standards, and health and quality standards. The governing authority may establish additional standards to meet local needs.

(2)(a) The governing authority may waive certain health and quality standards for up to two years if the owner of the nonprofit property submits a rehabilitation plan to comply with health and quality standards. The nonprofit owner must notify the governing authority at the time of completion of rehabilitation. The waiver of certain health and quality standards only applies to rehabilitation improvements specifically included in the rehabilitation plan.

(b) The governing authority must establish minimum health and quality standards for properties to qualify for a waiver under (a) of this subsection. The governing authority may not waive health and quality standards that endanger or impair the health and safety of any tenant.

(c) Nothing in this subsection may exempt or waive any obligations under federal, state, and local laws.

(3) The property must be inspected for compliance with subsections (1) and (2) of this section at the time of application for tax exemption and, thereafter, as established by the governing authority at least once every three years.

(4) If the governing authority grants a waiver of certain health and quality standards under subsection (2) of this section, the property must be inspected when the nonprofit owner notifies the governing authority that rehabilitation has been completed or at the end of the waiver period, whichever occurs first.

(5) The governing authority or its duly authorized representative may deny an application for tax exemption or revoke an existing exemption under this chapter for failure to comply with health and quality standards.

**NEW SECTION. Sec. 9.** (1) The governing authority may establish additional requirements for tax exemption eligibility or program rules under this chapter including, but not limited to:

(a) A limit on the total number of affordable housing units subject to exemption under this chapter;

(b) The designation of targeted residential areas for property to align with community needs, including to prevent displacement, preserve cultural communities, and provide affordable housing options near community infrastructure such as transportation or public schools;

(c) Standards for property size, unit size, unit type, mix of unit types, or mix of unit sizes;

(d) An exemption extension for property meeting minimum energy and water efficiency standards substantially equivalent to evergreen sustainable development building performance standards;

(e) A program for single-family dwelling rental units occupied by tenants complying with affordability requirements under this chapter as adopted by the governing authority;

(f) Any additional requirements to reduce displacement of very low-income household tenants.

(2) The governing authority must adopt and implement standards and guidelines to be utilized in considering applications and making the determinations required under this chapter. The standards and guidelines must establish basic requirements to include:

(a) An application process and procedures;

(b) Guidelines that may include height, density, public benefit features, number and size of proposed development, parking, income limits for occupancy, limits on rents, health and quality standards, and other adopted requirements indicated as necessary by the governing authority. The required amenities should be relative to the size of the project and tax benefit to be obtained;

(c) An inspection policy and procedures to ensure the property complies with housing and health and quality standards;

(d) Income and rent limits as required under section 5 of this act; and

(e) Documentation necessary to establish income eligibility of households in affordable housing units.

(3) Standards may apply to part or all of a jurisdiction and different standards may be applied to different areas within a jurisdiction or to different types of development. Programs authorized under this section may be modified to meet local needs and may include provisions not expressly provided in this section.

NEW SECTION. Sec. 10. A nonprofit property owner making an application under this chapter must apply by August 1st of the year prior to the first calendar year in which the taxes for collection are to be considered for exemption and meet the following requirements:

(1) The applicant must apply to the city or county on forms adopted by the governing authority. The application must contain the following:

(a) Information setting forth the grounds supporting the requested exemption, including information indicated on the application form or in the guidelines;

(b) A description of the project and site plan, including the floor plan of units and other information requested;

(c) A statement that the applicant is aware of the potential tax liability involved when the property ceases to be eligible for the incentive provided under this chapter;

(d) When the governing authority finds that rehabilitation is required to meet health and quality standards or evergreen sustainable development building performance standards, a rehabilitation plan outlining rehabilitation improvements, budget, and proposed schedule for repairs; and

(e) A certification of family size and annual income in a form acceptable to the governing authority for designated affordable housing units;

(2) The applicant must verify the application by oath or affirmation; and

(3) The applicant must submit a fee, if any, with the application as required under this chapter. The governing authority may permit the applicant to revise an application before final action by the governing authority.

NEW SECTION. Sec. 11. (1) Upon receipt of an application meeting the requirements of section 10 of this act, the governing authority must inspect the property to certify compliance with health and quality standards or to grant a waiver upon submission of a rehabilitation plan by the nonprofit owner of the property.

(2) The duly authorized administrative official or committee of the governing authority may approve the application if it finds that:

(a) The property meets affordable housing requirements as described in section 5 of this act;

(b) The property meets health and quality standards, or a waiver is granted upon submission of a rehabilitation plan by the nonprofit property owner;

(c) The property rehabilitation plan is of appropriate scope to be completed within the designated time frame of waiver and will result in property compliance with health and quality standards, as outlined in section 8 of this act; and

(d) The nonprofit owner has complied with all standards and guidelines adopted by the governing authority under this chapter.

NEW SECTION. Sec. 12. (1) The governing authority, or an administrative official or commission authorized by the governing authority, must approve or deny an application filed under this chapter within one hundred twenty days. The governing authority may adopt standards to extend the period to approve or deny an application filed under this chapter for a property that does not meet health and quality standards.

(2)(a) If the application is approved, the governing authority must issue the nonprofit property owner a certificate of tax exemption and file the certificate of exemption with the county assessor no later than December 1st of the year prior to the first calendar year in which the taxes for collection are to be exempt. If the certificate of exemption is filed after December 1st and before January 1st, the certificate of exemption is deemed filed in the next calendar year. The certificate must contain a statement by a duly authorized administrative official of the governing authority that the property has complied with the required findings indicated in this chapter.

(b) The governing authority may issue a conditional certificate of acceptance of tax exemption if a property must complete a rehabilitation plan in order to comply with health and quality standards. The rehabilitation must be completed within two years of the date of application for a tax exemption.

(3)(a) If the application is denied by the authorized administrative official or commission authorized by the governing authority, the deciding administrative official or commission must state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within ten days of the denial.

(b) Upon denial by the authorized administrative official or commission, an applicant may appeal the denial to the governing authority within thirty days after receipt of the denial. The appeal before the governing authority must be based upon the record made before the administrative official or commission with the burden of proof on the applicant to show that there was no substantial evidence to support the administrative official or commission's decision. The decision of the governing body in denying or approving the application is final.

NEW SECTION. Sec. 13. The governing authority may establish an application fee or other fees to not exceed an amount determined to be required to cover the cost to be incurred by the governing authority and the assessor in administering this chapter. The application fee, if established, must be paid at the time the application is submitted. If the application is approved, the governing authority must pay the application fee to the county assessor for deposit in the county current expense fund, after first deducting that portion of the fee attributable to its own administrative costs in processing the application. If the application is denied, the governing authority may retain that portion of the application fee attributable to its own administrative costs and refund the balance to the applicant.

NEW SECTION. Sec. 14. The authorized representative of the governing authority must notify the applicant that a certificate of tax exemption will be

denied or canceled if the authorized representative determines that:

- (1) The affordable housing requirements as described in section 5 of this act were not met;
- (2) The property did not meet health and quality standards; or
- (3) The nonprofit owner's property is otherwise not qualified for limited exemption under this chapter.

NEW SECTION. Sec. 15. (1) The nonprofit owner of property receiving a tax exemption under this chapter must obtain from each tenant living in designated affordable housing units, no less than annually, a certification of family size and annual income in a form acceptable to the governing authority.

(2) The nonprofit property owner must file a report at least annually by a date established by the governing authority indicating the following:

- (a) Family size and annual income for each tenant living in designated affordable housing rental units and a statement that the property is in compliance with affordable housing requirements described in section 5 of this act;
- (b) A statement of occupancy and vacancy;
- (c) A schedule of rents charged in market-rate units;
- (d) A certification that the property has not changed use;
- (e) A description of changes or improvements;
- (f) When rehabilitation is required to meet health and quality standards or evergreen sustainable development building performance standards, a progress report on compliance with the rehabilitation plan, budget, and proposed schedule for repairs; and
- (g) Any other information required to determine compliance with program requirements or to measure program performance.

(3) A governing authority that issues certificates of tax exemption for property that conform to the requirements of this chapter must report annually by July 1st to the department of commerce the following information:

- (a) The number of tax exemption certificates granted;
- (b) The number and type of units in building properties receiving a tax exemption;
- (c) The number and type of units meeting affordable housing requirements;
- (d) The total monthly rent amount for each affordable and market-rate unit; and
- (e) The value of the tax exemption for each project receiving a tax exemption and the total value of tax exemptions granted.

NEW SECTION. Sec. 16. (1) After a certificate of exemption has been filed with the county assessor, the tax exemption must be canceled by the authorized representative of the governing authority under the following circumstances:

- (a) The owner intends to convert the property to another use that is not residential or the owner intends to discontinue compliance with affordable housing requirements;
- (b) The owner fails to file annual reports;
- (c) The owner fails to maintain the property in substantial compliance with all applicable local building, safety, and health code requirements;

(d) The owner fails to complete rehabilitation improvements as outlined in the rehabilitation plan;

(e) The owner fails to meet affordable housing requirements; or

(f) The property is transferred to an owner who is not a nonprofit entity.

(2)(a) Notification of a canceled certificate of exemption must be made by the governing authority or authorized representative of the governing authority to the county assessor within thirty days of the cancellation. Upon notice of a canceled tax exemption certificate, additional real property tax must be imposed upon the value of the improvements and land that no longer qualify for exemption under this chapter in the amount that would have been imposed had the property not been exempt under this act, plus a penalty of twenty percent of the additional tax. This additional tax is calculated from January 1st of the year the certificate of tax exemption first became effective.

(b) Interest must be included upon the amounts of the additional tax at the same rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the property had been assessed at a value without regard to this chapter.

(c) The additional tax, penalty, and interest must be collected by the county treasurer. The additional tax must be distributed by the county treasurer in the same manner in which current property taxes applicable to the subject property are distributed. The additional taxes, penalty, and interest must be payable in full thirty days following the date on which the treasurer's statement of additional tax due is issued.

(d) The additional tax owed together with the interest and penalty becomes a lien on the land and attaches at the time the property or portion of the property is removed from use as affordable housing or the amenities no longer meet applicable requirements, and has priority to and must be fully paid and satisfied before a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon the expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes. An additional tax unpaid on its due date is delinquent.

(e) The county auditor may not accept an instrument of conveyance unless the additional tax, interest, and penalty has been paid or the governing authority or authorized representative has determined that the property is not subject to the additional tax, interest, or penalty.

(f) A certificate of exemption may be continued for the remainder of the exemption period upon sale or transfer of all or a portion of the exempt property to a new nonprofit owner, if the new nonprofit owner has signed a notice of exemption continuance. The notice of exemption continuance must be in a form approved by the governing authority or its authorized representative. If the notice of continuance is not signed by the new nonprofit owner and attached to the real estate excise tax affidavit, all additional tax, penalty, and interest calculated in accordance with this section become due

and payable by the owner, including the seller or transferor, at time of sale.

(3) Upon a determination that a property tax exemption is to be canceled for any reason stated in this section, the governing authority or authorized representative of the governing authority must notify the record nonprofit owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to cancel the exemption. The nonprofit owner may appeal the determination to the governing authority or authorized representative within thirty days by filing a notice of appeal with the clerk of the governing authority, which must specify the factual and legal basis on which the determination of cancellation is alleged to be erroneous. The governing authority or a hearing examiner or other official authorized by the governing authority may hear the appeal. At the hearing, all affected parties may be heard and all competent evidence received. After the hearing, the deciding body or officer must either affirm, modify, or repeal the decision of cancellation of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court under RCW 34.05.510 through 34.05.598.

(4) Upon the expiration of the exemption period or upon cancellation of the exemption, the value of new construction or improvements to the property, not previously considered as new construction during the exemption period, must be considered as new construction for purposes of calculating levies under chapter 84.55 RCW.

NEW SECTION. Sec. 17. Tenant identifying information and income data obtained by the governing authority and the assessor may be used only to administer this affordable housing exemption. Notwithstanding any provision of law to the contrary, absent written consent by the person about whom the information or facts have been obtained, the tenant identifying information and income data may not be disclosed by the jurisdiction or assessor or their agents or employees to anyone other than their agents or employees except in an administrative or judicial proceeding pertaining to the taxpayer's entitlement to the tax exemption.

NEW SECTION. Sec. 18. The exemption in this chapter applies to taxes levied for collection in 2017 and thereafter.

NEW SECTION. Sec. 19. Sections 1 through 18 of this act constitute a new chapter in Title 84 RCW." Correct the title.

Signed by Representatives Ryu, Chair; Robinson, Vice Chair; Appleton and Sawyer.

MINORITY recommendation: Do not pass. Signed by Representatives Wilson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member and Hickel.

Passed to Committee on Finance.

February 26, 2016

E2SSB 6242 Prime Sponsor, Committee on Ways & Means: Requiring the indeterminate sentence review board to provide certain notices upon receiving a petition for early release. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on General Government & Information Technology.

February 25, 2016

SB 6245 Prime Sponsor, Senator Litzow: Concerning visual screening in schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

Passed to Committee on Appropriations.

February 24, 2016

SSB 6261 Prime Sponsor, Committee on Law & Justice: Concerning human remains. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 68.50.050 and 2011 c 96 s 48 are each amended to read as follows:

(1) Any person, not authorized or directed by the coroner or ((his)) medical examiner or ((her)) their deputies, who removes the body of a deceased person not claimed by a relative or friend, or ((who came to their death by reason of violence or from unnatural causes or where there shall exist reasonable grounds for the belief that such death has been caused by unlawful means at the hands of another)) moves, disturbs, molests, or interferes with the human remains coming within the jurisdiction of the coroner or medical examiner as set forth in RCW 68.50.010, to any undertaking rooms or elsewhere, or any person who knowingly directs, aids, or abets such unauthorized moving, disturbing, molesting, or taking, and any person who ((in any way)) knowingly conceals the ((body of a deceased person for the purpose of taking the same to any undertaking rooms or elsewhere)) human remains, shall in each of said cases be guilty of a gross misdemeanor ((and upon conviction thereof shall

be punished by fine of not more than one thousand dollars, or by imprisonment in the county jail for up to three hundred sixty-four days or by both fine and imprisonment in the discretion of the court)).

(2) In evaluating whether it is necessary to retain jurisdiction and custody of human remains under RCW 68.50.010, 68.50.645, and 27.44.055, the coroner or medical examiner shall consider the deceased's religious beliefs, if known, including the tenets, customs, or rites related to death and burial.

(3) For purposes of this section and unless the context clearly requires otherwise, "human remains" has the same meaning as defined in RCW 68.04.020. Human remains also includes, but is not limited to, skeletal remains.

Sec. 2. RCW 68.50.020 and 1987 c 331 s 55 are each amended to read as follows:

It shall be the duty of every person who knows of the existence and location of ((a dead body)) human remains coming under the jurisdiction of the coroner or medical examiner as set forth in RCW 68.50.010 or 27.44.055, to notify the coroner, medical examiner, or law enforcement thereof in the most expeditious manner possible, unless such person shall have good reason to believe that such notice has already been given. Any person knowing of the existence of such ((dead body)) human remains and not having good reason to believe that the coroner has notice thereof and who shall fail to give notice to the coroner as aforesaid, shall be guilty of a misdemeanor. For purposes of this section and unless the context clearly requires otherwise, "human remains" has the same meaning as defined in RCW 68.04.020. Human remains also includes, but is not limited to, skeletal remains."  
Correct the title.

Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

February 25, 2016  
SB 6291 Prime Sponsor, Senator Braun:  
Authorizing the use of weighted grade  
point averages for accelerated courses.  
Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that there have been significant legislative efforts dedicated to providing opportunities for the academic acceleration of students. An example of these efforts is the enactment of legislation encouraging school districts to adopt policies that automatically enroll students in the most rigorous advanced courses available, with the objective being that students will eventually enroll in dual credit courses.

(2) However, the legislature recognizes that, contrary to acceleration preferences, students may have disincentives for taking more rigorous coursework, including honors courses, AP courses, international baccalaureate courses, and dual credit courses, for fear of diminishing their ability to enroll in the postsecondary school of their choice. The legislature finds that one aspect of this disincentive may be that districts are not authorized to use a weighted grade point average system that appropriately recognizes student achievement in accelerated courses, or a standardized high school transcript that would reflect this system.

(3) The legislature therefore intends to convene a task force to examine the policy considerations of authorizing school districts to use a weighted grade point average system and a modified high school transcript that would accompany the weighted system.

NEW SECTION. Sec. 2. (1)(a) A legislative task force on weighted grade point average systems is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate. Members appointed under this subsection (1)(a)(i) must be from different political parties.

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

(iii) The president of the senate and the speaker of the house of representatives shall jointly appoint one nonvoting member from each of the following organizations:

(A) The state board of education;

(B) The Washington state school directors' association;

(C) The state board for community and technical colleges;

(D) The workforce training and education coordinating board;

(E) The Washington student achievement council;

(F) The Washington association of school administrators;

(G) The association of Washington school principals;

(H) The Washington state council of presidents; and

(I) The independent colleges of Washington.

(iv) The office of the superintendent of public instruction shall cooperate with the task force and maintain a liaison representative, who shall be a nonvoting member.

(b) The task force shall choose its cochairs from among its legislative membership. The appointee from the largest caucus of the house of representatives shall, on or before July 15, 2016, convene the initial meeting of the task force.

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

(a) The implementation of weighted grade point average systems in other states;

(b) How weighted grade point average systems have affected college admissions practices and considerations in other states, and how such systems might affect college admissions practices and considerations in Washington, both for in-state and out-of-state applicants;

- (c) The implementation of weighted grade point average systems, for internal purposes only, by Washington high schools;
- (d) Technical considerations associated with the implementation of a weighted grade point average system in Washington, including:
  - (i) Requirements that may need to be adopted by rule;
  - (ii) The development of appropriate technical guidance for school districts;
  - (iii) The appropriate level of standardization for a weighted grade point average system;
  - (iv) A determination of what criteria to apply, and what level of local discretion to permit, when determining whether a course qualifies as an accelerated course under a weighted grade point average system;
- (e) How dual credit programs should be addressed in a weighted grade point average system;
- (f) If recommended, whether the implementation of a weighted grade point average system in Washington should be optional or mandatory;
- (g) The development of a timeline for the implementation of a weighted grade point average system in Washington, including the development of a multiphase pilot program in school districts located east and west of the crest of the Cascade mountains; and
- (h) Other related issues the task force deems appropriate.
- (3) Staff support for the task force must be provided by senate committee services and the house of representatives office of program research.
- (4) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.
- (5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.
- (6) The task force shall report its findings and recommendations to the governor, the superintendent of public instruction, and, in accordance with RCW 43.01.036, the appropriate education committees of the house of representatives and the senate. Preliminary recommendations of the task force must be provided to recipients in accordance with this subsection by September 1, 2016, with final recommendations, which may include minority recommendations, submitted by December 1, 2016.
- (7) This section expires August 1, 2017."  
Correct the title.

Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Harris; Hayes; Kilduff; Kuderer; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert and McCaslin.

MINORITY recommendation: Without recommendation. Signed by Representatives Griffey and Hargrove.

Passed to Committee on Rules for second reading.

February 25, 2016

ESSB 6293 Prime Sponsor, Committee on Commerce & Labor: Addressing student volunteers and unpaid students. Reported by Committee on Labor & Workplace Standards

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that: (1) School-sponsored, unpaid work-based learning, including cooperative education, clinical experiences, and internship programs are a valuable component of many college certifications and degrees; (2) the opportunity to provide labor and industries' medical aid coverage to students in these programs will encourage employers to participate in school-sponsored, unpaid work-based learning, potentially improving employment opportunities for students; and (3) education improves economic viability in communities and in the state of Washington.

Sec. 2. RCW 51.12.170 and 1994 c 246 s 1 are each amended to read as follows:

(1) An employer covered under this title may elect to include student volunteers or unpaid students as employees or workers for all purposes relating to medical aid benefits under chapter 51.36 RCW. The employer shall give notice of its intent to cover all of its student volunteers or unpaid students to the director prior to the occurrence of the injury or contraction of an occupational disease.

(2) A student volunteer is an enrolled student in a ((public)) school as defined in RCW 28A.150.010 or in a state public or private institution of higher education, who is participating as a volunteer under a program authorized by the ((public)) school. The student volunteer shall perform duties for the employer without wages. The student volunteer shall be deemed to be a volunteer even if the student is granted maintenance and reimbursement for actual expenses necessarily incurred in performing his or her assigned or authorized duties. A person who earns wages for the services performed is not a student volunteer.

(3) An unpaid student is an enrolled student in a state public or private institution of higher education who is participating in an unpaid work-based learning program authorized by the school. The unpaid student shall perform duties for the employer without wages but receives credit towards completing the school program,

certification, or degree in return for the services provided.

(4) Any and all premiums or assessments due under this title on account of service by a student volunteer or unpaid student shall be paid by the employer who has registered and accepted the services of volunteers or engaged in an approved student work-based learning program authorized by the school and has exercised its option to secure the medical aid benefits under chapter 51.36 RCW for the student volunteers or unpaid students.

(5) For the purposes of this section, "unpaid student" includes a student in school-sponsored, unpaid work-based learning, including cooperative education, clinical experiences, and internship programs.

NEW SECTION. Sec. 3. A new section is added to chapter 51.12 RCW to read as follows:

An employer who has registered and accepted the services of volunteers or unpaid students, who are eligible for medical aid benefits under this chapter, may annually elect to pay the premiums and assessments due under this title at the rate due for one hundred hours of volunteer service for each volunteer or unpaid student instead of tracking the actual number of hours for each volunteer or unpaid student. An employer selecting this option must use the method to cover all their volunteers or unpaid students for the calendar year."

Correct the title.

Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Moeller; Ormsby and Smith.

Passed to Committee on Rules for second reading.

February 24, 2016  
SSB 6301 Prime Sponsor, Committee on Financial Institutions & Insurance: Addressing employer agreements to reimburse certain employee costs for the use of personal vehicles for business purposes. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

February 24, 2016  
ESSB 6309 Prime Sponsor, Committee on Financial Institutions & Insurance: Addressing registered service contract and protection product guarantee providers. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

February 24, 2016  
ESB 6349 Prime Sponsor, Senator Benton: Concerning public funds and deposits. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

February 24, 2016  
SB 6350 Prime Sponsor, Senator O'Ban: Addressing motor vehicle property offenses. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.525 and 2013 2nd sp.s. c 35 s 8 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without

committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate crimes for the offense as defined by RCW 46.61.5055(14) shall be included in the offender score, and prior convictions for felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)) shall always be included in the offender score. All other convictions of the defendant shall be scored according to this section.

(f) Prior convictions for a repetitive domestic violence offense, as defined in RCW 9.94A.030, shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be

counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for operation of a

vessel while under the influence of intoxicating liquor or any drug.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor

Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, ((or)) Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was ((plead H:\DATA\2016 JOURNAL\Journal2016\LegDay047\pleaded.doc)) pleaded and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was ((plead H:\DATA\2016 JOURNAL\Journal2016\LegDay047\pleaded.doc)) pleaded and proven after August 1, 2011, for the following offenses: A violation of a no contact order that is a felony offense, a violation of a protection order that is a felony offense, a felony domestic violence harassment offense, a felony domestic violence stalking offense, a domestic violence Burglary 1 offense, a domestic violence Kidnapping 1 offense, a domestic violence Kidnapping 2 offense, a domestic violence unlawful imprisonment offense, a domestic violence Robbery 1 offense, a domestic violence Robbery 2 offense, a domestic violence Assault 1 offense, a domestic violence Assault 2 offense, a domestic violence Assault 3 offense, a domestic violence Arson 1 offense, or a domestic violence Arson 2 offense;

(b) Count one point for each second and subsequent juvenile conviction where domestic violence as defined in RCW 9.94A.030 was ((plead H:\DATA\2016 JOURNAL\Journal2016\LegDay047\pleaded.doc)) pleaded and proven after August 1, 2011, for the offenses listed in (a) of this subsection; and

(c) Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was ((plead H:\DATA\2016 JOURNAL\Journal2016\LegDay047\pleaded.doc)) pleaded and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender

score shall be included upon any resentencing to ensure imposition of an accurate sentence.

Sec. 2. RCW 9.94A.515 and 2015 c 261 s 11 are each amended to read as follows:

TABLE 2  
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI	Aggravated Murder	1	(RCW 10.95.020)
XV	Homicide by abuse		(RCW 9A.32.055)
	Malicious explosion	1	(RCW 70.74.280(1))
	Murder 1		(RCW 9A.32.030)
XIV	Murder 2		(RCW 9A.32.050)
	Trafficking 1		(RCW 9A.40.100(1))
XIII	Malicious explosion	2	(RCW 70.74.280(2))
	Malicious placement of an explosive	1	(RCW 70.74.270(1))
XII	Assault 1		(RCW 9A.36.011)
	Assault of a Child	1	(RCW 9A.36.120)
	Malicious placement of an imitation device		1 (RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor		(RCW 9.68A.101)
	Rape 1		(RCW 9A.44.040)
	Rape of a Child 1		(RCW 9A.44.073)
	Trafficking 2		(RCW 9A.40.100(3))
XI	Manslaughter 1		(RCW 9A.32.060)
	Rape 2		(RCW 9A.44.050)
	Rape of a Child 2		(RCW 9A.44.076)
	Vehicle Homicide, by being under the influence of intoxicating liquor or any drug		(RCW 46.61.520)
X	Child Molestation	1	(RCW 9A.44.083)
	Criminal Mistreatment	1	(RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion)		(RCW 9A.44.100(1)(a))
	Kidnapping 1		(RCW 9A.40.020)
	Leading Organized Crime		(RCW 9A.82.060(1)(a))
	Malicious explosion	3	(RCW 70.74.280(3))
	Sexually Violent Predator Escape		(RCW 9A.76.115)
IX	Abandonment of Dependent Person	1	(RCW 9A.42.060)
	Assault of a Child	2	(RCW 9A.36.130)
	Explosive devices prohibited		(RCW 70.74.180)
	Hit and Run—Death		(RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug		(RCW 79A.60.050)
	Inciting Criminal Profiteering		(RCW 9A.82.060(1)(b))

	Malicious placement of an explosive	2	(RCW 70.74.270(2))
	Robbery 1		(RCW 9A.56.200)
	Sexual Exploitation		(RCW 9.68A.040)
VIII	Arson 1		(RCW 9A.48.020)
	Commercial Sexual Abuse of a Minor		(RCW 9.68A.100)
	Homicide by Watercraft, by the operation of any vessel in a reckless manner		(RCW 79A.60.050)
	Manslaughter 2		(RCW 9A.32.070)
	Promoting Prostitution	1	(RCW 9A.88.070)
	Theft of Ammonia		(RCW 69.55.010)
	Vehicle Homicide, by the operation of any vehicle in a reckless manner		(RCW 46.61.520)
VII	Burglary 1		(RCW 9A.52.020)
	Child Molestation	2	(RCW 9A.44.086)
	Civil Disorder Training		(RCW 9A.48.120)
	Dealing in depictions of minor engaged in sexually explicit conduct	1	(RCW 9.68A.050(1))
	Drive-by Shooting		(RCW 9A.36.045)
	Homicide by Watercraft, by disregard for the safety of others		(RCW 79A.60.050)
	Indecent Liberties (without forcible compulsion)		(RCW 9A.44.100(1) (b) and (c))
	Introducing Contraband	1	(RCW 9A.76.140)
	Malicious placement of an explosive	3	(RCW 70.74.270(3))
	Negligently Causing Death By Use of a Signal Preemption Device		(RCW 46.37.675)
	Sending, bringing into state depictions of minor engaged in sexually explicit conduct	1	(RCW 9.68A.060(1))
	Unlawful Possession of a Firearm in the first degree		(RCW 9.41.040(1))
	Use of a Machine Gun in Commission of a Felony		(RCW 9.41.225)
	Vehicle Homicide, by disregard for the safety of others		(RCW 46.61.520)
VI	Bail Jumping with Murder	1	(RCW 9A.76.170(3)(a))
	Bribery		(RCW 9A.68.010)
	Incest 1		(RCW 9A.64.020(1))
	Intimidating a Judge		(RCW 9A.72.160)
	Intimidating a Juror/Witness		(RCW 9A.72.110, 9A.72.130)
	Malicious placement of an imitation device	2	(RCW 70.74.272(1)(b))
	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct	1	(RCW 9.68A.070(1))
	Rape of a Child	3	(RCW 9A.44.079)

Taking Motor Vehicle Without Permission 1 (third or subsequent offense) (RCW 9A.56.070)	Cheating 1 (RCW 9.46.1961)
Theft of a Firearm (RCW 9A.56.300)	Commercial Bribery (RCW 9A.68.060)
Unlawful Storage of Ammonia (RCW 69.55.020)	Counterfeiting (RCW 9.16.035(4))
V Abandonment of Dependent Person 2 (RCW 9A.42.070)	Endangerment with a Controlled Substance (RCW 9A.42.100)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)	Escape 1 (RCW 9A.76.110)
Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))	Hit and Run—Injury (RCW 46.52.020(4)(b))
Child Molestation 3 (RCW 9A.44.089)	Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
Criminal Mistreatment 2 (RCW 9A.42.030)	Identity Theft 1 (RCW 9.35.020(2))
Custodial Sexual Misconduct 1 (RCW 9A.44.160)	Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))	Influencing Outcome of Sporting Event (RCW 9A.82.070)
Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)	Malicious Harassment (RCW 9A.36.080)
Driving While Under the Influence (RCW 46.61.502(6))	Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
Extortion 1 (RCW 9A.56.120)	Residential Burglary (RCW 9A.52.025)
Extortionate Extension of Credit (RCW 9A.82.020)	Robbery 2 (RCW 9A.56.210)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)	Theft of Livestock 1 (RCW 9A.56.080)
Incest 2 (RCW 9A.64.020(2))	Threats to Bomb (RCW 9.61.160)
Kidnapping 2 (RCW 9A.40.030)	Trafficking in Stolen Property 1 (RCW 9A.82.050)
Perjury 1 (RCW 9A.72.020)	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
Persistent prison misbehavior (RCW 9.94.070)	Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))	Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
Possession of a Stolen Firearm (RCW 9A.56.310)	Unlawful transaction of insurance business (RCW 48.15.023(3))
Rape 3 (RCW 9A.44.060)	Unlicensed practice as an insurance professional (RCW 48.17.063(2))
Rendering Criminal Assistance 1 (RCW 9A.76.070)	Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))	Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)	Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
Sexually Violating Human Remains (RCW 9A.44.105)	Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
Stalking (RCW 9A.46.110)	Willful Failure to Return from Furlough (RCW 72.66.060)
Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)	III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
IV Arson 2 (RCW 9A.48.030)	Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
Assault 2 (RCW 9A.36.021)	
Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))	
Assault by Watercraft (RCW 79A.60.060)	
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)	

- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Malicious Mischief 1 (motor vehicle, third or subsequent offense) (RCW 9A.48.070)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Possession of Stolen Vehicle (third or subsequent offense) (RCW 9A.56.068)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft of Motor Vehicle (third or subsequent offense) (RCW 9A.56.065)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful Misbranding of Food Fish or Shellfish 1 (RCW 69.04.938(3))
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesigned Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))
- Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Malicious Mischief 2 (motor vehicle, third or subsequent offense) (RCW 9A.48.080)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
- Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)
- Taking Motor Vehicle Without Permission 2 (third or subsequent offense) (RCW 9A.56.075)
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, ((or)) Lease-purchased, or Loaned Property (valued at ((one)) five thousand ((five hundred)) dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
- Unlawful Practice of Law (RCW 2.48.180)

Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))  
 Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))  
 Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))  
 Vehicle Prowl 1 (third or subsequent offense) (RCW 9A.52.095)  
 Voyeurism (RCW 9A.44.115)  
 I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)  
 False Verification for Welfare (RCW 74.08.055)  
 Forgery (RCW 9A.60.020)  
 Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)  
 Malicious Mischief 2 (RCW 9A.48.080)  
 Mineral Trespass (RCW 78.44.330)  
 Possession of Stolen Property 2 (RCW 9A.56.160)  
 Reckless Burning 1 (RCW 9A.48.040)  
 Spotlighting Big Game 1 (RCW 77.15.450(3)(b))  
 Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))  
 Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)  
 Theft 2 (RCW 9A.56.040)  
 Theft of Rental, Leased, ((or)) Lease-purchased, or Loaned Property (valued at ((two)) seven hundred fifty dollars or more but less than ((one)) five thousand ((five hundred)) dollars) (RCW 9A.56.096(5)(b))  
 Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)  
 Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))  
 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)  
 Unlawful Possession of Fictitious Identification (RCW 9A.56.320)  
 Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)  
 Unlawful Possession of Payment Instruments (RCW 9A.56.320)  
 Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)  
 Unlawful Production of Payment Instruments (RCW 9A.56.320)  
 Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))  
 Unlawful Trafficking in Food Stamps (RCW 9.91.142)  
 Unlawful Use of Food Stamps (RCW 9.91.144)  
 Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))  
 Vehicle Prowl 1 (RCW 9A.52.095)  
 Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))"  
 Correct the title.

Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on General Government & Information Technology.

February 24, 2016

SSB 6354 Prime Sponsor, Committee on Higher Education: Concerning the development of higher education reverse transfer agreement plans. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Rules for second reading.

February 24, 2016

SSB 6409 Prime Sponsor, Committee on Ways & Means: Creating administrative efficiencies for institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.10.027 and 2005 c 36 s 3 are each amended to read as follows:

(1) All universities and colleges shall allocate as a nondeductible item, out of any moneys appropriated for the original construction or any major renovation or remodel work exceeding two hundred thousand dollars of any building, an amount of one-half of one percent of the construction appropriation to be expended by the Washington state arts commission with the approval of the board of regents or trustees for the acquisition of works of art.

(2) An institution of higher education, working with the Washington arts commission, may expend up to ten percent of the projected art allocation for a project during the design phase in order to select an artist and design art to be integrated in the building design. The one-half of one percent to be expended by the Washington arts commission shall be adjusted downward by the amount expended by a university or college during the design phase of the capital project.

(3) The works of art may be placed on public lands of institutions of higher education, integral to or attached to a public building or structure of institutions of higher education, detached within or outside a public building or structure of institutions of higher education, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities.

(4) In addition to the cost of the works of art, the one-half of one percent of the appropriation shall be used to provide for the administration of the visual arts program, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, and other buildings of a temporary nature.

Sec. 2. RCW 28B.10.029 and 2015 c 79 s 1 are each amended to read as follows:

(1)(a) An institution of higher education may, consistent with RCW 28B.10.925 and 28B.10.926, exercise independently those powers otherwise granted to the director of enterprise services in chapters 43.19 and 39.26 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education.

(b) Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of enterprise services.

(c)(i) Except as provided in (c)(ii) and (iii) of this subsection and elsewhere as provided by law, purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.26, and 43.03 RCW, and RCW 43.19.1917, 43.19.685, and 43.19.560 through 43.19.637.

(ii) Institutions of higher education may use all appropriate means for making and paying for travel arrangements including, but not limited to, electronic booking and reservations, advance payment and deposits for tours, lodging, and other necessary expenses, and other travel transactions based on standard industry practices and federal accountable plan requirements. Such arrangements shall support student, faculty, staff, and other participants' travel, by groups and individuals, both domestic and international, in the most cost-effective and efficient manner possible, regardless of the source of funds.

(iii) Formal sealed, electronic, or web-based competitive bidding is not necessary for purchases or personal services contracts by institutions of higher education for less than one hundred thousand dollars. However, for purchases and personal services contracts of ten thousand dollars or more and less than one hundred thousand dollars, quotations must be secured from at least three vendors to assure establishment of a competitive price and may be obtained by telephone, electronic, or written quotations, or any combination thereof. As part of securing the three vendor quotations, institutions of higher education must invite at least one quotation each from a certified minority and a certified woman-owned vendor that otherwise qualifies to

perform the work. A record of competition for all such purchases and personal services contracts of ten thousand dollars or more and less than one hundred thousand dollars must be documented for audit purposes.

(d) Purchases under chapter 39.26, 43.19, or 43.105 RCW by institutions of higher education may be made by using contracts for materials, supplies, services, or equipment negotiated or entered into by, for, or through group purchasing organizations.

(e) The community and technical colleges shall comply with RCW 43.19.450.

(f) Except for the University of Washington, institutions of higher education shall comply with RCW 43.19.769, 43.19.763, and 43.19.781.

(g) If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685 and 43.19.637.

((h) Any institution of higher education that chooses to exercise independent purchasing authority for a commodity or group of commodities shall notify the director of enterprise services. Thereafter the director of enterprise services shall not be required to provide those services for that institution for the duration of the enterprise services contract term for that commodity or group of commodities.))

(2) The council of presidents and the state board for community and technical colleges shall convene its correctional industries business development advisory committee, and work collaboratively with correctional industries, to:

(a) Reaffirm purchasing criteria and ensure that quality, service, and timely delivery result in the best value for expenditure of state dollars;

(b) Update the approved list of correctional industries products from which higher education shall purchase; and

(c) Develop recommendations on ways to continue to build correctional industries' business with institutions of higher education.

(3) Higher education and correctional industries shall develop a plan to build higher education business with correctional industries to increase higher education purchases of correctional industries products, based upon the criteria established in subsection (2) of this section. The plan shall include the correctional industries' production and sales goals for higher education and an approved list of products from which higher education institutions shall purchase, based on the criteria established in subsection (2) of this section. Higher education and correctional industries shall report to the legislature regarding the plan and its implementation no later than January 30, 2005.

(4)(a) Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2006, to purchase one percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. Institutions of higher education shall set as a target to

contract, beginning not later than June 30, 2008, to purchase two percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(b) Institutions of higher education shall endeavor to assure the department of corrections has notifications of bid opportunities with the goal of meeting or exceeding the purchasing target in (a) of this subsection.

Sec. 3. RCW 39.26.110 and 2012 c 224 s 12 are each amended to read as follows:

(1) The department must provide expertise and training on best practices for state procurement.

(2) The department must establish either training or certification programs, or both, to ensure consistency in procurement practices for employees authorized to perform procurement functions under the provisions of this chapter. When establishing training or certification programs, the department may approve existing training or certification programs at state agencies. When establishing programs or approving existing programs, the department shall work with agencies with existing training programs to ensure coordination and minimize additional costs associated with training requirements.

(3) Beginning July 1, 2013, state agencies must require agency employees responsible for developing, executing, or managing procurements or contracts, or both, to complete department-approved training or certification programs, or both. Beginning July 1, 2015, no agency employee may execute or manage contracts unless the employee has met the training or certification requirements or both as set by the department. Any request for exception to this requirement must be submitted to the director for approval before the employee or group of employees executes or manages contracts.

(4) Notwithstanding subsections (1) through (3) of this section, institutions of higher education may develop independent training or certification programs, or both, to ensure consistency in procurement practices for employees authorized to perform procurement functions under applicable state and federal laws. Each institution of higher education exercising its authority to develop independent training or certification programs must require employees responsible for developing, executing, or managing procurements or contracts, or both, to complete such training or certification program.

Sec. 4. RCW 42.48.010 and 2007 c 17 s 6 are each amended to read as follows:

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

(1) "Individually identifiable" means that a record contains information which reveals or can likely be associated with the identity of the person or persons to whom the record pertains.

(2) "Legally authorized representative" means a person legally authorized to give consent for the disclosure of personal records on behalf of a minor or a legally incompetent adult.

(3) "Personal record" means any information obtained or maintained by a state agency which refers to a person

and which is declared exempt from public disclosure, confidential, or privileged under state or federal law.

(4) "Research" means a planned and systematic sociological, psychological, epidemiological, biomedical, or other scientific investigation carried out by a state agency, by a scientific research professional associated with a bona fide scientific research organization, or by a graduate student currently enrolled in an advanced academic degree curriculum, with an objective to contribute to scientific knowledge, the solution of social and health problems, or the evaluation of public benefit and service programs. This definition excludes methods of record analysis and data collection that are subjective, do not permit replication, and are not designed to yield reliable and valid results.

(5) "Research record" means an item or grouping of information obtained for the purpose of research from or about a person or extracted for the purpose of research from a personal record.

(6) "State agency" means: (a) The department of social and health services; (b) the department of corrections; (c) ((an institution of higher education as defined in RCW 28B.10.016; (d))) the department of health; or (((e))) (d) the department of early learning.

Sec. 5. RCW 43.88.110 and 2014 c 162 s 4 are each amended to read as follows:

This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds.

(1) Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(2) The director of financial management shall provide all agencies with a complete set of operating and capital instructions for preparing a statement of proposed expenditures at least thirty days before the beginning of a fiscal period. The set of instructions need not include specific appropriation amounts for the agency.

(3) Within forty-five days after the beginning of the fiscal period or within forty-five days after the governor signs the omnibus biennial appropriations act, whichever is later, all agencies shall submit to the governor a statement of proposed expenditures at such times and in such form as may be required by the governor.

(4) The office of financial management shall develop a method for monitoring capital appropriations and expenditures that will capture at least the following elements:

(a) Appropriations made for capital projects including transportation projects;

(b) Estimates of total project costs including past, current, ensuing, and future biennial costs;

(c) Comparisons of actual costs to estimated costs;

(d) Comparisons of estimated construction start and completion dates with actual dates;

(e) Documentation of fund shifts between projects.

This data may be incorporated into the existing accounting system or into a separate project management system, as deemed appropriate by the office of financial management.

(5) The office of financial management, prior to approving allotments for major capital construction projects valued over five million dollars, with the exception of projects at institutions of higher education as defined in RCW 28B.10.016, which may be valued up to ten million dollars, shall institute procedures for reviewing such projects at the predesign stage that will reduce long-term costs and increase facility efficiency. The procedures shall include, but not be limited to, the following elements:

- (a) Evaluation of facility program requirements and consistency with long-range plans;
- (b) Utilization of a system of cost, quality, and performance standards to compare major capital construction projects; and
- (c) A requirement to incorporate value-engineering analysis and constructability review into the project schedule.

(6) No expenditure may be incurred or obligation entered into for such major capital construction projects including, without exception, land acquisition, site development, predesign, design, construction, and equipment acquisition and installation, until the allotment of the funds to be expended has been approved by the office of financial management. This limitation does not prohibit the continuation of expenditures and obligations into the succeeding biennium for projects for which allotments have been approved in the immediate prior biennium.

(7) Minor works projects, as defined by the office of financial management, may be valued up to three million dollars for institutions of higher education as defined in RCW 28B.10.016.

(8) If at any time during the fiscal period the governor projects a cash deficit in a particular fund or account as defined by RCW 43.88.050, the governor shall make across-the-board reductions in allotments for that particular fund or account so as to prevent a cash deficit, unless the legislature has directed the liquidation of the cash deficit over one or more fiscal periods. Except for the legislative and judicial branches and other agencies headed by elective officials, the governor shall review the statement of proposed operating expenditures for reasonableness and conformance with legislative intent. The governor may request corrections of proposed allotments submitted by the legislative and judicial branches and agencies headed by elective officials if those proposed allotments contain significant technical errors. Once the governor approves the proposed allotments, further revisions may at the request of the office of financial management or upon the agency's initiative be made on a quarterly basis and must be accompanied by an explanation of the reasons for significant changes. However, changes in appropriation level authorized by the legislature, changes required by across-the-board reductions mandated by the governor, changes caused by executive increases to spending authority, and changes caused by executive decreases to spending authority for failure to comply with the provisions of chapter 36.70A RCW may require additional revisions. Revisions shall not be made retroactively. However, the governor may assign to a

reserve status any portion of an agency appropriation withheld as part of across-the-board reductions made by the governor and any portion of an agency appropriation conditioned on a contingent event by the appropriations act. The governor may remove these amounts from reserve status if the across-the-board reductions are subsequently modified or if the contingent event occurs. The director of financial management shall enter approved statements of proposed expenditures into the state budgeting, accounting, and reporting system within forty-five days after receipt of the proposed statements from the agencies. If an agency or the director of financial management is unable to meet these requirements, the director of financial management shall provide a timely explanation in writing to the legislative fiscal committees.

((8)) (9) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. Within ninety days of the end of the fiscal year, all agencies shall submit to the director of financial management their final adjustments to close their books for the fiscal year. Prior to submitting fiscal data, written or oral, to committees of the legislature, it is the responsibility of the agency submitting the data to reconcile it with the budget and accounting data reported by the agency to the director of financial management.

((9)) (10) The director of financial management may exempt certain public funds from the allotment controls established under this chapter if it is not practical or necessary to allot the funds. Allotment control exemptions expire at the end of the fiscal biennium for which they are granted. The director of financial management shall report any exemptions granted under this subsection to the legislative fiscal committees."

Correct the title.

Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Capital Budget.

February 24, 2016

SB 6459 Prime Sponsor, Senator Rivers:  
Authorizing peace officers to assist the department of corrections with the supervision of offenders. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.94A RCW to read as follows:

(1) Any peace officer has authority to assist the department with the supervisions of offenders.

(2) If a peace officer has reasonable cause to believe an offender is in violation of the terms of supervision, the peace officer may conduct a search as provided under RCW 9.94A.631, of the offender's person, automobile, or other personal property to search for evidence of the violation. A peace officer may assist a community corrections officer with a search of the offender's residence if requested to do so by the community corrections officer.

(3) Nothing in this section prevents a peace officer from arresting an offender for any new crime found as a result of the offender's arrest or search authorized by this section.

(4) Upon substantiation of a violation of the offender's conditions of community supervision, utilizing existing methods and systems, the peace officer should notify the department of the violation.

(5) For the purposes of this section, "peace officer" refers to a limited or general authority Washington peace officer as defined in RCW 10.93.020."

Correct the title.

Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

February 24, 2016

SSB 6463 Prime Sponsor, Committee on Law & Justice: Concerning the crime of luring. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

February 24, 2016

SSB 6466 Prime Sponsor, Committee on Higher Education: Creating a work group to develop a plan for removing obstacles for higher education students with disabilities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Rules for second reading.

February 24, 2016

E2SSB 6601 Prime Sponsor, Committee on Ways & Means: Creating the Washington college

savings program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.95.010 and 1997 c 289 s 1 are each amended to read as follows:

(1) The Washington advanced college tuition payment program is established to help make higher education affordable and accessible to all citizens of the state of Washington by offering a savings incentive that will protect purchasers and beneficiaries against rising tuition costs. ((The program is))

(2) Subject to the availability of amounts appropriated for this specific purpose, the Washington college savings program is established to provide an additional financial option for individuals, organizations, and families to save for college.

(3) These programs are designed to encourage savings and enhance the ability of Washington citizens to obtain financial access to institutions of higher education. In addition, the programs encourage((s)) elementary and secondary school students to do well in school as a means of preparing for and aspiring to higher education attendance. ((This program is)) These programs are intended to promote a well-educated and financially secure population to the ultimate benefit of all citizens of the state of Washington.

Sec. 2. RCW 28B.95.020 and 2015 3rd sp.s. c 36 s 6 are each amended to read as follows:

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

(1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between August 1st and July 31st.

(2) "Account" means the Washington advanced college tuition payment program account established for the deposit of all money received by the office from eligible purchasers and interest earnings on investments of funds in the account, as well as for all expenditures on behalf of eligible beneficiaries for the redemption of tuition units and for the development of any authorized college savings program pursuant to RCW 28B.95.150.

(3) "College savings program account" means the Washington college savings program account established pursuant to RCW 28B.95.010.

(4) "Committee on advanced tuition payment and college savings" or "committee" means a committee of the following members: The state treasurer, the director of the office of financial management, the director of the office, or their designees, and two members to be appointed by the governor, one representing program participants and one private business representative with marketing, public relations, or financial expertise.

((4)) (5) "Contractual obligation" means a legally binding contract of the state with the purchaser and the beneficiary establishing that purchases of tuition units in the advanced college tuition payment program will be worth the same number of tuition units at the time of

redemption as they were worth at the time of the purchase, except as provided in RCW 28B.95.030(7).

((5)) (6) "Dual credit fees" means any fees charged to a student for participation in college in the high school under RCW 28A.600.290 or running start under RCW 28A.600.310.

((6)) (7) "Eligible beneficiary" means the person ((for whom the tuition unit will be redeemed for attendance at an institution of higher education, participation in college in the high school under RCW 28A.600.290, or participation in running start under RCW 28A.600.310. The beneficiary is that person named by the purchaser at the time that a tuition unit contract is accepted by the governing body)) designated as the individual whose education expenses are to be paid from the advanced college tuition payment program or the college savings program. Qualified organizations, as allowed under section 529 of the federal internal revenue code, purchasing tuition unit contracts as future scholarships need not designate a beneficiary at the time of purchase.

((7)) (8) "Eligible contributor" means an individual or organization that contributes money for the purchase of tuition units, and for an individual college savings program account established pursuant to this chapter for an eligible beneficiary.

(9) "Eligible purchaser" means an individual or organization that has entered into a tuition unit contract with the governing body for the purchase of tuition units in the advanced college tuition payment program for an eligible beneficiary, or that has entered into a participant college savings program account contract for an eligible beneficiary. The state of Washington may be an eligible purchaser for purposes of purchasing tuition units to be held for granting Washington college bound scholarships.

((8)) (10) "Full-time tuition charges" means resident tuition charges at a state institution of higher education for enrollments between ten credits and eighteen credit hours per academic term.

((9)) (11) "Governing body" means the committee empowered by the legislature to administer the Washington advanced college tuition payment program and the Washington college savings program.

((10)) (12) "Individual college savings program account" means the formal record of transactions relating to a Washington college savings program beneficiary.

(13) "Institution of higher education" means an institution that offers education beyond the secondary level and is recognized by the internal revenue service under chapter 529 of the internal revenue code.

((11)) (14) "Investment board" means the state investment board as defined in chapter 43.33A RCW.

((12)) (15) "Investment manager" means the state investment board, another state, or any other entity as selected by the governing body, including another college savings plan established pursuant to section 529 of the internal revenue code.

(16) "Office" means the office of student financial assistance as defined in chapter 28B.76 RCW.

((13)) (17) "Owner" means the eligible purchaser or the purchaser's successor in interest who shall have the

exclusive authority to make decisions with respect to the tuition unit contract or the individual college savings program contract. The owner has exclusive authority and responsibility to establish and change the asset investment options for a beneficiaries' individual college savings program account.

(18) "Participant college savings program account contract" means a contract to participate in the Washington college savings program between an eligible purchaser and the office.

(19) "State institution of higher education" means institutions of higher education as defined in RCW 28B.10.016.

((14)) (20) "Tuition and fees" means undergraduate tuition and services and activities fees as defined in RCW 28B.15.020 and 28B.15.041 rounded to the nearest whole dollar. For purposes of this chapter, services and activities fees do not include fees charged for the payment of bonds heretofore or hereafter issued for, or other indebtedness incurred to pay, all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities.

((15)) (21) "Tuition unit contract" means a contract between an eligible purchaser and the governing body, or a successor agency appointed for administration of this chapter, for the purchase of tuition units in the advanced college tuition payment program for a specified beneficiary that may be redeemed at a later date for an equal number of tuition units, except as provided in RCW 28B.95.030(7).

((16)) (22) "Unit purchase price" means the minimum cost to purchase one tuition unit in the advanced college tuition payment program for an eligible beneficiary. Generally, the minimum purchase price is one percent of the undergraduate tuition and fees for the current year, rounded to the nearest whole dollar, adjusted for the costs of administration and adjusted to ensure the actuarial soundness of the account. The analysis for price setting shall also include, but not be limited to consideration of past and projected patterns of tuition increases, program liability, past and projected investment returns, and the need for a prudent stabilization reserve.

Sec. 3. RCW 28B.95.025 and 2011 1st sp.s. c 11 s 169 are each amended to read as follows:

The office shall maintain appropriate offices and employ and fix compensation of such personnel as may be necessary to perform the advanced college tuition payment program and the Washington college savings program duties. The office shall consult with the governing body on the selection, compensation, and other issues relating to the employment of the program director. The positions are exempt from classified service under chapter 41.06 RCW. The employees shall be employees of the office.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.95 RCW to read as follows:

(1) The Washington college savings program shall be administered by the committee, which shall be chaired by the director of the office. The committee shall be supported by staff of the office.

(2) The Washington college savings program shall consist of the college savings program account and the individual college savings program accounts, and shall allow an eligible purchaser to establish an individual college savings program account for an eligible beneficiary whereby the money in the account may be invested and used for enrollment at any institution of higher education that is recognized by the internal revenue service under chapter 529 of the internal revenue code. Money in the account may also be used to pay for dual credit fees.

(3) The Washington college savings program is open to eligible purchasers and eligible beneficiaries who are residents or nonresidents of Washington state.

(4) The Washington college savings program shall not require eligible purchasers to make an initial minimum contribution in any amount that exceeds twenty-five dollars when establishing a new account.

(5) The committee may contract with other state or nonstate entities that are authorized to do business in the state for the investment of moneys in the college savings program, including other college savings plans established pursuant to section 529 of the internal revenue code. The investment of eligible contributors' deposits may be in credit unions, savings and loan associations, banks, mutual savings banks, purchase life insurance, shares of an investment company, individual securities, fixed annuity contracts, variable annuity contracts, any insurance company, other 529 plans, or any investment company licensed to contract business in this state.

(6) The governing body shall determine the conditions under which control or the beneficiary of an individual college savings program account may be transferred to another family member. In permitting such transfers, the governing body may not allow the individual college savings program account to be bought, sold, bartered, or otherwise exchanged for goods and services by either the beneficiary or the purchaser.

(7) The governing body shall promote, advertise, and publicize the Washington college savings program.

(8) The governing body shall develop materials to educate potential account owners and beneficiaries on (a) the differences between the advanced college tuition payment program and the Washington college savings program, and (b) how the two programs can complement each other to save towards the full cost of attending college.

(9) In addition to any other powers conferred by this chapter, the governing body may:

(a) Impose limits on the amount of contributions that may be made on behalf of any eligible beneficiary;

(b) Determine and set age limits and any time limits for the use of benefits under this chapter;

(c) Establish incentives to encourage participation in the Washington college savings program to include but not be limited to entering into agreements with any public or private employer under which an employee may agree to have a designated amount deducted in each payroll period from the wages due the employee for the purpose of making contributions to a participant college savings program account;

(d) Impose and collect administrative fees and charges in connection with any transaction under this chapter;

(e) Appoint and use advisory committees and the state actuary as needed to provide program direction and guidance;

(f) Formulate and adopt all other policies and rules necessary for the efficient administration of the program;

(g) Purchase insurance from insurers licensed to do business in the state, to provide for coverage against any loss in connection with the account's property, assets, or activities;

(h) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of its powers and duties under this chapter;

(i) Contract for the provision for all or part of the services necessary for the management and operation of the Washington college savings program with other state or nonstate entities authorized to do business in the state for the investment of moneys;

(j) Contract for other services or for goods needed by the governing body in the conduct of its business under this chapter;

(k) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this chapter;

(l) Solicit and accept gifts, bequests, cash donations, and grants from any person, governmental agency, private business, or organization; and

(m) Perform all acts necessary and proper to carry out the duties and responsibilities of the Washington college savings program under this chapter.

(10) It is the intent of the legislature to establish policy goals for the Washington college savings program. The policy goals established under this section are deemed consistent with creating a nationally competitive 529 savings plan. The Washington college savings program should support achievement of these policy goals:

(a) Process: To have an investment manager design a thoughtful, well-diversified glide path for age-based portfolios and offer a robust suite of investment options;

(b) People: To have a well-resourced, talented, and long-tenured investment manager;

(c) Parent: To demonstrate that the committee is a good caretaker of college savers' capital and can manage the plan professionally;

(d) Performance: To demonstrate that the program's options have earned their keep with solid risk-adjusted returns over relevant time periods; and

(e) Price: To demonstrate that the investment options are a good value.

(11) The powers, duties, and functions of the Washington college savings program must be performed in a manner consistent with the policy goals in subsection (10) of this section.

(12) The policy goals in this section are intended to be the basis for establishing detailed and measurable objectives and related performance measures.

(13) It is the intent of the legislature that the committee establish objectives and performance measures for the investment manager to progress toward the attainment of the policy goals in subsection (10) of this section. The

committee shall submit objectives and performance measures to the legislature for its review and shall provide an updated report on the objectives and measures before the regular session of the legislature during even-numbered years thereafter.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.95 RCW to read as follows:

(1) The committee shall create an expedited process by which owners can complete a direct rollover of a 529 account from (a) a state-sponsored prepaid tuition plan to a state-sponsored college savings plan, (b) a state-sponsored college savings plan to a state-sponsored prepaid tuition plan, or (c) a state-sponsored prepaid tuition plan or a state-sponsored college savings plan to an out-of-state eligible 529 plan.

(2) The committee shall report annually to the governor and the appropriate committees of the legislature on (a) the number of accounts that have been rolled into the Washington college savings program from out of state and (b) the number of accounts rolled out of the Washington college savings program to 529 plans into other states.

Sec. 6. RCW 28B.95.035 and 1998 c 69 s 3 are each amended to read as follows:

No member of the committee is liable for the negligence, default, or failure of any other person or members of the committee to perform the duties of office and no member may be considered or held to be an insurer of the funds or assets of any of the advanced college tuition payment program or any of the Washington college savings program.

Sec. 7. RCW 28B.95.040 and 2011 1st sp.s. c 11 s 171 are each amended to read as follows:

The governing body may, at its discretion, allow an organization to purchase tuition units or establish savings plans for future use as scholarships. Such organizations electing to purchase tuition units or establish Washington college savings program accounts for this purpose must enter into a contract with the governing body which, at a minimum, ensures that the scholarship shall be freely given by the purchaser to a scholarship recipient. For such purchases, the purchaser need not name a beneficiary until four months before the date when the tuition units are first expected to be used. The governing body shall formulate and adopt such rules as are necessary to determine which organizations may qualify to purchase tuition units or establish Washington college savings program accounts for scholarships under this section. The governing body also may consider additional rules for the use of tuition units or Washington college savings program accounts if purchased as scholarships.

The governing body may establish a scholarship fund with moneys from the Washington advanced college tuition payment program account. A scholarship fund established under this authority shall be administered by the office and shall be provided to students who demonstrate financial need. Financial need is not a criterion that any other organization need consider when using tuition units as scholarships. The office also may establish its own corporate-sponsored scholarship fund under this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 28B.95 RCW to read as follows:

(1) The Washington college savings program account is created in the custody of the state treasurer. The account shall be a discrete nontreasury account retaining its interest earnings in accordance with RCW 43.79A.040.

(2) The governing body shall deposit in the account all moneys received for the program. The account shall be self-sustaining and consist of payments received for the purposes of college savings for the beneficiary. With the exception of investment and operating costs associated with the investment of money by a nonstate entity or paid under RCW 43.08.190, 43.33A.160, and 43.84.160, the account shall be credited with all investment income earned by the account. Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. Money used for program administration is subject to the allotment of all expenditures. However, an appropriation is not required for such expenditures. Program administration includes, but is not limited to: The salaries and expenses of the Washington college savings program personnel including lease payments, travel, and goods and services necessary for program operation; contracts for Washington college savings program promotion and advertisement, audits, and account management; and other general costs of conducting the business of the Washington college savings program.

(3) The account is authorized to maintain a cash deficit in the account for a period no more than five fiscal years to defray its initial program administration costs. By December 31, 2017, the governing body shall establish a program administration spending plan and a fee schedule to discharge any projected cash deficit to the account. The legislature may make appropriations into the account for the purpose of reducing program administration costs.

(4) The assets of the account may be spent without appropriation for the purpose of making payments to institutions of higher education on behalf of the qualified beneficiaries, making refunds, transfers, or direct payments upon the termination of the Washington college savings program. Disbursements from the account shall be made only on the authorization of the governing body.

(5) With regard to the assets of the account, the state acts in a fiduciary, not ownership, capacity. Therefore the assets of the program are not considered state money, common cash, or revenue to the state.

Sec. 9. RCW 28B.95.080 and 2011 1st sp.s. c 12 s 3 are each amended to read as follows:

The governing body shall annually evaluate, and cause to be evaluated by the state actuary, the soundness of the advanced college tuition payment program account and determine the additional assets needed, if any, to defray the obligations of the account. The governing body may, at its discretion, consult with a nationally recognized actuary for periodic assessments of the account.

If funds are determined by the governing body, based on actuarial analysis to be insufficient to ensure the actuarial soundness of the account, the governing body

shall adjust the price of subsequent tuition credit purchases to ensure its soundness.

If there are insufficient numbers of new purchases to ensure the actuarial soundness of the account, the governing body shall request such funds from the legislature as are required to ensure the integrity of the program. Funds may be appropriated directly to the account or appropriated under the condition that they be repaid at a later date. The repayment shall be made at such time that the account is again determined to be actuarially sound.

**NEW SECTION. Sec. 10.** A new section is added to chapter 28B.95 RCW to read as follows:

The governing body shall begin and continue to accept applications for new tuition unit contracts and authorize the sale of new tuition units by July 1, 2017. Upon reopening the advanced college tuition payment program, in any year in which the total annual sale of tuition units is below five hundred thousand, the governing body shall determine how to reinvigorate the advanced college tuition payment program to incentivize Washingtonians to enter into tuition unit contracts and purchase tuition units.

**Sec. 11.** RCW 28B.95.090 and 2005 c 272 s 3 are each amended to read as follows:

(1) In the event that the ((state)) legislature determines that the advanced college tuition payment program is not financially feasible, or for any other reason, the ((state)) legislature may declare the discontinuance of the program. At the time of such declaration, the governing body will cease to accept any further tuition unit contracts or purchases.

(2) The remaining tuition units for all beneficiaries who have either enrolled in higher education or who are within four years of graduation from a secondary school shall be honored until such tuition units have been exhausted, or for ten fiscal years from the date that the program has been discontinued, whichever comes first. All other contract holders shall receive a refund equal to the value of the current tuition units in effect at the time that the program was declared discontinued.

(3) At the end of the ten-year period, any tuition units remaining unused by currently active beneficiaries enrolled in higher education shall be refunded at the value of the current tuition unit in effect at the end of that ten-year period.

(4) At the end of the ten-year period, all other funds remaining in the account not needed to make refunds or to pay for administrative costs shall be deposited to the state general fund.

(5) The governing body may make refunds under other exceptional circumstances as it deems fit, however, no tuition units may be honored after the end of the tenth fiscal year following the declaration of discontinuance of the program.

**NEW SECTION. Sec. 12.** A new section is added to chapter 28B.95 RCW to read as follows:

(1) The investment manager has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the Washington college savings program without limitation as to the amount pursuant to RCW 43.84.150 and 43.33A.140. All investment and

operating costs associated with the investment of money must be paid to the investment manager as allowed by RCW 43.33A.160 and 43.84.160. With the exception of these expenses and the administrative costs authorized in sections 4 and 8 of this act, one hundred percent of all earnings from investments accrue directly to the owner of the individual college savings program account.

(2) The governing body may allow owners to self-direct the investment of moneys in individual college savings program accounts through the selection of investment options. The governing body may provide plans that it deems are in the interests of the owners and beneficiaries.

(a) The investment manager, after consultation with the governing body, shall provide a set of options for owners to choose from for investment of individual college savings program account contributions.

(b) The investment manager has the full authority to invest moneys pursuant to the investment directions of the owner of a self-directed individual college savings program account.

(3) Annually on each December 1st, the committee shall report to the governor and the appropriate committees of the legislature regarding the total fees charged to each investment option offered in the Washington college savings program. It is the intent of the legislature that fees charged to the owner not exceed one-half of one percent for any investment option on an annual basis.

(4) In the next succeeding legislative session following receipt of a report required under subsection (3) of this section, the appropriate committees of the legislature shall review the report and consider whether any legislative action is necessary with respect to the investment option with fees that exceed one-half of one percent, including but not limited to consideration of whether any legislative action is necessary with respect to reducing the fees and expenses associated with the underlying investment option. With the exception of fees associated with the administration of the program authorized in sections 4 and 8 of this act, all moneys in the college savings program account, all property and rights purchased with the account, and all income attributable to the account, shall be held in trust for the exclusive benefit of the owners and their eligible beneficiaries.

(5) All investments made by the investment manager shall be made with the exercise of that degree of judgment and care expressed in chapter 43.33A RCW.

(6) As deemed appropriate by the investment manager, money in the Washington college savings program account may be commingled for investment with other funds subject to investment by the investment manager.

(7) The authority to establish all policies relating to the Washington college savings program and the Washington college savings program account, other than investment policies resides with the governing body. With the exception of expenses of the investment manager as provided in subsection (1) of this section, disbursements from the Washington college savings program account shall be made only on the authorization of the governing body or its designee, and moneys in the account may be spent only for the purposes of the

Washington college savings program as specified in this chapter.

(8) The investment manager shall routinely consult and communicate with the governing body on the investment policy, earnings of the trust, and related needs of the Washington college savings program.

Sec. 13. RCW 28B.95.100 and 2000 c 14 s 7 are each amended to read as follows:

(1) The governing body, in planning and devising the advanced college tuition payment program and the Washington college savings program, shall consult with the investment board, the state treasurer, the office of financial management, and the institutions of higher education.

(2) The governing body may seek the assistance of the state agencies named in subsection (1) of this section, private financial institutions, and any other qualified party with experience in the areas of accounting, actuary, risk management, or investment management to assist with preparing an accounting of the programs and ensuring the fiscal soundness of the advanced college tuition payment program account and the Washington college savings program account.

(3) State agencies and public institutions of higher education shall fully cooperate with the governing body in matters relating to the programs in order to ensure the solvency of the advanced college tuition payment account and the Washington college savings program account and ability of the governing body to meet outstanding commitments.

NEW SECTION. Sec. 14. A new section is added to chapter 28B.95 RCW to read as follows:

The intent of the Washington college savings program is to make distributions from individual college savings program accounts for beneficiaries' attendance at public or private institutions of higher education. Federal penalties and taxes associated with 529 savings plan refunds may apply to any refund issued by the Washington college savings plan. Refunds shall be issued under specific conditions that may include the following:

(1) Certification that the beneficiary, who is eighteen years of age or older, will not attend a public or private institution of higher education, will result in a refund not to exceed the current value at the time of such certification. The refund shall be made no sooner than ninety days after such certification, less any administrative processing fees assessed by the governing body;

(2) If there is certification of the death or disability of the beneficiary, the refund shall be equal to one hundred percent of the current value at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body;

(3) If there is certification by the student of graduation or program completion, the refund shall be as great as one hundred percent of the current value at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body. The governing body may, at its

discretion, impose a penalty if needed to comply with federal tax rules;

(4) If there is certification of other tuition and fee scholarships that will cover the cost of tuition for the eligible beneficiary, the refund may not exceed the value of the scholarship or scholarships, less any administrative processing fees assessed by the governing body;

(5) Incorrect or misleading information provided by the purchaser or beneficiaries may result in a refund of the purchaser's and contributors' contributions, less any administrative processing fees assessed by the governing body. The value of the refund must not exceed the actual dollar value of the purchaser's or contributors' contributions; and

(6) The governing body may determine other circumstances qualifying for refunds of remaining unused participant Washington college savings program account balances and may determine the value of that refund.

NEW SECTION. Sec. 15. A new section is added to chapter 28B.95 RCW to read as follows:

With regard to bankruptcy filings and enforcement of judgments under Title 6 RCW, participant Washington college savings program account deposits made more than two years before the date of filing or judgment are considered excluded personal assets.

Sec. 16. RCW 28B.95.150 and 2012 c 198 s 16 are each amended to read as follows:

(1) The committee may establish a college savings program. If such a program is established, the college savings program shall be established, in such form as may be determined by the committee, to be a qualified state tuition program as defined by the internal revenue service under section 529 of the internal revenue code, and shall be administered in a manner consistent with the Washington advanced college tuition payment program. The committee, in planning and devising the program, shall consult with the state investment board, the state treasurer, the state actuary, the legislative fiscal and higher education committees, and the institutions of higher education. The governing body may, at its discretion, consult with a qualified actuarial consulting firm with appropriate expertise to evaluate such plans for periodic assessments of the program.

(2) Up to two hundred thousand dollars of administrative fees collected from guaranteed education tuition program participants may be applied as a loan to fund the development and start-up of a college savings program. This loan must be repaid with interest before the conclusion of the biennium following the biennium in which the committee draws funds for this purpose from the advanced college tuition payment program account.

(3) The committee, after consultation with the state investment board or other contracted investment manager, shall determine the investment policies for the college savings program. Program contributions may be invested by the state investment board, in which case it and not the committee shall determine the investment policies for the college savings program, or the committee may contract with an investment company

licensed to conduct business in this state to do the investing. The committee shall keep or cause to be kept full and adequate accounts and records of the assets of each individual participant in the college savings program.

(4)(a) The governing body may elect to have the state investment board serve as investment manager for the funds in the college savings program. Members of the state investment board and its officers and employees are not considered an insurer of the funds or assets and are not liable for any action or inaction.

(b) Members of the state investment board and its officers and employees are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The state investment board in its discretion may purchase liability insurance for members.

(c) If selected by the governing body to be the investment manager, the state investment board retains all authority to establish all investment policies relating to the investment of college savings program moneys.

(d) The state investment board shall routinely consult and communicate with the committee on the investment policy, earnings of the accounts, and related needs of the college savings program.

(5) The owner has exclusive authority and responsibility to establish and change the asset allocation for an individual participant college savings program account.

(6) Neither the state nor any eligible educational institution may be considered or held to be an insurer of the funds or assets of the individual participant accounts in the college savings program created under this section nor may any such entity be held liable for any shortage of funds in the event that balances in the individual participant accounts are insufficient to meet the educational expenses of the institution chosen by the student for which the individual participant account was intended.

((5)) (7) The committee shall adopt rules to implement this section. Such rules shall include but not be limited to administration, investment management, recordkeeping, promotion, and marketing; compliance with internal revenue service standards and applicable securities regulations; application procedures and fees; start-up costs; phasing in the savings program and withdrawals therefrom; deterrents to early withdrawals and provisions for hardship withdrawals; and reenrollment in the savings program after withdrawal.

((6)) (8) The committee may, at its discretion, determine to cease operation of the college savings program if it determines the continuation is not in the best interest of the state. The committee shall adopt rules to implement this section addressing the orderly distribution of assets.

Sec. 17. RCW 28B.95.900 and 1997 c 289 s 11 are each amended to read as follows:

This chapter shall not be construed as a promise that any beneficiary shall be granted admission to any institution of higher education, will earn any specific or minimum number of academic credits, or will graduate from any such institution. In addition, this chapter shall not be

construed as a promise of either course or program availability.

Participation in ((this)) the advanced college tuition payment program or the Washington college savings program does not guarantee an eligible beneficiary the right to resident tuition and fees. To qualify for resident and respective tuition subsidies, the eligible beneficiary must meet the applicable provisions of RCW 28B.15.011 through 28B.15.015.

This chapter shall not be construed to imply that the redemption of tuition units in the advanced college tuition payment program shall be equal to any value greater than the undergraduate tuition and services and activities fees at a state institution of higher education as computed under this chapter. Eligible beneficiaries will be responsible for payment of any other fee that does not qualify as a services and activities fee including, but not limited to, any expenses for tuition surcharges, tuition overload fees, laboratory fees, equipment fees, book fees, rental fees, room and board charges, or fines.

Sec. 18. RCW 43.33A.135 and 2010 1st sp.s. c 7 s 36 are each amended to read as follows:

The state investment board has the full power to establish investment policy, develop participant investment options, and manage investment funds for the college savings program, if the committee on advanced tuition payment and college savings selects the state investment board as the investment manager pursuant to section 4 of this act, and for the state deferred compensation plan, consistent with the provisions of RCW 41.50.770 and 41.50.780. The board may continue to offer the investment options provided as of June 11, 1998, until the board establishes a deferred compensation plan investment policy and adopts new investment options after considering the recommendations of the department of retirement systems.

Sec. 19. RCW 43.33A.190 and 2000 c 247 s 701 are each amended to read as follows:

((Pursuant to RCW 41.34.130,)) The state investment board shall invest all self-directed investment moneys under teachers' retirement system plan 3, the school employees' retirement system plan 3, and the public employees' retirement system plan 3 pursuant to RCW 41.34.130 and under the college savings program, if the committee on advanced tuition payment and college savings selects the state investment board as the investment manager pursuant to section 4 of this act, with full power to establish investment policy, develop investment options, and manage self-directed investment funds.

Sec. 20. RCW 43.79A.040 and 2013 c 251 s 5 and 2013 c 88 s 1 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

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

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund,

the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

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

NEW SECTION. Sec. 21. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void." Correct the title.

Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Bergquist; Frame; Reykdal; Sells and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove; Stambaugh and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member and Holy.

Passed to Committee on Appropriations.

February 25, 2016

ESSB 6605 Prime Sponsor, Committee on Agriculture, Water & Rural Economic Development: Ensuring that solid waste management requirements prevent the spread of disease, plant pathogens, and pests. Reported by Committee on Environment

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.95.060 and 1999 c 116 s 1 are each amended to read as follows:

(1) The department shall adopt rules establishing minimum functional standards for solid waste handling, consistent with the standards specified in this section. The department may classify areas of the state with respect to population density, climate, geology, status under a quarantine as defined in RCW 17.24.007, and

other relevant factors bearing on solid waste disposal standards.

(2) In addition to the minimum functional standards adopted by the department under subsection (1) of this section, each landfill facility whose area at its design capacity will exceed one hundred acres and whose horizontal height at design capacity will average one hundred feet or more above existing site elevations shall comply with the standards of this subsection. This subsection applies only to wholly new solid waste landfill facilities, no part or unit of which has had construction commence before April 27, 1999.

(a) No landfill specified in this subsection may be located:

(i) So that the active area is closer than five miles to any national park or a public or private nonprofit zoological park displaying native animals in their native habitats; or  
(ii) Over a sole source aquifer designated under the federal safe drinking water act, if such designation was effective before January 1, 1999.

(b) Each landfill specified in this subsection (2) shall be constructed with an impermeable berm around the entire perimeter of the active area of the landfill of such height, thickness, and design as will be sufficient to contain all material disposed in the event of a complete failure of the structural integrity of the landfill.

Sec. 2. RCW 70.95.165 and 2015 1st sp.s. c 4 s 49 are each amended to read as follows:

(1) Each county or city siting a solid waste disposal facility shall review each potential site for conformance with the standards as set by the department for:

- (a) Geology;
- (b) Groundwater;
- (c) Soil;
- (d) Flooding;
- (e) Surface water;
- (f) Slope;
- (g) Cover material;
- (h) Capacity;
- (i) Climatic factors;
- (j) Land use;
- (k) Toxic air emissions; and

(l) Other factors as determined by the department.

(2) The standards in subsection (1) of this section shall be designed to use the best available technology to protect the environment and human health, and shall be revised periodically to reflect new technology and information.

(3) Each county shall establish a local solid waste advisory committee to assist in the development of programs and policies concerning solid waste handling and disposal and to review and comment upon proposed rules, policies, or ordinances prior to their adoption. Such committees shall consist of a minimum of nine members and shall represent a balance of interests including, but not limited to, citizens, public interest groups, business, the waste management industry, agriculture, and local elected public officials. The members shall be appointed by the county legislative authority. A county or city shall not apply for funds from the state and local improvements revolving account, Waste Disposal Facilities, 1980, under RCW 43.83.350,

for the preparation, update, or major amendment of a comprehensive solid waste management plan unless the plan or revision has been prepared with the active assistance and participation of a local solid waste advisory committee.

NEW SECTION. Sec. 3. A new section is added to chapter 70.95 RCW to read as follows:

Upon receipt by the department of a preliminary draft plan as provided in RCW 70.95.094, the department shall immediately provide a copy of the preliminary draft plan to the department of agriculture. Within forty-five days after receiving the preliminary draft plan, the department of agriculture shall review the preliminary draft plan for compliance with chapter 17.24 RCW and the rules adopted under that chapter. The department of agriculture shall advise the local government submitting the preliminary draft plan and the department of the result of the review.

Sec. 4. RCW 70.95.180 and 1997 c 213 s 3 are each amended to read as follows:

(1) Applications for permits to operate a new or modified solid waste handling facility shall be on forms prescribed by the department and shall contain a description of the proposed facilities and operations at the site, plans and specifications for any new or additional facilities to be constructed, and such other information as the jurisdictional health department may deem necessary in order to determine whether the site and solid waste disposal facilities located thereon will comply with local regulations and state ((regulations)) rules.

(2) Upon receipt of an application for a permit to establish or modify a solid waste handling facility, the jurisdictional health department shall refer one copy of the application to the department which shall report its findings to the jurisdictional health department. When the application is for a permit to establish or modify a solid waste handling facility located in an area that is not under a quarantine, as defined in RCW 17.24.007, and when the facility will receive material for composting from an area under a quarantine, the jurisdictional health department shall also provide a copy of the application to the department of agriculture. The department of agriculture shall review the application to determine whether it contains information demonstrating that the proposed facility presents a risk of spreading disease, plant pathogens, or pests to areas that are not under a quarantine. For the purposes of this subsection, "composting" means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition.

(3) The jurisdictional health department shall investigate every application as may be necessary to determine whether a proposed or modified site and facilities meet all solid waste, air, and other applicable laws and regulations, and conforms with the approved comprehensive solid waste handling plan, and complies with all zoning requirements.

(4) When the jurisdictional health department finds that the permit should be issued, it shall issue such permit. Every application shall be approved or disapproved

within ninety days after its receipt by the jurisdictional health department.

(5) The jurisdictional board of health may establish reasonable fees for permits and renewal of permits. All permit fees collected by the health department shall be deposited in the treasury and to the account from which the health department's operating expenses are paid.

Sec. 5. RCW 70.95.200 and 1969 ex.s. c 134 s 20 are each amended to read as follows:

Any permit for a solid waste disposal site issued as provided herein shall be subject to suspension at any time the jurisdictional health department determines that the site or the solid waste disposal facilities located on the site are being operated in violation of this chapter, ((or) the regulations of the department, the rules of the department of agriculture, or local laws and regulations. Sec. 6. RCW 70.95.300 and 1998 c 156 s 2 are each amended to read as follows:

(1) The department may by rule exempt a solid waste from the permitting requirements of this chapter for one or more beneficial uses. In adopting such rules, the department shall specify both the solid waste that is exempted from the permitting requirements and the beneficial use or uses for which the solid waste is so exempted. The department shall consider: (a) Whether the material will be beneficially used or reused; and (b) whether the beneficial use or reuse of the material will present threats to human health or the environment.

(2) The department may also exempt a solid waste from the permitting requirements of this chapter for one or more beneficial uses by approving an application for such an exemption. The department shall establish by rule procedures under which a person may apply to the department for such an exemption. The rules shall establish criteria for providing such an exemption, which shall include, but not be limited to: (a) The material will be beneficially used or reused; and (b) the beneficial use or reuse of the material will not present threats to human health or the environment. Rules adopted under this subsection shall identify the information that an application shall contain. Persons seeking such an exemption shall apply to the department under the procedures established by the rules adopted under this subsection.

(3) After receipt of an application filed under rules adopted under subsection (2) of this section, the department shall review the application to determine whether it is complete, and forward a copy of the completed application to all jurisdictional health departments and the department of agriculture for review and comment. Within forty-five days, the jurisdictional health departments and the department of agriculture shall forward to the department their comments and any other information they deem relevant to the department's decision to approve or disapprove the application. The department of agriculture's comments must be limited to addressing whether approving the application risks spreading disease, plant pathogens, or pests to areas that are not under a quarantine, as defined in RCW 17.24.007. Every complete application shall be approved or disapproved by the department within ninety days of receipt. If the application is approved by

the department, the solid waste is exempt from the permitting requirements of this chapter when used anywhere in the state in the manner approved by the department. If the composition, use, or reuse of the solid waste is not consistent with the terms and conditions of the department's approval of the application, the use of the solid waste remains subject to the permitting requirements of this chapter.

(4) The department shall establish procedures by rule for providing to the public and the solid waste industry notice of and an opportunity to comment on each application for an exemption under subsection (2) of this section.

(5) Any jurisdictional health department or applicant may appeal the decision of the department to approve or disapprove an application under subsection (3) of this section. The appeal shall be made to the pollution control hearings board by filing with the hearings board a notice of appeal within thirty days of the decision of the department. The hearings board's review of the decision shall be made in accordance with chapter 43.21B RCW and any subsequent appeal of a decision of the board shall be made in accordance with RCW 43.21B.180.

(6) This section shall not be deemed to invalidate the exemptions or determinations of nonapplicability in the department's solid waste rules as they exist on June 11, 1998, which exemptions and determinations are recognized and confirmed subject to the department's continuing authority to modify or revoke those exemptions or determinations by rule.

Sec. 7. RCW 70.95.205 and 1998 c 36 s 18 are each amended to read as follows:

(1) Waste-derived soil amendments that meet the standards and criteria in this section may apply for exemption from solid waste permitting as required under RCW 70.95.170. The application shall be submitted to the department in a format determined by the department or an equivalent format. The application shall include:

(a) Analytical data showing that the waste-derived soil amendments meet standards established under RCW 15.54.800; and

(b) Other information deemed appropriate by the department to protect human health and the environment.

(2) After receipt of an application, the department shall review it to determine whether the application is complete, and forward a copy of the complete application to all interested jurisdictional health departments and the department of agriculture for review and comment. Within forty-five days, the jurisdictional health departments and the department of agriculture shall forward their comments and any other information they deem relevant to the department, which shall then give final approval or disapproval of the application. The department of agriculture's comments must be limited to addressing whether approving the application risks spreading disease, plant pathogens, or pests to areas that are not under a quarantine, as defined in RCW 17.24.007. Every complete application shall be approved or disapproved by the department within ninety days after receipt.

(3) The department, after providing opportunity for comments from the jurisdictional health departments and the department of agriculture, may at any time revoke an exemption granted under this section if the quality or use of the waste-derived soil amendment changes or the management, storage, or end use of the waste-derived soil amendment constitutes a threat to human health or the environment.

(4) Any aggrieved party may appeal the determination by the department in subsection (2) or (3) of this section to the pollution control hearings board.

Sec. 8. RCW 70.95.315 and 2009 c 178 s 5 are each amended to read as follows:

(1) The department may assess a civil penalty in an amount not to exceed one thousand dollars per day per violation to any person exempt from solid waste permitting in accordance with RCW 70.95.205, 70.95.300, 70.95.305, 70.95.306, or 70.95.330 who fails to comply with the terms and conditions of the exemption. Each such violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation. The penalty provided in this section shall be imposed pursuant to RCW 43.21B.300.

(2) If a person violates a provision of any of the sections referenced in subsection (1) of this section, the department may issue an appropriate order to ensure compliance with the conditions of the exemption. The order may be appealed pursuant to RCW 43.21B.310." Correct the title.

Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye; Farrell; Fey; Goodman; McBride; Pike and Taylor.

Passed to Committee on General Government & Information Technology.

February 25, 2016

**SB 6633** Prime Sponsor, Senator Ranker:  
Concerning the marine resources advisory council. Reported by Committee on Environment

MAJORITY recommendation: Do pass. Signed by Representatives Fitzgibbon, Chair; Peterson, Vice Chair; Farrell; Fey; Goodman and McBride.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Short, Assistant Ranking Minority Member; Dye; Pike and Taylor.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Rules was relieved of SENATE BILL NO. 6211, and the bill was referred to the Committee on Finance.

There being no objection, the Committee on Rules was relieved of SENATE BILL NO. 6525, and the bill was referred to the Committee on General Government & Information Technology.

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

### FIRST SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 26, 2016

**ESSB 5029** Prime Sponsor, Committee on Law & Justice: Concerning the revised uniform fiduciary access to digital assets act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. SHORT TITLE. This act may be known and cited as the revised uniform fiduciary access to digital assets act.

NEW SECTION. Sec. 2. DEFINITIONS. In this chapter:

(1) "Account" means an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives, or stores a digital asset of the user or provides goods or services to the user.

(2) "Agent" means an attorney in fact granted authority under a durable or nondurable power of attorney.

(3) "Carries" means engages in the transmission of an electronic communication.

(4) "Catalogue of electronic communications" means information that identifies each person with which a user has had an electronic communication, the time and date of the communication, and the electronic address of the person.

(5) "Content of an electronic communication" means information concerning the substance or meaning of the communication which:

(a) Has been sent or received by a user;

(b) Is in electronic storage by a custodian providing an electronic communication service to the public or is carried or maintained by a custodian providing a remote computing service to the public; and

(c) Is not readily accessible to the public.

(6) "Court" means the superior court of each county.

(7) "Custodian" means a person that carries, maintains, processes, receives, or stores a digital asset of a user.

(8) "Designated recipient" means a person chosen by a user using an online tool to administer digital assets of the user.

(9) "Digital asset" means an electronic record in which an individual has a right or interest. The term does not

include an underlying asset or liability unless the asset or liability is itself an electronic record.

(10) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(11) "Electronic communication" has the meaning set forth in 18 U.S.C. Sec. 2510(12), as it existed on the effective date of this section.

(12) "Electronic communication service" means a custodian that provides to a user the ability to send or receive an electronic communication.

(13) "Fiduciary" means an original, additional, or successor personal representative, guardian, agent, or trustee.

(14) "Guardian" means a person appointed by a court to manage the estate or person, or both, of a living individual. The term includes a limited guardian or certified professional guardian.

(15) "Incapacitated person" means an individual for whom a guardian has been appointed.

(16) "Information" means data, text, images, videos, sounds, codes, computer programs, software, databases, or the like.

(17) "Online tool" means an electronic service provided by a custodian that allows the user, in an agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a third person.

(18) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

(19) "Personal representative" means an executor, administrator, special administrator, or person that performs substantially the same function under law of this state other than this chapter.

(20) "Power of attorney" means a record that grants an agent authority to act in the place of a principal.

(21) "Principal" means an individual who grants authority to an agent in a power of attorney.

(22) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(23) "Remote computing service" means a custodian that provides to a user computer processing services or the storage of digital assets by means of an electronic communications system, as defined in 18 U.S.C. Sec. 2510(14), as it existed on the effective date of this section.

(24) "Terms-of-service agreement" means an agreement that controls the relationship between a user and a custodian.

(25) "Trustee" means a fiduciary with legal title to property under an agreement or declaration that creates a beneficial interest in another. The term includes a successor trustee.

(26) "User" means a person that has an account with a custodian.

(27) "Will" includes a codicil, testamentary instrument that only appoints an executor, and instrument that revokes or revises a testamentary instrument.

NEW SECTION. Sec. 3. APPLICABILITY. (1) This chapter applies to:

(a) A fiduciary acting under a will or power of attorney executed before, on, or after the effective date of this section;

(b) A personal representative acting for a decedent who died before, on, or after the effective date of this section;

(c) A guardian acting for an incapacitated person appointed before, on, or after the effective date of this section;

(d) A trustee acting under a trust created before, on, or after the effective date of this section; and

(e) A custodian if the user resides in this state or resided in this state at the time of the user's death.

(2) This chapter does not apply to a digital asset of an employer used by an employee in the ordinary course of the employer's business.

NEW SECTION. Sec. 4. USER DIRECTION FOR DISCLOSURE OF DIGITAL ASSETS. (1) A user may use an online tool to direct the custodian to disclose to a designated recipient or not to disclose some or all of the user's digital assets, including the content of electronic communications. If the online tool allows the user to modify or delete a direction at all times, a direction regarding disclosure using an online tool overrides a contrary direction by the user in a will, trust, power of attorney, or other record.

(2) If a user has not used an online tool to give direction under subsection (1) of this section or if the custodian has not provided an online tool, the user may allow or prohibit in a will, trust, power of attorney, or other record, disclosure to a fiduciary of some or all of the user's digital assets, including the content of electronic communications sent or received by the user.

(3) A user's direction under subsection (1) or (2) of this section overrides a contrary provision in a terms-of-service agreement that does not require the user to act affirmatively and distinctly from the user's assent to the terms-of-service agreement.

NEW SECTION. Sec. 5. TERMS-OF-SERVICE AGREEMENT. (1) This chapter does not change or impair a right of a custodian or a user under a terms-of-service agreement to access and use digital assets of the user.

(2) This chapter does not give a fiduciary or a designated recipient any new or expanded rights other than those held by the user for whom, or for whose estate, the fiduciary or designated recipient acts or represents.

(3) A fiduciary's or designated recipient's access to digital assets may be modified or eliminated by a user, by federal law, or by a terms-of-service agreement if the user has not provided direction under section 4 of this act.

NEW SECTION. Sec. 6. PROCEDURE FOR DISCLOSING DIGITAL ASSETS. (1) When disclosing digital assets of a user under this chapter, the custodian may at its sole discretion:

(a) Grant a fiduciary or designated recipient full access to the user's account;

(b) Grant a fiduciary or designated recipient partial access to the user's account sufficient to perform the

tasks with which the fiduciary or designated recipient is charged; or

(c) Provide a fiduciary or designated recipient a copy in a record of any digital asset that, on the date the custodian received the request for disclosure, the user could have accessed if the user were alive and had full capacity and access to the account.

(2) A custodian may assess a reasonable administrative charge for the cost of disclosing digital assets under this chapter.

(3) A custodian need not disclose under this chapter a digital asset deleted by a user.

(4) If a user directs or a fiduciary or designated recipient requests a custodian to disclose under this chapter some, but not all, of the user's digital assets, the custodian need not disclose the assets if segregation of the assets would impose an undue burden on the custodian. If the custodian believes the direction or request imposes an undue burden, the custodian or the fiduciary or designated recipient may seek an order from the court to disclose:

(a) A subset limited by date of the user's digital assets;

(b) All of the user's digital assets to the fiduciary or designated recipient;

(c) None of the user's digital assets; or

(d) All of the user's digital assets to the court for review in camera.

**NEW SECTION. Sec. 7. DISCLOSURE OF CONTENT OF ELECTRONIC COMMUNICATIONS OF DECEASED USER.** If a deceased user consented to or a court directs disclosure of the contents of electronic communications of the user, the custodian shall disclose to the personal representative of the estate of the user the content of an electronic communication sent or received by the user if the personal representative gives the custodian:

(1) A written request for disclosure in physical or electronic form;

(2) A certified copy of the death certificate of the user;

(3) A certified copy of the letter of appointment of the representative, or a small estate affidavit or court order;

(4) Unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney, or other record evidencing the user's consent to disclosure of the content of electronic communications; and

(5) If requested by the custodian:

(a) A number, user name, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(b) Evidence linking the account to the user; or

(c) A finding by the court that:

(i) The user had a specific account with the custodian, identifiable by the information specified in (a) of this subsection;

(ii) Disclosure of the content of electronic communications of the user would not violate 18 U.S.C. Sec. 2701 et seq. and 47 U.S.C. Sec. 222, existing on the effective date of this section, or other applicable law;

(iii) Unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or

(iv) Disclosure of the content of electronic communications of the user is reasonably necessary for administration of the estate.

**NEW SECTION. Sec. 8. DISCLOSURE OF OTHER DIGITAL ASSETS OF DECEASED USER.** Unless the user prohibited disclosure of digital assets or the court directs otherwise, a custodian shall disclose to the personal representative of the estate of a deceased user a catalogue of electronic communications sent or received by the user and digital assets, other than the content of electronic communications of the user, if the representative gives the custodian:

(1) A written request for disclosure in physical or electronic form;

(2) A certified copy of the death certificate of the user;

(3) A certified copy of the letter of appointment of the representative, or a small estate affidavit or court order; and

(4) If requested by the custodian:

(a) A number, user name, or address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(b) Evidence linking the account to the user;

(c) An affidavit stating that disclosure of the user's digital assets is reasonably necessary for administration of the estate; or

(d) A finding by the court that:

(i) The user had a specific account with the custodian, identifiable by the information specified in (a) of this subsection; or

(ii) Disclosure of the user's digital assets is reasonably necessary for administration of the estate.

**NEW SECTION. Sec. 9. DISCLOSURE OF CONTENT OF ELECTRONIC COMMUNICATIONS OF PRINCIPAL.** To the extent a power of attorney expressly grants an agent authority over the content of electronic communications sent or received by the principal and unless directed otherwise by the principal or the court, a custodian shall disclose to the agent the content if the agent gives the custodian:

(1) A written request for disclosure in physical or electronic form;

(2) An original or copy of the power of attorney expressly granting the agent authority over the content of electronic communications of the principal;

(3) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and

(4) If requested by the custodian:

(a) A number, user name, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or

(b) Evidence linking the account to the principal.

**NEW SECTION. Sec. 10. DISCLOSURE OF OTHER DIGITAL ASSETS OF PRINCIPAL.** Unless otherwise ordered by the court, directed by the principal, or provided by a power of attorney, a custodian shall disclose to an agent with specific authority over digital assets or general authority to act on behalf of a principal a catalogue of electronic communications sent or received by the principal and digital assets, other than the content of electronic communications of the principal, if the agent gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) An original or a copy of the power of attorney that gives the agent specific authority over digital assets or general authority to act on behalf of the principal;
- (3) A certification by the agent, under penalty of perjury, that the power of attorney is in effect; and
- (4) If requested by the custodian:
  - (a) A number, user name, address, or other unique subscriber or account identifier assigned by the custodian to identify the principal's account; or
  - (b) Evidence linking the account to the principal.

NEW SECTION. Sec. 11. DISCLOSURE OF DIGITAL ASSETS HELD IN TRUST WHEN TRUSTEE IS ORIGINAL USER. Unless otherwise ordered by the court or provided in a trust, a custodian shall disclose to a trustee that is an original user of an account any digital asset of that account held in trust, including a catalogue of electronic communications of the trustee and the content of electronic communications.

NEW SECTION. Sec. 12. DISCLOSURE OF CONTENT OF ELECTRONIC COMMUNICATIONS HELD IN TRUST WHEN TRUSTEE NOT ORIGINAL USER. Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose to a trustee that is not an original user of an account the content of an electronic communication sent or received by an original or successor user and carried, maintained, processed, received, or stored by the custodian in the account of the trust if the trustee gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the trust instrument, or a certification of the trust under RCW 11.98.075, that includes consent to disclosure of the content of electronic communications to the trustee;
- (3) A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and
- (4) If requested by the custodian:
  - (a) A number, user name, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or
  - (b) Evidence linking the account to the trust.

NEW SECTION. Sec. 13. DISCLOSURE OF OTHER DIGITAL ASSETS HELD IN TRUST WHEN TRUSTEE NOT ORIGINAL USER. Unless otherwise ordered by the court, directed by the user, or provided in a trust, a custodian shall disclose, to a trustee that is not an original user of an account, a catalogue of electronic communications sent or received by an original or successor user and stored, carried, or maintained by the custodian in an account of the trust and any digital assets, other than the content of electronic communications in which the trust has a right or interest, if the trustee gives the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A certified copy of the trust instrument or a certification of the trust under RCW 11.98.075;

- (3) A certification by the trustee, under penalty of perjury, that the trust exists and the trustee is a currently acting trustee of the trust; and

(4) If requested by the custodian:

- (a) A number, user name, address, or other unique subscriber or account identifier assigned by the custodian to identify the trust's account; or
- (b) Evidence linking the account to the trust.

NEW SECTION. Sec. 14. DISCLOSURE OF DIGITAL ASSETS TO GUARDIAN OF INCAPACITATED PERSON. (1) Unless otherwise ordered by the court, a guardian appointed due to a finding of incapacity under RCW 11.88.010(1) has the right to access an incapacitated person's digital assets other than the content of electronic communications.

(2) Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a guardian the catalogue of electronic communications sent or received by an incapacitated person and any digital assets, other than the content of electronic communications, if the guardian gives the custodian:

- (a) A written request for disclosure in physical or electronic form;
- (b) Certified copies of letters of guardianship and the court order appointing the guardian; and
- (c) If requested by the custodian:
  - (i) A number, user name, address, or other unique subscriber or account identifier assigned by the custodian to identify the account of the person; or
  - (ii) Evidence linking the account to the incapacitated person.

(3) A guardian may request a custodian of the incapacitated person's digital assets to suspend or terminate an account of the incapacitated person for good cause. A request made under this section must be accompanied by certified copies of letters of guardianship and the court order appointing the guardian.

NEW SECTION. Sec. 15. FIDUCIARY DUTY AND AUTHORITY. (1) The legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including:

- (a) The duty of care;
- (b) The duty of loyalty; and
- (c) The duty of confidentiality.

(2) A fiduciary's or designated recipient's authority with respect to a digital asset of a user:

- (a) Except as otherwise provided in section 4 of this act, is subject to the applicable terms-of-service agreement;
- (b) Is subject to other applicable law, including copyright law;
- (c) In the case of a fiduciary, is limited by the scope of the fiduciary's duties; and
- (d) May not be used to impersonate the user.

(3) A fiduciary with authority over the property of a decedent, incapacitated person, principal, or settlor has the right to access any digital asset in which the decedent, incapacitated person, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.

(4) A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the

decendent, incapacitated person, principal, or settlor for the purpose of applicable computer fraud and unauthorized computer access laws.

(5) A fiduciary with authority over the tangible, personal property of a decendent, incapacitated person, principal, or settlor:

(a) Has the right to access the property and any digital asset stored in it; and

(b) Is an authorized user for the purpose of computer fraud and unauthorized computer access laws.

(6) A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.

(7) A fiduciary of a user may request a custodian to terminate the user's account. A request for termination must be in writing, in either physical or electronic form, and accompanied by:

(a) If the user is deceased, a certified copy of the death certificate of the user;

(b) A certified copy of the letter of appointment of the representative or a small estate affidavit or court order, court order, power of attorney, or trust giving the fiduciary authority over the account; and

(c) If requested by the custodian:

(i) A number, user name, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;

(ii) Evidence linking the account to the user; or

(iii) A finding by the court that the user had a specific account with the custodian, identifiable by the information specified in (c)(i) of this subsection.

NEW SECTION. Sec. 16. CUSTODIAN COMPLIANCE AND IMMUNITY. (1) Not later than sixty days after receipt of the information required under sections 7 through 15 of this act, a custodian shall comply with a request under this chapter from a fiduciary or designated recipient to disclose digital assets or terminate an account. If the custodian fails to comply, the fiduciary or designated recipient may apply to the court for an order directing compliance.

(2) An order under subsection (1) of this section directing compliance must contain a finding that compliance is not in violation of 18 U.S.C. Sec. 2702, as it existed on the effective date of this section.

(3) A custodian may notify the user that a request for disclosure or to terminate an account was made under this chapter.

(4) A custodian may deny a request under this chapter from a fiduciary or designated recipient for disclosure of digital assets or to terminate an account if the custodian is aware of any lawful access to the account following the receipt of the fiduciary's request.

(5) This section does not limit a custodian's ability to obtain or require a fiduciary or designated recipient requesting disclosure or termination under this chapter to obtain a court order which:

(a) Specifies that an account belongs to the incapacitated person, trustor, decendent, or principal;

(b) Specifies that there is sufficient consent from the incapacitated person, trustor, decendent, or principal to support the requested disclosure; and

(c) Contains a finding required by law other than this chapter.

(6) A custodian and its officers, employees, and agents are immune from liability for an act or omission done in good faith in compliance with this chapter.

NEW SECTION. Sec. 17. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. Sec. 18. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, or supersedes the electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede 15 U.S.C. Sec. 7001(c) or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

NEW SECTION. Sec. 19. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. Sections 1 through 19 of this act constitute a new chapter in Title 11 RCW."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member and Haler.

Passed to Committee on Rules for second reading.

February 26, 2016  
SB 5363 Prime Sponsor, Senator Padden:  
 Prohibiting the use of eminent domain for  
 economic development. Reported by  
 Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) It is the intent of the legislature to recognize, reaffirm, and support existing Washington case law under Article I, section 16 of the state Constitution, that prohibits the condemnation of private property other than for certain public purposes pursuant to law.

(2) In light of the United States supreme court decision in *Kelo v. New London* 545 U.S. 469 (2005), the legislature intends to reaffirm existing Washington state law relating to the use of eminent domain by state and local governments, and to reaffirm the prohibition in Article I, section 16 of the state Constitution on the use of eminent domain to take private property for private use. To this end, the legislature recognizes, reaffirms,

and supports the restrictions on the use of eminent domain to take private property for private use, as set forth in chapters 8.04, 8.08, 8.12, 8.16, and 8.20 RCW and in the Washington state supreme court's decisions such as *Hogue v. Seattle*, 54 Wn.2d 799, 341 P.2d 171 (1959); *Miller v. Tacoma*, 61 Wn.2d 374, 378 P.2d 464 (1963); *In re Petition of Seattle*, 96 Wn.2d 616, 638 P.2d 549 (1981); and *State ex rel. Washington State Convention & Trade Center v. Evans*, 136 Wn.2d 811, 966 P.2d 1252 (1998).

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

(1) "Consumer-owned utility" has the same meaning as in RCW 19.27A.140.

(2) "Economic development" means any activity to increase tax revenue, tax base, employment, or general economic health, when that activity does not result in:

(a) The transfer of property to public possession, occupation, and enjoyment;

(b) The transfer of property to a private entity that is a public service company, consumer-owned utility, or common carrier;

(c) The use of eminent domain:

(i)(A) To remove a public nuisance;

(B) To remove a structure that is beyond repair or unfit for human habitation or use; or

(C) To acquire abandoned property; and

(ii) To eliminate a direct threat to public health and safety caused by the property in its current condition; or

(d) The transfer of property to private entities that occupy an incidental area within a publicly owned and occupied project.

"Economic development" does not include the transfer of property to a public service company, a consumer-owned utility, or a common carrier for the purpose of constructing, operating, or maintaining generation, transmission, or distribution facilities. "Economic development" also does not include port districts' activities under Title 14 or 53 RCW. "Economic development" also does not include highway projects.

(3) "Public service company" has the same meaning as defined in RCW 80.04.010.

(4)(a) "Public use" means:

(i) The possession, occupation, and enjoyment of the property by the general public, or by public agencies;

(ii) The use of property for the creation or functioning of public service companies, a consumer-owned utility, or common carriers; or

(iii) Where the use of eminent domain:

(A)(I) Removes a public nuisance;

(II) Removes a structure that is beyond repair or unfit for human habitation or use; or

(III) Is used to acquire abandoned property; and

(B) Eliminates a direct threat to public health and safety caused by the property in its current condition.

(b) The public benefits of economic development, including an increase in tax base, tax revenues, employment, and general economic health, may not constitute a public use.

NEW SECTION. Sec. 3. Private property may be taken only for public use and the taking of private property by

any public entity for economic development does not constitute a public use. No public entity may take property for the purpose of economic development.

NEW SECTION. Sec. 4. In an action to establish or challenge the asserted public use of a taking of private property, the taking of private property shall be deemed for economic development, and not a proper basis for eminent domain, if the court determines that the taking of the private property does not result in any of the exceptions to economic development set forth in section 2(2) of this act, and economic development was a substantial factor in the governmental body's decision to take the property.

Sec. 5. RCW 35.81.080 and 2002 c 218 s 8 are each amended to read as follows:

A municipality shall have the right to acquire by condemnation, in accordance with the procedure provided for condemnation by such municipality for other purposes, any interest in real property, which it may deem necessary for a community renewal project under this chapter after the adoption by the local governing body of a resolution declaring that the acquisition of the real property described therein is necessary for such purpose. Condemnation for community renewal of blighted areas is declared to be a public use, and property already devoted to any other public use or acquired by the owner or a predecessor in interest by eminent domain may be condemned for the purposes of this chapter. Condemnation of property in blighted areas for economic development, as defined in section 2 of this act, is not a public use.

The award of compensation for real property taken for such a project shall not be increased by reason of any increase in the value of the real property caused by the assembly, clearance, or reconstruction, or proposed assembly, clearance, or reconstruction in the project area. No allowance shall be made for the improvements begun on real property after notice to the owner of such property of the institution of proceedings to condemn such property. Evidence shall be admissible bearing upon the insanitary, unsafe, or substandard condition of the premises, or the unlawful use thereof.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act constitute a new chapter in Title 8 RCW."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

SB 5549

February 26, 2016  
Prime Sponsor, Senator Jayapal:  
Concerning the registration and  
disciplining of pharmacy assistants.  
Reported by Committee on Health Care &  
Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 23, 2016

SB 5581 Prime Sponsor, Senator Angel: Addressing the benefits of group life and disability insurance policies. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

February 26, 2016

SB 5605 Prime Sponsor, Senator Darneille: Concerning the arrest of sixteen and seventeen year olds for domestic violence assault. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 10.31.100 and 2014 c 202 s 307, 2014 c 100 s 2, and 2014 c 5 s 1 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through ((11)) (12) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.92, 7.90,

9A.46, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is ((sixteen)) eighteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: ((i)) (A) The intent to protect victims of domestic violence under RCW 10.99.010; ((ii)) (B) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and ((iii)) (C) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer shall arrest a person who is sixteen or seventeen years old and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and that person's parent or guardian requests an arrest.

(4) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

((4)) (5) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

((5)) (6)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

((6)) (7) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

((7)) (8) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

((8)) (9) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

((9)) (10) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

((10)) (11) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

((11)) (12) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person. For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term

"dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

((12)) (13) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(4) may issue a citation for an infraction to the person in connection with the violation.

((13)) (14) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

((14)) (15) Except as specifically provided in subsections (2), ((3)) (4), ((4)) (5), and ((7)) (8) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

((15)) (16) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or ((9)) (10) of this section if the police officer acts in good faith and without malice.

((16)) (17) A police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years." Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Kilduff; Ortiz-Self; Sawyer and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative McCaslin.

MINORITY recommendation: Without recommendation. Signed by Representative Hawkins.

Passed to Committee on Rules for second reading.

February 26, 2016

ESSB 5635 Prime Sponsor, Committee on Law & Justice: Enacting the uniform power of attorney act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"PART I**

NEW SECTION. Sec. 101. This act may be known and cited as the uniform power of attorney act.

NEW SECTION. Sec. 102. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agent" means a person granted authority to act for a principal under a power of attorney, whether denominated an agent, attorney-in-fact, or otherwise. The term includes an original agent, coagent, successor

agent, and a person to which an agent's authority is delegated.

(2) "Durable," with respect to a power of attorney, means not terminated by the principal's incapacity.

(3) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(4) "Good faith" means honesty in fact.

(5) "Incapacity" means inability of an individual to manage property, business, personal, or health care affairs because the individual:

(a) Has an impairment in the ability to receive and evaluate information or make or communicate decisions even with the use of technological assistance; or

(b) Is:

(i) An absentee, as defined in chapter 11.80 RCW; or

(ii) Outside the United States and unable to return.

(6) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(7) "Power of attorney" means a writing that uses the term "power of attorney" and grants authority to an agent to act in the place of the principal.

(8) "Presently exercisable general power of appointment," with respect to property or a property interest subject to a power of appointment, means power exercisable at the time in question to vest absolute ownership in the principal individually, the principal's estate, the principal's creditors, or the creditors of the principal's estate. The term includes a power of appointment not exercisable until the occurrence of a specified event, the satisfaction of an ascertainable standard, or the passage of a specified period only after the occurrence of the specified event, the satisfaction of the ascertainable standard, or the passage of the specified period. The term does not include a power exercisable in a fiduciary capacity or only by will.

(9) "Principal" means an individual who grants authority to an agent in a power of attorney.

(10) "Property" means anything that may be the subject of ownership, whether real or personal, legal or equitable, tangible or intangible, or any interest or right therein.

(11) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(12) "Stocks, bonds, and financial instruments" means stocks, bonds, mutual funds, and all other types of securities and financial instruments, whether held directly, indirectly, or in any other manner. The term shall also include but not be limited to commodity futures contracts, call or put options on stocks or stock indexes, derivatives, and margin accounts.

**NEW SECTION. Sec. 103.** (1) This chapter applies to all powers of attorney except:

(a) A power to the extent it is coupled with an interest in the subject of the power, including a power given to or for the benefit of a creditor in connection with a credit transaction;

(b) A proxy or other delegation to exercise voting rights or management rights with respect to an entity; and

(c) A power created on a form prescribed by a government or governmental subdivision, agency, or instrumentality for a governmental purpose.

(2) Notwithstanding subsection (1) of this section, section 117 of this act shall not apply to a power to make health care decisions under sections 217 and 218 of this act, nor shall it apply to the power to nominate a guardian for a minor child under section 218 of this act.

**NEW SECTION. Sec. 104.** The authority conferred under a power of attorney created prior to the effective date of this section, and also for a power of attorney created on or after the effective date of this section, terminates upon the incapacity of the principal unless the writing contains the words "This power of attorney shall not be affected by disability of the principal," or "This power of attorney shall become effective upon the disability of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding the principal's incapacity.

**NEW SECTION. Sec. 105.** (1) A power of attorney must be signed and dated by the principal, and the signature must be either acknowledged before a notary public or other individual authorized by law to take acknowledgments, or attested by two or more competent witnesses who are neither home care providers for the principal nor care providers at an adult family home or long-term care facility in which the principal resides, and who are unrelated to the principal or agent by blood, marriage, or state registered domestic partnership, by subscribing their names to the power of attorney, while in the presence of the principal and at the principal's direction or request.

(2) A power of attorney shall be considered signed in accordance with this section if, in the case of a principal who is physically unable to sign his or her name, the principal makes a mark in accordance with RCW 11.12.030, or in the case of a principal who is physically unable to make a mark, the power of attorney is executed in accordance with RCW 64.08.100.

(3) A signature on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized by law to take acknowledgments.

**NEW SECTION. Sec. 106.** (1) A power of attorney executed in this state on or after the effective date of this section is valid if its execution complies with section 105 of this act.

(2) A power of attorney executed in this state before the effective date of this section is valid if its execution complied with the law of this state as it existed at the time of execution.

(3) A power of attorney executed other than in this state is valid in this state if, when the power of attorney was executed, the execution complied with:

(a) The law of the jurisdiction that determines the meaning and effect of the power of attorney pursuant to section 107 of this act; or

(b) The requirements for a military power of attorney pursuant to 10 U.S.C. Sec. 1044b, as amended.

(4) Except as otherwise provided by statute other than this act, a photocopy or electronically transmitted copy of an original power of attorney has the same effect as the original.

**NEW SECTION. Sec. 107.** The meaning and effect of a power of attorney is determined by the law of the jurisdiction indicated in the power of attorney and, in the absence of an indication of jurisdiction, by the law of the jurisdiction in which the power of attorney was executed.

**NEW SECTION. Sec. 108.** (1) In a power of attorney, a principal may nominate a guardian of the principal's estate or guardian of the principal's person for consideration by the court if protective proceedings for the principal's estate or person are begun after the principal executes the power of attorney. Except for good cause shown or disqualification, the court shall make its appointment in accordance with the principal's most recent nomination.

(2) If, after a principal executes a power of attorney, a court appoints a guardian of the principal's estate or other fiduciary charged with the management of all of the principal's property, the power of attorney is terminated and the agent's authority does not continue unless continued by the court.

(3) If, after a principal executes a power of attorney, a court appoints a guardian of the principal's estate or other fiduciary charged with the management of some but not all of the principal's property, the power of attorney shall not terminate or be modified, except to the extent ordered by the court.

**NEW SECTION. Sec. 109.** (1) A power of attorney is effective when executed unless the principal provides in the power of attorney that it becomes effective at a future date or upon the occurrence of a future event or contingency.

(2) If a power of attorney becomes effective upon the occurrence of a future event or contingency, the principal, in the power of attorney, may authorize one or more persons to determine in a writing that the event or contingency has occurred.

(3) If a power of attorney becomes effective upon the principal's incapacity and the principal has not authorized a person to determine whether the principal is incapacitated, or the person authorized is unable or unwilling to make the determination, the power of attorney becomes effective upon a determination in a writing by:

(a) A physician or licensed psychologist, unrelated to the principal or agent by blood or marriage, who has personally examined the principal, that the principal is incapacitated within the meaning of section 102(5)(a) of this act; or

(b) A judge or an appropriate governmental official that the principal is incapacitated within the meaning of section 102(5)(b) of this act.

(4) A person authorized by the principal in the power of attorney to determine that the principal is incapacitated may act as the principal's personal representative pursuant to the health insurance portability and accountability act, sections 1171 through 1179 of the social security act, 42 U.S.C. Sec. 1320d, as amended,

and applicable regulations, to obtain access to the principal's health care information and communicate with the principal's health care provider.

**NEW SECTION. Sec. 110.** (1) A power of attorney terminates when:

(a) The principal dies;

(b) The principal becomes incapacitated, if the power of attorney is not durable;

(c) The principal revokes the power of attorney;

(d) The power of attorney provides that it terminates;

(e) The purpose of the power of attorney is accomplished; or

(f) The principal revokes the agent's authority or the agent dies, becomes incapacitated, or resigns, and the power of attorney does not provide for another agent to act under the power of attorney.

(2) An agent's authority terminates when:

(a) The principal revokes the authority;

(b) The agent dies, becomes incapacitated, or resigns;

(c) An action is filed for the dissolution or annulment of the agent's marriage to the principal or for their legal separation, or an action is filed for dissolution or annulment of the agent's state registered domestic partnership with the principal or for their legal separation, unless the power of attorney otherwise provides; or

(d) The power of attorney terminates.

(3) An agent's authority which has been terminated under subsection (2)(c) of this section shall be reinstated effective immediately in the event that such action is dismissed with the consent of both parties or the petition for dissolution, annulment, or legal separation is withdrawn.

(4) Unless the power of attorney otherwise provides, an agent's authority is exercisable until the authority terminates under subsection (2) of this section, notwithstanding a lapse of time since the execution of the power of attorney.

(5) Termination of an agent's authority or of a power of attorney is not effective as to the agent or another person that, without actual knowledge of the termination, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

(6) Incapacity of the principal of a power of attorney that is not durable does not revoke or terminate the power of attorney as to an agent or other person that, without actual knowledge of the incapacity, acts in good faith under the power of attorney. An act so performed, unless otherwise invalid or unenforceable, binds the principal and the principal's successors in interest.

(7) The execution of a power of attorney does not revoke a power of attorney previously executed by the principal unless the subsequent power of attorney provides that the previous power of attorney is revoked or that all other powers of attorney are revoked.

**NEW SECTION. Sec. 111.** (1) A principal may designate in a power of attorney two or more persons to act as coagents. Unless the power of attorney otherwise provides, all coagents must exercise their authority

jointly; provided, however, a coagent may delegate that coagent's authority to another coagent.

(2) A principal may designate one or more successor agents to act if an agent resigns, dies, becomes incapacitated, is not qualified to serve, or declines to serve. A principal may grant authority to designate one or more successor agents to an agent or other person designated by name, office, or function. Unless the power of attorney otherwise provides, a successor agent:

(a) Has the same authority as that granted to the original agent; and

(b) May not act until all predecessor agents have resigned, died, become incapacitated, are no longer qualified to serve, or have declined to serve.

(3) Except as otherwise provided in the power of attorney and subsection (4) of this section, an agent that does not participate in or conceal a breach of fiduciary duty committed by another agent, including a predecessor agent, is not liable for the actions of the other agent.

(4) An agent that has actual knowledge of a breach or imminent breach of fiduciary duty by another agent shall notify the principal and, if the principal is incapacitated, take any action reasonably appropriate in the circumstances to safeguard the principal's best interest. An agent that fails to notify the principal or take action as required by this subsection is liable for the reasonably foreseeable damages that could have been avoided if the agent had notified the principal or taken such action.

**NEW SECTION. Sec. 112.** Unless the power of attorney otherwise provides, an agent is entitled to reimbursement of expenses reasonably incurred on behalf of the principal and to reasonable compensation.

**NEW SECTION. Sec. 113.** Except as otherwise provided in the power of attorney, a person accepts appointment as an agent under a power of attorney by exercising authority or performing duties as an agent or by any other assertion or conduct indicating acceptance.

**NEW SECTION. Sec. 114.** (1) Notwithstanding provisions in the power of attorney, an agent that has accepted appointment shall:

(a) Act in accordance with the principal's reasonable expectations to the extent actually known by the agent and, otherwise, in the principal's best interest;

(b) Act in good faith; and

(c) Act only within the scope of authority granted in the power of attorney.

(2) Except as otherwise provided in the power of attorney, an agent that has accepted appointment shall:

(a) Act loyally for the principal's benefit;

(b) Act so as not to create a conflict of interest that impairs the agent's ability to act impartially in the principal's best interest;

(c) Act with the care, competence, and diligence ordinarily exercised by agents in similar circumstances;

(d) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;

(e) Cooperate with a person that has authority to make health care decisions for the principal to carry out the principal's reasonable expectations to the extent actually known by the agent and, otherwise, act in the principal's best interest; and

(f) Attempt to preserve the principal's estate plan, to the extent actually known by the agent, if preserving the plan is consistent with the principal's best interest based on all relevant factors, including:

(i) The value and nature of the principal's property;

(ii) The principal's foreseeable obligations and need for maintenance;

(iii) Minimization of taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes; and

(iv) Eligibility for a benefit, a program, or assistance under a statute or rule.

(3) An agent that acts in good faith is not liable to any beneficiary of the principal's estate plan for failure to preserve the plan.

(4) An agent that acts with care, competence, and diligence for the best interest of the principal is not liable solely because the agent also benefits from the act or has an individual or conflicting interest in relation to the property or affairs of the principal.

(5) If an agent is selected by the principal because of special skills or expertise possessed by the agent or in reliance on the agent's representation that the agent has special skills or expertise, the special skills or expertise must be considered in determining whether the agent has acted with care, competence, and diligence under the circumstances.

(6) Absent a breach of duty to the principal, an agent is not liable if the value of the principal's property declines.

(7) An agent that engages another person on behalf of the principal is not liable for an act, error of judgment, or default of that person if the agent exercises care, competence, and diligence in selecting and monitoring the person, provided however that the agent shall not be relieved of liability for such person's discretionary acts, that, if done by the agent, would result in liability to the agent.

(8) Unless section 111(1) of this act applies, an agent may only delegate authority to another person if expressly authorized to do so in the power of attorney and may delegate some, but not all, of the authority granted by the principal. An agent that exercises authority to delegate to another person the authority granted by the principal is not liable for an act, error of judgment, or default of that person if the agent exercises care, competence, and diligence in selecting and monitoring the person, provided however that the agent shall not be relieved of liability for such person's discretionary acts, that, if done by the agent, would result in liability to the agent.

(9) Except as otherwise provided in the power of attorney, an agent is not required to disclose receipts, disbursements, or transactions conducted on behalf of the principal unless ordered by a court or requested in writing by the principal, a guardian, a conservator, another fiduciary acting for the principal, a governmental agency having authority to protect the welfare of the principal, or, upon the death of the principal, by the personal representative or successor in interest of the principal's estate. Such request by a guardian, conservator, or another fiduciary acting for the principal must be limited to information reasonably

related to that guardian, conservator, or fiduciary's duties. If so requested, within thirty days the agent shall comply with the request or provide a writing or other record substantiating why additional time is needed and shall comply with the request within an additional thirty days.

**NEW SECTION. Sec. 115.** A provision in a power of attorney relieving an agent of liability for breach of duty is binding on the principal and the principal's successors in interest except to the extent the provision:

(1) Relieves the agent of liability for breach of duty committed dishonestly, with an improper motive, or with gross negligence to the purposes of the power of attorney or the best interest of the principal; or

(2) Was inserted as a result of an abuse of a confidential or fiduciary relationship with the principal.

**NEW SECTION. Sec. 116.** (1) Except as otherwise provided in the power of attorney, the following persons may bring a petition described in subsection (2) of this section:

(a) The principal or the agent;

(b) The spouse or state registered domestic partner of the principal;

(c) The guardian of the estate or person of the principal;

(d) Any other interested person, as long as the person demonstrates to the court's satisfaction that the person is interested in the welfare of the principal and has a good faith belief that the court's intervention is necessary, and that the principal is incapacitated at the time of filing the petition or otherwise unable to protect his or her own interests; and

(e) A person asked to accept the power of attorney.

(2) A person designated in subsection (1) of this section may file a petition requesting the court to construe a power of attorney or grant any other appropriate relief, including but not limited to:

(a) Determination of whether the power of attorney is in effect or has terminated;

(b) Compelling the agent to submit the agent's accounts or report the agent's acts as agent to the principal, the spouse or state registered domestic partner of the principal, the guardian of the person or the estate of the principal, or to any other person required by the court in its discretion, if the agent has not timely complied with a request under section 114(9) of this act. However, a government agency having authority to protect the welfare of the principal may file a petition upon the agent's refusal or failure to submit an accounting upon written request and shall not be required to wait sixty days;

(c) Ratification of past acts or approval of proposed acts of the agent;

(d) Issuance of an order directing the agent to exercise or refrain from exercising authority in a power of attorney in a particular manner or for a particular purpose;

(e) Modification of the authority of an agent under a power of attorney;

(f) Removal of the agent on a determination by the court of both of the following:

(i) Determination that the agent has violated or is unfit to perform the fiduciary duties under the power of attorney; and

(ii) Determination that the removal of the agent is in the best interest of the principal;

(g) Approval of the resignation of the agent and approval of the final accountings of the resigning agent if submitted, subject to any orders the court determines are necessary to protect the principal's interests;

(h) Confirmation of the authority of a successor agent to act under a power of attorney upon removal or resignation of the previous agent;

(i) Compelling a third person to honor the authority of an agent, provided that a third person may not be compelled to honor the agent's authority if the principal could not compel the third person to act in the same circumstances;

(j) Order the agent to furnish a bond in an amount the court determines to be appropriate.

(3) Any action commenced under this section shall be subject to the notice requirements of chapter 11.96A RCW.

(4) Upon motion by the principal, the court shall dismiss a petition filed under this section, unless the court finds that the principal lacks capacity to revoke the agent's authority or the power of attorney.

(5) Except as otherwise provided in section 120(3)(b) of this act, any action commenced under this section shall be subject to the provisions of RCW 11.96A.150.

**NEW SECTION. Sec. 117.** An agent that violates this chapter is liable to the principal or the principal's successors in interest for the amount required to restore the value of the principal's property to what it would have been had the violation not occurred.

**NEW SECTION. Sec. 118.** Unless the power of attorney has been terminated in accordance with section 108 of this act, or the power of attorney provides a different method for an agent's resignation, an agent may resign by giving notice to the principal and, if the principal is incapacitated:

(1) To the conservator or guardian, if one has been appointed for the principal, and a coagent or successor agent, if designated; or

(2) If there is no person described in subsection (1) of this section:

(a) To any person reasonably believed by the agent to have sufficient interest in the principal's welfare;

(b) To a governmental agency having authority to protect the welfare of the principal; or

(c) By filing notice with the county recorder's office in the county where the principal resides.

**NEW SECTION. Sec. 119.** (1) For purposes of this section and section 120 of this act, "acknowledged" means purportedly verified before a notary public or other individual authorized to take acknowledgments.

(2) A person that in good faith accepts an acknowledged power of attorney without actual knowledge that the signature is not genuine may rely upon the presumption under section 105 of this act that the signature is genuine.

(3) A person that in good faith accepts an acknowledged power of attorney without actual knowledge that the power of attorney is void, invalid, or terminated, that the

purported agent's authority is void, invalid, or terminated, or that the agent is exceeding or improperly exercising the agent's authority may rely upon the power of attorney as if the power of attorney were genuine, valid and still in effect, the agent's authority were genuine, valid and still in effect, and the agent had not exceeded and had properly exercised the authority.

(4) A person that is asked to accept an acknowledged power of attorney may request, and rely upon, without further investigation:

(a) An agent's certification given under penalty of perjury meeting the requirements of subsection (5) of this section; and

(b) An English translation of the power of attorney if the power of attorney contains, in whole or in part, language other than English.

(5) A certification presented pursuant to subsection (4) of this section or pursuant to section 120 of this act shall state that:

(a) The person presenting himself or herself as the agent and signing the affidavit or declaration is the person so named in the power of attorney;

(b) If the agent is named in the power of attorney as a successor agent, the circumstances or conditions stated in the power of attorney that would cause that person to become the acting agent have occurred;

(c) To the best of the agent's knowledge, the principal is still alive;

(d) To the best of the agent's knowledge, at the time the power of attorney was signed, the principal was competent to execute the document and was not under undue influence to sign the document;

(e) All events necessary to making the power of attorney effective have occurred;

(f) The agent does not have actual knowledge of the revocation, termination, limitation, or modification of the power of attorney or of the agent's authority;

(g) The agent does not have actual knowledge of the existence of other circumstances that would limit, modify, revoke, or terminate the power of attorney or the agent's authority to take the proposed action;

(h) If the agent was married to or in a state registered domestic partnership with the principal at the time of execution of the power of attorney, then at the time of signing the affidavit or declaration, the marriage or state registered domestic partnership of the principal and the agent has not been dissolved or declared invalid, and no action is pending for the dissolution of the marriage or domestic partnership or for legal separation; and

(i) The agent is acting in good faith pursuant to the authority given under the power of attorney.

(6) An English translation requested under this section must be provided at the principal's expense unless the request is made more than seven business days after the power of attorney is presented for acceptance.

(7) For purposes of this section and section 120 of this act, a person that conducts activities through employees is without actual knowledge of a fact relating to a power of attorney, a principal, or an agent if the employee conducting the transaction involving the power of attorney is without actual knowledge of the fact.

NEW SECTION. Sec. 120. (1) Except as otherwise provided in subsection (2) of this section:

(a) A person shall either accept an acknowledged power of attorney or request a certification or a translation no later than seven business days after presentation of the power of attorney for acceptance;

(b) If a person requests a certification or a translation, the person shall accept the power of attorney no later than five business days after receipt of the certification or translation; and

(c) A person may not require an additional or different form of power of attorney for authority granted in the power of attorney presented.

(2) A person is not required to accept an acknowledged power of attorney if:

(a) The person is not otherwise required to engage in a transaction with the principal in the same circumstances;

(b) Engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal law;

(c) The person has actual knowledge of the termination of the agent's authority or of the power of attorney before exercise of the power;

(d) A request for a certification or a translation is refused;

(e) The person in good faith believes that the power is not valid or that the agent does not have the authority to perform the act requested, whether or not a certification or a translation has been requested or provided; or

(f) The person makes, or has actual knowledge that another person has made, a report to the department of social and health services stating a good faith belief that the principal may be subject to physical or financial abuse, neglect, exploitation, or abandonment by the agent or a person acting for or with the agent.

(3) A person that refuses in violation of this section to accept an acknowledged power of attorney is subject to:

(a) A court order mandating acceptance of the power of attorney; and

(b) Liability for reasonable attorneys' fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.

NEW SECTION. Sec. 121. Unless displaced by a provision of this chapter, the principles of law and equity supplement this chapter.

NEW SECTION. Sec. 122. This chapter does not supersede any other law applicable to financial institutions or other entities, and the other law controls if inconsistent with this chapter.

NEW SECTION. Sec. 123. The remedies under this chapter are not exclusive and do not abrogate any right or remedy under the law of this state other than this chapter.

## PART II

NEW SECTION. Sec. 201. (1) An agent under a power of attorney may, subject to the requirements of section 114 of this act, and in particular section 114(2)(f) of this act, do the following on behalf of the principal or with the principal's property only if the power of attorney expressly grants the agent the authority and exercise of the authority is not otherwise prohibited by another

agreement or instrument to which the authority or property is subject:

- (a) Create, amend, revoke, or terminate an inter vivos trust;
  - (b) Make a gift;
  - (c) Create or change rights of survivorship;
  - (d) Create or change a beneficiary designation;
  - (e) Delegate some but not all of the authority granted under the power of attorney, except as otherwise provided in section 111(1) of this act;
  - (f) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;
  - (g) Exercise fiduciary powers that the principal has authority to delegate;
  - (h) Exercise any power of appointment in favor of anyone other than the principal;
  - (i) Create, amend, or revoke a community property agreement;
  - (j) Cause a trustee to make distributions of property held in trust under the same conditions that the principal could;
  - (k) Make any other provisions for nonprobate transfer at death contained in nontestamentary instruments described in RCW 11.02.091;
  - (l) Make health care decisions for the principal, or give informed consent to health care decisions on the principal's behalf.
- (2) Notwithstanding the provisions of subsection (1)(a) of this section, an agent may, even in the absence of a specific grant of authority, make transfers of property to any trust that benefits the principal alone and does not have dispositive provisions that are different from those that would have governed the property had it not been transferred into such trust.
- (3) Notwithstanding the provisions of subsection (1)(b) of this section, an agent may, even in the absence of a specific grant of authority, make any transfer of resources not prohibited under chapter 74.09 RCW when the transfer is for the purpose of qualifying the principal for medical assistance or the limited casualty program for the medically needy.
- (4) Notwithstanding a grant of authority to do an act described in subsection (1) of this section, unless the power of attorney otherwise provides, an agent that is not an ancestor, spouse, state registered domestic partner, or descendant of the principal, may not exercise authority under a power of attorney to create in the agent, or in an individual to whom the agent owes a legal obligation of support, an interest in the principal's property, whether by gift, right of survivorship, beneficiary designation, disclaimer, or otherwise.
- (5) Unless the power of attorney otherwise provides, a grant of authority to make a gift is subject to section 216 of this act.
- (6) Subject to subsections (1) through (5) of this section, if the subjects over which authority is granted in a power of attorney are similar or overlap, the broadest authority controls.
- (7) Authority granted in a power of attorney is exercisable with respect to property that the principal has when the power of attorney is executed or acquires later,

whether or not the property is located in this state and whether or not the authority is exercised or the power of attorney is executed in this state.

(8) An act performed by an agent pursuant to a power of attorney has the same effect and inures to the benefit of and binds the principal and the principal's successors in interest as if the principal had performed the act.

**NEW SECTION. Sec. 202.** (1) Subject to the provisions of section 201 of this act, if a power of attorney grants to an agent authority to do all acts that a principal could do or contains words of similar effect, the agent has the general authority described in sections 203 through 218 of this act.

(2) An agent has authority described in this act if the power of attorney refers to general authority with respect to the descriptive term for the subjects stated in sections 204 through 218 of this act or cites the section in which the authority is described.

(3) A reference in a power of attorney to general authority with respect to the descriptive term for a subject in sections 204 through 218 of this act or a citation to a section of sections 204 through 218 of this act incorporates the entire section as if it were set out in full in the power of attorney.

(4) A principal may modify authority incorporated by reference.

**NEW SECTION. Sec. 203.** Except as otherwise provided in the power of attorney, by executing a power of attorney that incorporates by reference a subject described in sections 204 through 218 of this act or that grants to an agent authority to do all acts that a principal could do pursuant to section 202(1) of this act, a principal authorizes the agent, with respect to that subject, to:

(1) Demand, receive, and obtain by litigation or otherwise, declaratory or injunctive relief, money, or another thing of value to which the principal is, may become, or claims to be entitled, and conserve, invest, disburse, or use anything so received or obtained for the purposes intended;

(2) Contract in any manner with any person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release, or modify the contract or another contract made by or on behalf of the principal;

(3) Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction, including creating at any time a schedule listing some or all of the principal's property and attaching it to the power of attorney;

(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;

(5) Seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in the power of attorney;

(6) Engage, compensate, and discharge an attorney, accountant, investment manager, expert witness, or other advisor;

(7) Prepare, execute, and file a record, report, or other document to safeguard or promote the principal's interest under a statute or regulation;

(8) Communicate with any representative or employee of a government or governmental subdivision, agency, or instrumentality, on behalf of the principal;

(9) Access communications intended for, and communicate on behalf of the principal, whether by mail, electronic transmission, telephone, or other means; and

(10) Do any lawful act with respect to the subject and all property related to the subject.

**NEW SECTION. Sec. 204.** Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to real property authorizes the agent to:

(1) Demand; buy; sublease; license; receive; accept as a gift or as security for an extension of credit; or otherwise acquire or reject an interest in real property or a right incident to real property;

(2) Sell; exchange; convey with or without reservations, covenants, representations, or warranties; quitclaim; release; surrender; retain title for security; encumber; partition; consent to partitioning; subject to an easement or covenant, common interest regime; subdivide; apply for zoning or other governmental permits; plat or consent to platting; develop; grant an option concerning; lease; sublease; license; contribute to an entity in exchange for an interest in that entity; or, subject to section 201 of this act, otherwise grant or dispose of an interest in real property or a right incident to real property;

(3) Pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, extend the time of payment of a debt of the principal or a debt guaranteed by the principal, or as security for a nonmonetary obligation;

(4) Release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property which exists or is asserted;

(5) Manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including:

(a) Insuring against liability or casualty or other loss;

(b) Obtaining or regaining possession of or protecting the interest or right by litigation or otherwise;

(c) Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and

(d) Purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property;

(6) Use, develop, alter, replace, remove, erect, or install structures or other improvements upon real property in or incident to which the principal has, or claims to have, an interest or right;

(7) Participate in a reorganization with respect to real property or an entity that owns an interest in or right incident to real property and receive, and hold, and act with respect to stocks and bonds or other property received in a plan of reorganization, including:

(a) Selling or otherwise disposing of them;

(b) Exercising or selling an option, right of conversion, or similar right with respect to them; and

(c) Exercising any voting rights in person or by proxy;

(8) Change the form of title of an interest in or right incident to real property; and

(9) Dedicate to public use, with or without consideration, easements or other real property in which the principal has, or claims to have, an interest.

**NEW SECTION. Sec. 205.** Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to tangible personal property authorizes the agent to:

(1) Demand, buy, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property;

(2) Sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; create a security interest in; grant options concerning; lease; sublease; or, otherwise dispose of tangible personal property or an interest in tangible personal property;

(3) Grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(4) Release, assign, satisfy, or enforce by litigation or otherwise, a security interest, lien, or other claim on behalf of the principal, with respect to tangible personal property or an interest in tangible personal property;

(5) Manage or conserve tangible personal property or an interest in tangible personal property on behalf of the principal, including:

(a) Insuring against liability or casualty or other loss;

(b) Obtaining or regaining possession of or protecting the property or interest, by litigation or otherwise;

(c) Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with taxes or assessments;

(d) Moving the property from place to place;

(e) Storing the property for hire or on a gratuitous bailment; and

(f) Using and making repairs, alterations, or improvements to the property; and

(6) Change the form of title of an interest in tangible personal property.

**NEW SECTION. Sec. 206.** Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to stocks, bonds, and financial instruments authorizes the agent to:

(1) Buy, sell, and exchange stocks, bonds, and financial instruments;

(2) Establish, continue, modify, or terminate an account with respect to stocks, bonds, and financial instruments;

(3) Pledge stocks, bonds, and financial instruments as security to borrow, pay, renew, or extend the time of payment of a debt of the principal;

(4) Receive certificates and other evidences of ownership with respect to stocks, bonds, and financial instruments;

(5) Exercise voting rights with respect to stocks, bonds, and financial instruments in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote;

(6) Buy, sell, exchange, assign, settle, and exercise commodity futures contracts and call or put options on stocks or stock indexes traded on a regulated option exchange; and

(7) Establish, continue, modify, and terminate option accounts.

**NEW SECTION. Sec. 207.** Except as otherwise expressly provided in this act and in chapter 30A.22 RCW, unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to banks and other financial institutions authorizes the agent to:

(1) Continue, modify, and terminate an account or other banking arrangement made by or on behalf of the principal;

(2) Establish, modify, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent;

(3) Contract for services available from a financial institution, including renting a safe deposit box or space in a vault;

(4) Withdraw, by check, order, electronic funds transfer, or otherwise, money or property of the principal deposited with or left in the custody of a financial institution;

(5) Receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them;

(6) Enter a safe deposit box or vault and withdraw or add to the contents;

(7) Borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

(8) Make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions, and accept a draft drawn by a person upon the principal and pay it when due;

(9) Receive for the principal and act upon a sight draft, warehouse receipt, or other document of title whether tangible or electronic, or other negotiable or nonnegotiable instrument;

(10) Apply for, receive, and use letters of credit, credit and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution and give an indemnity or other agreement in connection with letters of credit; and

(11) Consent to an extension of the time of payment with respect to commercial paper or a financial transaction with a financial institution.

**NEW SECTION. Sec. 208.** Subject to the terms of a document or an agreement governing an entity or an entity ownership interest, and unless the power of

attorney otherwise provides, language in a power of attorney granting general authority with respect to operation of an entity or business authorizes the agent to:

(1) Operate, buy, sell, enlarge, reduce, or terminate an ownership interest;

(2) Perform a duty or discharge a liability and exercise in person or by proxy a right, power, privilege, or option that the principal has, may have, or claims to have;

(3) Enforce the terms of an ownership agreement;

(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party because of an ownership interest;

(5) Exercise in person or by proxy, or enforce by litigation or otherwise, a right, power, privilege, or option the principal has or claims to have as the holder of stocks, bonds, and financial instruments;

(6) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to which the principal is a party concerning stocks, bonds, and financial instruments;

(7) With respect to an entity or business owned solely by the principal:

(a) Continue, modify, renegotiate, extend, and terminate a contract made by or on behalf of the principal with respect to the entity or business before execution of the power of attorney;

(b) Determine:

(i) The location of its operation;

(ii) The nature and extent of its business;

(iii) The methods of manufacturing, selling, merchandising, financing, accounting, and advertising employed in its operation;

(iv) The amount and types of insurance carried; and

(v) The mode of engaging, compensating, and dealing with its employees and accountants, attorneys, or other advisors;

(c) Change the name or form of organization under which the entity or business is operated and enter into an ownership agreement with other persons to take over all or part of the operation of the entity or business; and

(d) Demand and receive money due or claimed by the principal or on the principal's behalf in the operation of the entity or business and control and disburse the money in the operation of the entity or business;

(8) Put additional capital into an entity or business in which the principal has an interest;

(9) Join in a plan of reorganization, consolidation, conversion, domestication, or merger of the entity or business;

(10) Sell or liquidate all or part of an entity or business;

(11) Establish through agreement or independent appraisal the value of an entity or business to which the principal is a party;

(12) Prepare, sign, file, and deliver reports, compilations of information, returns, or other papers with respect to an entity or business and make related payments; and

(13) Pay, compromise, or contest taxes, assessments, fines, or penalties and perform any other act to protect the principal from illegal or unnecessary taxation, assessments, fines, or penalties, with respect to an entity

or business, including attempts to recover, in any manner permitted by law, money paid before or after the execution of the power of attorney.

**NEW SECTION. Sec. 209.** Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to insurance and annuities authorizes the agent to:

- (1) Continue, pay the premium or make a contribution on, modify, exchange, sell, rescind, release, or terminate a contract procured by or on behalf of the principal which insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract;
- (2) Procure new, different, and additional contracts of insurance and annuities for the benefit of the principal and the principal's spouse, state registered domestic partner, children, and other dependents, and select the amount, type of insurance or annuity, and mode of payment;
- (3) Pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent;
- (4) Apply for and receive a loan secured by a contract of insurance or annuity;
- (5) Surrender and receive the cash surrender value on a contract of insurance or annuity;
- (6) Exercise an election;
- (7) Exercise investment powers available under a contract of insurance or annuity;
- (8) Change the manner of paying premiums on a contract of insurance or annuity;
- (9) Change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section;
- (10) Apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal;
- (11) Collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity;
- (12) Select the form and timing of the payment of proceeds from a contract of insurance or annuity; and
- (13) Pay, from proceeds or otherwise, compromise or contest, and apply for refunds in connection with, a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or its proceeds or liability accruing by reason of the tax or assessment.

**NEW SECTION. Sec. 210.** (1) In this section, "estates, trusts, and other beneficial interests" means a trust, probate estate, guardianship, conservatorship, escrow, or custodianship or a fund from which the principal is, may become, or claims to be, entitled to a share or payment.

(2) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to estates, trusts, and other beneficial interests authorizes the agent to:

- (a) Accept, receive, receipt for, sell, assign, pledge, or exchange a share in or payment from the fund;
- (b) Demand or obtain money or another thing of value to which the principal is, may become, or claims to be, entitled by reason of the fund, by litigation or otherwise;

(c) Exercise for the benefit of the principal a presently exercisable general power of appointment held by the principal;

(d) Exercise for the benefit of the principal a presently exercisable limited power of appointment held by the principal;

(e) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to ascertain the meaning, validity, or effect of a deed, will, declaration of trust, or other instrument or transaction affecting the interest of the principal;

(f) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation to remove, substitute, or surcharge a fiduciary, and any other matter as defined under RCW 11.96A.030;

(g) Conserve, invest, disburse, or use anything received for an authorized purpose;

(h) Transfer an interest of the principal in real property, stocks, bonds, and financial instruments, accounts with financial institutions or securities intermediaries, insurance, annuities, and other property to the trustee of a revocable trust created by the principal as settlor, subject to the limitations in section 201(1) of this section; and

(i) Reject, renounce, disclaim, release, or consent to a reduction in or modification of a share in or payment from the fund.

**NEW SECTION. Sec. 211.** Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to claims and litigation authorizes the agent, without the need for appointment of a guardian or guardian ad litem under Title 4 RCW, to:

(1) Assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief;

(2) Bring or defend an action to determine adverse claims or intervene or otherwise participate in litigation;

(3) Seek an attachment, garnishment, order of arrest, or other preliminary, provisional, or intermediate relief and use an available procedure to effect or satisfy a judgment, order, or decree;

(4) Make or accept a tender, offer of judgment, or admission of facts, submit a controversy on an agreed statement of facts, consent to examination, and bind the principal in litigation;

(5) Submit to alternative dispute resolution, settle, and propose or accept a compromise, subject to special proceeding rule 98.16W;

(6) Waive the issuance and service of process upon the principal, accept service of process, appear for the principal, designate persons upon which process directed to the principal may be served, execute, and file or deliver stipulations on the principal's behalf, verify pleadings, seek appellate review, procure and give surety and indemnity bonds, contract and pay for the

preparation and printing of records and briefs, receive, execute, and file or deliver a consent, waiver, release, confession of judgment, satisfaction of judgment, notice, agreement, or other instrument in connection with the prosecution, settlement, or defense of a claim or litigation;

(7) Act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee which affects an interest of the principal in property or other thing of value;

(8) Pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation; and

(9) Receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation.

**NEW SECTION. Sec. 212.** (1) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to personal and family maintenance authorizes the agent to:

(a) Perform the acts necessary to maintain the customary standard of living of the principal, the principal's spouse or state registered domestic partner, and the following individuals, whether living when the power of attorney is executed or later born:

- (i) The principal's children;
- (ii) Other individuals legally entitled to be supported by the principal; and
- (iii) The individuals whom the principal has customarily supported or indicated the intent to support;

(b) Make periodic payments of child support and other family maintenance required by a court or governmental agency or an agreement to which the principal is a party;

(c) Provide living quarters for the individuals described in subsection (1) of this section by:

- (i) Purchase, lease, or other contract; or
- (ii) Paying the operating costs, including interest, amortization payments, repairs, improvements, and taxes, for premises owned by the principal or occupied by those individuals;

(d) Provide reasonable domestic help, usual vacations and travel expenses, and funds for shelter, clothing, food, appropriate education, including postsecondary and vocational education, and other current living costs for the individuals described in subsection (1) of this section;

(e) Pay expenses for necessary health care and custodial care on behalf of the individuals described in subsection (1) of this section;

(f) Act as the principal's personal representative pursuant to the health insurance portability and accountability act, sections 1171 through 1179 of the social security act, 42 U.S.C. Sec. 1320d, as amended, and applicable regulations, for the limited purpose of making decisions regarding the payment of costs and expenses arising from past, present, or future health care provided to the principal which was consented to by the principal or anyone authorized under the law of this state to consent to health care on behalf of the principal;

(g) Continue any provision made by the principal for automobiles or other means of transportation, including registering, licensing, insuring, and replacing them, for the individuals described in subsection (1) of this section;

(h) Maintain credit and debit accounts for the convenience of the individuals described in subsection (1) of this section and open new accounts; and

(i) Continue payments incidental to the membership or affiliation of the principal in a religious institution, club, society, order, or other organization or to continue contributions to those organizations.

(2) Authority with respect to personal and family maintenance is neither dependent upon, nor limited by, authority that an agent may or may not have with respect to gifts under this act.

**NEW SECTION. Sec. 213.** (1) In this section, "benefits from governmental programs or civil or military service" means any benefit, program or assistance provided under a statute or regulation including social security, medicare, and medicaid.

(2) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to benefits from governmental programs or civil or military service authorizes the agent to:

(a) Execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal, including allowances and reimbursements for transportation of the individuals described in section 212(1)(a) of this act, and for shipment of their household effects;

(b) Take possession and order the removal and shipment of property of the principal from a post, warehouse, depot, dock, or other place of storage or safekeeping, either governmental or private, and execute and deliver a release, voucher, receipt, bill of lading, shipping ticket, certificate, or other instrument for that purpose;

(c) Enroll in, apply for, select, reject, change, amend, or discontinue, on the principal's behalf, a benefit or program;

(d) Prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation;

(e) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning any benefit or assistance the principal may be entitled to receive under a statute or regulation; and

(f) Receive the financial proceeds of a claim described in (d) of this subsection and conserve, invest, disburse, or use for a lawful purpose anything so received.

**NEW SECTION. Sec. 214.** (1) In this section, "retirement plan" means a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary, or owner, including but not limited to a plan or account under the following sections of the internal revenue code:

(a) An individual retirement account under internal revenue code section 408, 26 U.S.C. Sec. 408, as amended;

(b) A roth individual retirement account under internal revenue code section 408A, 26 U.S.C. Sec. 408A, as amended;

(c) A deemed individual retirement account under internal revenue code section 408(q), 26 U.S.C. Sec. 408(q), as amended;

(d) An annuity or mutual fund custodial account under internal revenue code section 403(b), 26 U.S.C. Sec. 403(b), as amended;

(e) A pension, profit-sharing, stock bonus, or other retirement plan qualified under internal revenue code section 401(a), 26 U.S.C. Sec. 401(a), as amended;

(f) A plan under internal revenue code section 457(b), 26 U.S.C. Sec. 457(b), as amended; and

(g) A nonqualified deferred compensation plan under internal revenue code section 409A, 26 U.S.C. Sec. 409A, as amended.

(2) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to retirement plans authorizes the agent to:

(a) Select the form and timing of payments under a retirement plan and withdraw benefits from a plan;

(b) Make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan to another;

(c) Establish a retirement plan in the principal's name;

(d) Make contributions to a retirement plan;

(e) Exercise investment powers available under a retirement plan; and

(f) Borrow from, sell assets to, or purchase assets from a retirement plan.

**NEW SECTION. Sec. 215.** Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to taxes authorizes the agent to:

(1) Prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, federal insurance contributions act, and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters, and any other tax-related documents, including receipts, offers, waivers, consents, including consents and agreements under internal revenue code section 2032A, 26 U.S.C. Sec. 2032A, as amended, closing agreements, and any power of attorney required by the internal revenue service or other taxing authority including, but not limited to, an internal revenue service form 2848 in favor of any third party with respect to a tax year upon which the statute of limitations has not run and the following twenty-five tax years;

(2) Pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the internal revenue service or other taxing authority;

(3) Exercise any election available to the principal under federal, state, local, or foreign tax law; and

(4) Act for the principal in all tax matters for all periods before the internal revenue service, or other taxing authority.

**NEW SECTION. Sec. 216.** (1) In this section, a gift "for the benefit of" a person includes but is not limited to a gift to a trust, an account under the uniform transfers to minors act of any jurisdiction, and a tuition savings account or prepaid tuition plan as defined under internal revenue code section 529, 26 U.S.C. Sec. 529, as amended. Notwithstanding the terms of section 201(1)(a) of this act, the power to make a gift pursuant to section 201(1)(b) of this act shall include the power to create a trust, an account under the uniform transfers to minors act, or a tuition savings account or prepaid tuition plan as defined under internal revenue code section 529, 26 U.S.C. Sec. 529, as amended, into which a gift is to be made.

(2) Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to gifts authorizes the agent only to:

(a) Make outright to, or for the benefit of, a person, a gift of any of the principal's property, including by the exercise of a presently exercisable general power of appointment held by the principal, in an amount per donee not to exceed the annual dollar limits of the federal gift tax exclusion under internal revenue code section 2503(b), 26 U.S.C. Sec. 2503(b), as amended, without regard to whether the federal gift tax exclusion applies to the gift, or if the principal's spouse agrees to consent to a split gift pursuant to internal revenue code section 2513, 26 U.S.C. Sec. 2513, as amended, in an amount per donee not to exceed twice the annual federal gift tax exclusion limit; and

(b) Consent, pursuant to internal revenue code section 2513, 26 U.S.C. Sec. 2513, as amended, to the splitting of a gift made by the principal's spouse in an amount per donee not to exceed the aggregate annual gift tax exclusions for both spouses.

(3) An agent may make a gift outright to, or for the benefit of, a person of the principal's property only as the agent determines is consistent with the principal's objectives if actually known by the agent and, if unknown, as the agent determines is consistent with the principal's best interest based on all relevant factors, including but not limited to:

(a) The value and nature of the principal's property;

(b) The principal's foreseeable obligations and need for maintenance;

(c) Minimization of taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes;

(d) Eligibility for a benefit, a program, or assistance under a statute or rule; and

(e) The principal's personal history of making or joining in making gifts.

**NEW SECTION. Sec. 217.** Unless the power of attorney otherwise provides, where language in a power of attorney grants general authority with respect to health care matters:

(1) The agent shall be authorized to act as the principal's personal representative pursuant to the health insurance portability and accountability act, sections 1171 through 1179 of the social security act, 42 U.S.C. Sec. 1320d, as amended, and applicable regulations for all purposes



My commission expires:  
 [This document prepared by:  
 ]

#### **PART IV**

**Sec. 401.** RCW 11.88.080 and 2005 c 97 s 11 are each amended to read as follows:

When either parent is deceased, the surviving parent of any minor child or a sole parent of a minor child, may by last will or durable power of attorney nominate a guardian or guardians of the person, or of the estate or both, of a minor child, whether born at the time of executing the instrument or afterwards, to continue during the minority of such child or for any less time. This nomination shall be effective in the event of the death or incapacity of such parent. Every guardian of the estate of a child shall give bond in like manner and with like conditions as required by RCW 11.88.100 and 11.88.110, and he or she shall have the same powers and perform the same duties with regard to the person and estate of the minor as a guardian appointed under this chapter. The court shall confirm the parent's nomination unless the court finds, based upon evidence presented at a hearing on the matter, that the individual nominated in the surviving parent's will or durable power of attorney is not qualified to serve. In the event of a conflict between the provisions of a will nominating a testamentary guardian under the authority of this section and the nomination of a guardian under section 218 of this act, the most recent designation shall control. This section applies to actions commenced under section 116 of this act.

**Sec. 402.** RCW 11.86.021 and 1989 c 34 s 2 are each amended to read as follows:

(1) A beneficiary may disclaim an interest in whole or in part, or with reference to specific parts, shares or assets, in the manner provided in RCW 11.86.031.

(2) Likewise, a beneficiary may so disclaim through an agent or attorney so authorized by written instrument.

(3) A personal representative, guardian, attorney-in-fact if authorized under a durable power of attorney under chapter ((11.94)) 11.-- RCW (the new chapter created in section 505 of this act), or other legal representative of the estate of a minor, incompetent, or deceased beneficiary, may so disclaim on behalf of the beneficiary, with or without court order, if:

(a) The legal representative deems the disclaimer to be in the best interests of those interested in the estate of the beneficiary and of those who take the disclaimed interest because of the disclaimer, and not detrimental to the best interests of the beneficiary; and

(b) In the case of a guardian, no order has been issued under RCW 11.92.140 determining that the disclaimer is not in the best interests of the beneficiary.

**Sec. 403.** RCW 11.88.010 and 2008 c 6 s 802 are each amended to read as follows:

(1) The superior court of each county shall have power to appoint guardians for the persons and/or estates of incapacitated persons, and guardians for the estates of nonresidents of the state who have property in the county needing care and attention.

(a) For purposes of this chapter, a person may be deemed incapacitated as to person when the superior court

determines the individual has a significant risk of personal harm based upon a demonstrated inability to adequately provide for nutrition, health, housing, or physical safety.

(b) For purposes of this chapter, a person may be deemed incapacitated as to the person's estate when the superior court determines the individual is at significant risk of financial harm based upon a demonstrated inability to adequately manage property or financial affairs.

(c) A determination of incapacity is a legal not a medical decision, based upon a demonstration of management insufficiencies over time in the area of person or estate. Age, eccentricity, poverty, or medical diagnosis alone shall not be sufficient to justify a finding of incapacity.

(d) A person may also be determined incapacitated if he or she is under the age of majority as defined in RCW 26.28.010.

(e) For purposes of giving informed consent for health care pursuant to RCW 7.70.050 and 7.70.065, an "incompetent" person is any person who is (i) incompetent by reason of mental illness, developmental disability, senility, habitual drunkenness, excessive use of drugs, or other mental incapacity, of either managing his or her property or caring for himself or herself, or both, or (ii) incapacitated as defined in (a), (b), or (d) of this subsection.

(f) For purposes of the terms "incompetent," "disabled," or "not legally competent," as those terms are used in the Revised Code of Washington to apply to persons incapacitated under this chapter, those terms shall be interpreted to mean "incapacitated" persons for purposes of this chapter.

(2) The superior court for each county shall have power to appoint limited guardians for the persons and estates, or either thereof, of incapacitated persons, who by reason of their incapacity have need for protection and assistance, but who are capable of managing some of their personal and financial affairs. After considering all evidence presented as a result of such investigation, the court shall impose, by order, only such specific limitations and restrictions on an incapacitated person to be placed under a limited guardianship as the court finds necessary for such person's protection and assistance. A person shall not be presumed to be incapacitated nor shall a person lose any legal rights or suffer any legal disabilities as the result of being placed under a limited guardianship, except as to those rights and disabilities specifically set forth in the court order establishing such a limited guardianship. In addition, the court order shall state the period of time for which it shall be applicable.

(3) Venue for petitions for guardianship or limited guardianship shall lie in the county wherein the alleged incapacitated person is domiciled, or if such person resides in a facility supported in whole or in part by local, state, or federal funding sources, in either the county where the facility is located, the county of domicile prior to residence in the supported facility, or the county where a parent or spouse or domestic partner of the alleged incapacitated person is domiciled.

If the alleged incapacitated person's residency has changed within one year of the filing of the petition, any interested person may move for a change of venue for

any proceedings seeking the appointment of a guardian or a limited guardian under this chapter to the county of the alleged incapacitated person's last place of residence of one year or more. The motion shall be granted when it appears to the court that such venue would be in the best interests of the alleged incapacitated person and would promote more complete consideration of all relevant matters.

(4) Under ((RCW 11.94.010)) section 108 of this act, a principal may nominate, by a durable power of attorney, the guardian or limited guardian of his or her estate or person for consideration by the court if guardianship proceedings for the principal's person or estate are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or disqualification.

(5) Imposition of a guardianship for an incapacitated person shall not result in the loss of the right to vote unless the court determines that the person is incompetent for purposes of rationally exercising the franchise in that the individual lacks the capacity to understand the nature and effect of voting such that she or he cannot make an individual choice. The court order establishing guardianship shall specify whether or not the individual retains voting rights. When a court determines that the person is incompetent for the purpose of rationally exercising the right to vote, the court shall notify the appropriate county auditor.

**Sec. 404.** RCW 11.103.030 and 2013 c 272 s 24 are each amended to read as follows:

(1) Unless the terms of a trust expressly provide that the trust is revocable, the trustor may not revoke or amend the trust.

(2) If a revocable trust is created or funded by more than one trustor and unless the trust agreement provides otherwise:

(a) To the extent the trust consists of community property, the trust may be revoked by either spouse or either domestic partner acting alone but may be amended only by joint action of both spouses or both domestic partners;

(b) To the extent the trust consists of property other than community property, each trustor may revoke or amend the trust with regard to the portion of the trust property attributable to that trustor's contribution;

(c) The character of community property or separate property is unaffected by its transfer to and from a revocable trust; and

(d) Upon the revocation or amendment of the trust by fewer than all of the trustors, the trustee must promptly notify the other trustors of the revocation or amendment.

(3) The trustor may revoke or amend a revocable trust:

(a) By substantial compliance with a method provided in the terms of the trust; or

(b)(i) If the terms of the trust do not provide a method or the method provided in the terms is not expressly made exclusive, by:

(A) A later will or codicil that expressly refers to the trust or specifically devises property that would otherwise have passed according to the terms of the trust; or

(B) A written instrument signed by the trustor evidencing intent to revoke or amend.

(ii) The requirements of chapter 11.11 RCW do not apply to revocation or amendment of a revocable trust under (b)(i) of this subsection.

(4) Upon revocation of a revocable trust, the trustee must deliver the trust property as the trustor directs.

(5) A trustor's powers with respect to the revocation or amendment of a trust or distribution of the property of a trust((,)) may be exercised by the trustor's agent under a power of attorney only to the extent specified in the power of attorney document, as provided in ((RCW 11.94.050(1))) section 201 of this act and to the extent consistent with or expressly authorized by the trust agreement.

(6) A guardian of the trustor may exercise a trustor's powers with respect to revocation, amendment, or distribution of trust property only with the approval of the court supervising the guardianship pursuant to RCW 11.92.140.

(7) A trustee who does not know that a trust has been revoked or amended is not liable to the trustor or trustor's successors in interest for distributions made and other actions taken on the assumption that the trust had not been amended or revoked.

(8) This section does not limit or affect operation of RCW 11.96A.220 through 11.96A.240.

**Sec. 405.** RCW 30A.22.170 and 1981 c 192 s 17 are each amended to read as follows:

Any funds on deposit in an account may be paid by a financial institution to or upon the order of any agent of any depositor. The contract of deposit or other document creating such agency may provide, in accordance with chapter ((11.94)) 11.-- RCW (the new chapter created in section 505 of this act), that any such agent's powers to receive payments and make withdrawals from an account continues in spite of, or arises by virtue of, the incompetency of a depositor, in which event the agent's powers to make payments and withdrawals from an account on behalf of a depositor is not affected by the incompetency of a depositor. Except as provided in this section, the authority of an agent to receive payments or make withdrawals from an account terminates with the death or incompetency of the agent's principal: PROVIDED, That a financial institution is not liable for any payment or withdrawal made to or by an agent for a deceased or incompetent depositor unless the financial institution making the payment or permitting the withdrawal had actual knowledge of the incompetency or death at the time payment was made.

**Sec. 406.** RCW 70.122.130 and 2013 c 251 s 12 are each amended to read as follows:

(1) The department of health shall establish and maintain a statewide health care declarations registry containing the health care declarations identified in subsection (2) of this section as submitted by residents of Washington. The department shall digitally reproduce and store health care declarations in the registry. The department may establish standards for individuals to submit digitally reproduced health care declarations directly to the registry, but is not required to review the health care declarations that it receives to ensure they comply with

the particular statutory requirements applicable to the document. The department may contract with an organization that meets the standards identified in this section.

(2)(a) An individual may submit any of the following health care declarations to the department of health to be digitally reproduced and stored in the registry:

- (i) A directive, as defined by this chapter;
- (ii) A durable power of attorney for health care, as authorized in chapter ((11.94)) 11.-- RCW (the new chapter created in section 505 of this act);
- (iii) A mental health advance directive, as defined by chapter 71.32 RCW; or
- (iv) A form adopted pursuant to the department of health's authority in RCW 43.70.480.

(b) Failure to submit a health care declaration to the department of health does not affect the validity of the declaration.

(c) Failure to notify the department of health of a valid revocation of a health care declaration does not affect the validity of the revocation.

(d) The entry of a health care directive in the registry under this section does not:

- (i) Affect the validity of the document;
- (ii) Take the place of any requirements in law necessary to make the submitted document legal; or
- (iii) Create a presumption regarding the validity of the document.

(3) The department of health shall prescribe a procedure for an individual to revoke a health care declaration contained in the registry.

(4) The registry must:

- (a) Be maintained in a secure database that is accessible through a web site maintained by the department of health;
- (b) Send annual electronic messages to individuals that have submitted health care declarations to request that they review the registry materials to ensure that it is current;
- (c) Provide individuals who have submitted one or more health care declarations with access to their documents and the ability to revoke their documents at all times; and
- (d) Provide the personal representatives of individuals who have submitted one or more health care declarations to the registry, attending physicians, advanced registered nurse practitioners, health care providers licensed by a disciplining authority identified in RCW 18.130.040 who is acting under the direction of a physician or an advanced registered nurse practitioner, and health care facilities, as defined in this chapter or in chapter 71.32 RCW, access to the registry at all times.

(5) In designing the registry and web site, the department of health shall ensure compliance with state and federal requirements related to patient confidentiality.

(6) The department shall provide information to health care providers and health care facilities on the registry web site regarding the different federal and Washington state requirements to ascertain and document whether a patient has an advance directive.

(7) The department of health may accept donations, grants, gifts, or other forms of voluntary contributions to support activities related to the creation and maintenance

of the health care declarations registry and statewide public education campaigns related to the existence of the registry. All receipts from donations made under this section, and other contributions and appropriations specifically made for the purposes of creating and maintaining the registry established under this section and statewide public education campaigns related to the existence of the registry, shall be deposited into the general fund. These moneys in the general fund may be spent only after appropriation.

(8) The department of health may adopt rules as necessary to implement chapter 108, Laws of 2006.

(9) By December 1, 2008, the department shall report to the house and senate committees on health care the following information:

- (a) Number of participants in the registry;
- (b) Number of health care declarations submitted by type of declaration as defined in this section;
- (c) Number of health care declarations revoked and the method of revocation;
- (d) Number of providers and facilities, by type, that have been provided access to the registry;
- (e) Actual costs of operation of the registry.

**Sec. 407.** RCW 71.32.020 and 2011 c 89 s 15 are each amended to read as follows:

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

(1) "Adult" means any individual who has attained the age of majority or is an emancipated minor.

(2) "Agent" has the same meaning as an attorney-in-fact or agent as provided in chapter ((11.94)) 11.-- RCW (the new chapter created in section 505 of this act).

(3) "Capacity" means that an adult has not been found to be incapacitated pursuant to this chapter or RCW 11.88.010(1)(e).

(4) "Court" means a superior court under chapter 2.08 RCW.

(5) "Health care facility" means a hospital, as defined in RCW 70.41.020; an institution, as defined in RCW 71.12.455; a state hospital, as defined in RCW 72.23.010; a nursing home, as defined in RCW 18.51.010; or a clinic that is part of a community mental health service delivery system, as defined in RCW 71.24.025.

(6) "Health care provider" means an osteopathic physician or osteopathic physician's assistant licensed under chapter 18.57 or 18.57A RCW, a physician or physician's assistant licensed under chapter 18.71 or 18.71A RCW, or an advanced registered nurse practitioner licensed under RCW 18.79.050.

(7) "Incapacitated" means an adult who: (a) Is unable to understand the nature, character, and anticipated results of proposed treatment or alternatives; understand the recognized serious possible risks, complications, and anticipated benefits in treatments and alternatives, including nontreatment; or communicate his or her understanding or treatment decisions; or (b) has been found to be incompetent pursuant to RCW 11.88.010(1)(e).

(8) "Informed consent" means consent that is given after the person: (a) Is provided with a description of the nature, character, and anticipated results of proposed

treatments and alternatives, and the recognized serious possible risks, complications, and anticipated benefits in the treatments and alternatives, including nontreatment, in language that the person can reasonably be expected to understand; or (b) elects not to be given the information included in (a) of this subsection.

(9) "Long-term care facility" has the same meaning as defined in RCW 43.190.020.

(10) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions.

(11) "Mental health advance directive" or "directive" means a written document in which the principal makes a declaration of instructions or preferences or appoints an agent to make decisions on behalf of the principal regarding the principal's mental health treatment, or both, and that is consistent with the provisions of this chapter.

(12) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(13) "Principal" means an adult who has executed a mental health advance directive.

(14) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(15) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

**Sec. 408.** RCW 71.32.050 and 2003 c 283 s 5 are each amended to read as follows:

(1) An adult with capacity may execute a mental health advance directive.

(2) A directive executed in accordance with this chapter is presumed to be valid. The inability to honor one or more provisions of a directive does not affect the validity of the remaining provisions.

(3) A directive may include any provision relating to mental health treatment or the care of the principal or the principal's personal affairs. Without limitation, a directive may include:

(a) The principal's preferences and instructions for mental health treatment;

(b) Consent to specific types of mental health treatment;

(c) Refusal to consent to specific types of mental health treatment;

(d) Consent to admission to and retention in a facility for mental health treatment for up to fourteen days;

(e) Descriptions of situations that may cause the principal to experience a mental health crisis;

(f) Suggested alternative responses that may supplement or be in lieu of direct mental health treatment, such as treatment approaches from other providers;

(g) Appointment of an agent pursuant to chapter ((11.94)) 11.-- RCW (the new chapter created in section 505 of this act) to make mental health treatment

decisions on the principal's behalf, including authorizing the agent to provide consent on the principal's behalf to voluntary admission to inpatient mental health treatment; and

(h) The principal's nomination of a guardian or limited guardian as provided in ((RCW 11.94.010)) section 108 of this act for consideration by the court if guardianship proceedings are commenced.

(4) A directive may be combined with or be independent of a nomination of a guardian or other durable power of attorney under chapter ((11.94)) 11.-- RCW (the new chapter created in section 505 of this act), so long as the processes for each are executed in accordance with its own statutes.

**Sec. 409.** RCW 71.32.060 and 2003 c 283 s 6 are each amended to read as follows:

(1) A directive shall:

(a) Be in writing;

(b) Contain language that clearly indicates that the principal intends to create a directive;

(c) Be dated and signed by the principal or at the principal's direction in the principal's presence if the principal is unable to sign;

(d) Designate whether the principal wishes to be able to revoke the directive during any period of incapacity or wishes to be unable to revoke the directive during any period of incapacity; and

(e) Be witnessed in writing by at least two adults, each of whom shall declare that he or she personally knows the principal, was present when the principal dated and signed the directive, and that the principal did not appear to be incapacitated or acting under fraud, undue influence, or duress.

(2) A directive that includes the appointment of an agent pursuant to a power of attorney under chapter ((11.94)) 11.-- RCW (the new chapter created in section 505 of this act) shall contain the words "This power of attorney shall not be affected by the incapacity of the principal," or "This power of attorney shall become effective upon the incapacity of the principal," or similar words showing the principal's intent that the authority conferred shall be exercisable notwithstanding the principal's incapacity.

(3) A directive is valid upon execution, but all or part of the directive may take effect at a later time as designated by the principal in the directive.

(4) A directive may:

(a) Be revoked, in whole or in part, pursuant to the provisions of RCW 71.32.080; or

(b) Expire under its own terms.

**Sec. 410.** RCW 71.32.100 and 2003 c 283 s 10 are each amended to read as follows:

(1) If a directive authorizes the appointment of an agent, the provisions of chapter ((11.94)) 11.-- RCW (the new chapter created in section 505 of this act) and RCW 7.70.065 shall apply unless otherwise stated in this chapter.

(2) The principal who appoints an agent must notify the agent in writing of the appointment.

(3) An agent must act in good faith.

(4) An agent may make decisions on behalf of the principal. Unless the principal has revoked the directive,

the decisions must be consistent with the instructions and preferences the principal has expressed in the directive, or if not expressed, as otherwise known to the agent. If the principal's instructions or preferences are not known, the agent shall make a decision he or she determines is in the best interest of the principal.

(5) Except to the extent the right is limited by the appointment or any federal or state law, the agent has the same right as the principal to receive, review, and authorize the use and disclosure of the principal's health care information when the agent is acting on behalf of the principal and to the extent required for the agent to carry out his or her duties. This subsection shall be construed to be consistent with chapters 70.02, 70.24, 70.96A, 71.05, and 71.34 RCW, and with federal law regarding health care information.

(6) Unless otherwise provided in the appointment and agreed to in writing by the agent, the agent is not, as a result of acting in the capacity of agent, personally liable for the cost of treatment provided to the principal.

(7) An agent may resign or withdraw at any time by giving written notice to the principal. The agent must also give written notice to any health care provider, professional person, or health care facility providing treatment to the principal. The resignation or withdrawal is effective upon receipt unless otherwise specified in the resignation or withdrawal.

(8) If the directive gives the agent authority to act while the principal has capacity, the decisions of the principal supersede those of the agent at any time the principal has capacity.

(9) Unless otherwise provided in the durable power of attorney, the principal may revoke the agent's appointment as provided under other state law.

**Sec. 411.** RCW 71.32.180 and 2003 c 283 s 18 are each amended to read as follows:

(1) Where an incapacitated principal has executed more than one valid directive and has not revoked any of the directives:

(a) The directive most recently created shall be treated as the principal's mental health treatment preferences and instructions as to any inconsistent or conflicting provisions, unless provided otherwise in either document.

(b) Where a directive executed under this chapter is inconsistent with a directive executed under any other chapter, the most recently created directive controls as to the inconsistent provisions.

(2) Where an incapacitated principal has appointed more than one agent under chapter ((11.94)) 11.-- RCW (the new chapter created in section 505 of this act) with authority to make mental health treatment decisions, ((RCW 11.94.010)) section 217 of this act controls.

(3) The treatment provider shall inquire of a principal whether the principal is subject to any court orders that would affect the implementation of his or her directive.

**Sec. 412.** RCW 71.32.200 and 2003 c 283 s 20 are each amended to read as follows:

Any person with reasonable cause to believe that a directive has been created or revoked under circumstances amounting to fraud, duress, or undue influence may petition the court for appointment of a

guardian for the person or to review the actions of the agent or person alleged to be involved in improper conduct under ((RCW 11.94.090)) section 116 of this act or RCW 74.34.110.

**Sec. 413.** RCW 71.32.260 and 2009 c 217 s 14 are each amended to read as follows:

The directive shall be in substantially the following form:

Mental Health Advance Directive

**NOTICE TO PERSONS**

**CREATING A MENTAL HEALTH ADVANCE DIRECTIVE**

This is an important legal document. It creates an advance directive for mental health treatment. Before signing this document you should know these important facts:

(1) This document is called an advance directive and allows you to make decisions in advance about your mental health treatment, including medications, short-term admission to inpatient treatment and electroconvulsive therapy.

**YOU DO NOT HAVE TO FILL OUT OR SIGN THIS FORM.**

**IF YOU DO NOT SIGN THIS FORM, IT WILL NOT TAKE EFFECT.**

If you choose to complete and sign this document, you may still decide to leave some items blank.

(2) You have the right to appoint a person as your agent to make treatment decisions for you. You must notify your agent that you have appointed him or her as an agent. The person you appoint has a duty to act consistently with your wishes made known by you. If your agent does not know what your wishes are, he or she has a duty to act in your best interest. Your agent has the right to withdraw from the appointment at any time.

(3) The instructions you include with this advance directive and the authority you give your agent to act will only become effective under the conditions you select in this document. You may choose to limit this directive and your agent's authority to times when you are incapacitated or to times when you are exhibiting symptoms or behavior that you specify. You may also make this directive effective immediately. No matter when you choose to make this directive effective, your treatment providers must still seek your informed consent at all times that you have capacity to give informed consent.

(4) You have the right to revoke this document in writing at any time you have capacity.

**YOU MAY NOT REVOKE THIS DIRECTIVE WHEN YOU HAVE BEEN FOUND TO BE INCAPACITATED UNLESS YOU HAVE SPECIFICALLY STATED IN THIS DIRECTIVE THAT**

**YOU WANT IT TO BE REVOCABLE WHEN YOU ARE INCAPACITATED.**

(5) This directive will stay in effect until you revoke it unless you specify an expiration date. If you specify an expiration date and you are incapacitated at the time it expires, it will remain in effect until you have capacity to make treatment decisions again unless you chose to

be able to revoke it while you are incapacitated and you revoke the directive.

(6) You cannot use your advance directive to consent to civil commitment. The procedures that apply to your advance directive are different than those provided for in the Involuntary Treatment Act. Involuntary treatment is a different process.

(7) If there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.

(8) You should be aware that there are some circumstances where your provider may not have to follow your directive.

(9) You should discuss any treatment decisions in your directive with your provider.

(10) You may ask the court to rule on the validity of your directive.

**PART I.  
STATEMENT OF INTENT TO CREATE A  
MENTAL HEALTH ADVANCE DIRECTIVE**

I, . . . . . being a person with capacity, willfully and voluntarily execute this mental health advance directive so that my choices regarding my mental health care will be carried out in circumstances when I am unable to express my instructions and preferences regarding my mental health care. If a guardian is appointed by a court to make mental health decisions for me, I intend this document to take precedence over all other means of ascertaining my intent.

The fact that I may have left blanks in this directive does not affect its validity in any way. I intend that all completed sections be followed. If I have not expressed a choice, my agent should make the decision that he or she determines is in my best interest. I intend this directive to take precedence over any other directives I have previously executed, to the extent that they are inconsistent with this document, or unless I expressly state otherwise in either document.

I understand that I may revoke this directive in whole or in part if I am a person with capacity. I understand that I cannot revoke this directive if a court, two health care providers, or one mental health professional and one health care provider find that I am an incapacitated person, unless, when I executed this directive, I chose to be able to revoke this directive while incapacitated. I understand that, except as otherwise provided in law, revocation must be in writing. I understand that nothing in this directive, or in my refusal of treatment to which I consent in this directive, authorizes any health care provider, professional person, health care facility, or agent appointed in this directive to use or threaten to use abuse, neglect, financial exploitation, or abandonment to carry out my directive.

I understand that there are some circumstances where my provider may not have to follow my directive.

**PART II.  
WHEN THIS DIRECTIVE IS EFFECTIVE  
YOU MUST COMPLETE THIS PART FOR YOUR  
DIRECTIVE TO BE VALID.**

I intend that this directive become effective (*YOU MUST CHOOSE ONLY ONE*):

. . . . . Immediately upon my signing of this directive.

. . . . . If I become incapacitated.

. . . . . When the following circumstances, symptoms, or behaviors occur:

**PART III.  
DURATION OF THIS DIRECTIVE  
YOU MUST COMPLETE THIS PART FOR YOUR  
DIRECTIVE TO BE VALID.**

I want this directive to (*YOU MUST CHOOSE ONLY ONE*):

. . . . . Remain valid and in effect for an indefinite period of time.

. . . . . Automatically expire . . . . . years from the date it was created.

**PART IV.  
WHEN I MAY REVOKE THIS DIRECTIVE  
YOU MUST COMPLETE THIS PART FOR THIS  
DIRECTIVE TO BE VALID.**

I intend that I be able to revoke this directive (*YOU MUST CHOOSE ONLY ONE*):

. . . . . Only when I have capacity.

I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this directive, even if I object at the time.

. . . . . Even if I am incapacitated.

I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further understand that if I choose this option and revoke this directive while I am incapacitated I may not receive treatment that I specify in this directive, even if I want the treatment.

**PART V.  
PREFERENCES AND INSTRUCTIONS ABOUT  
TREATMENT, FACILITIES, AND PHYSICIANS  
OR PSYCHIATRIC ADVANCED REGISTERED  
NURSE PRACTITIONERS**

**A. Preferences and Instructions About Physician(s)  
or Psychiatric Advanced Registered Nurse  
Practitioner(s) to be Involved in My Treatment**

I would like the physician(s) or psychiatric advanced registered nurse practitioner(s) named below to be involved in my treatment decisions:

Dr. or PARNP . . . . . Contact information:

Dr. or PARNP . . . . . Contact information:

I do not wish to be treated by Dr. or PARNP

**B. Preferences and Instructions About Other  
Providers**

I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I

would like the following treatment provider(s) to be contacted when this directive is effective:

Name . . . . . Profession . . . . .  
 . . . . . Contact information

Name . . . . . Profession . . . . .  
 . . . . . Contact information

**C. Preferences and Instructions About Medications for Psychiatric Treatment** (*initial and complete all that apply*)

. . . . . I consent, and authorize my agent (if appointed) to consent, to the following medications:

. . . . . I do not consent, and I do not authorize my agent (if appointed) to consent, to the administration of the following medications:

. . . . . I am willing to take the medications excluded above if my only reason for excluding them is the side effects which include and these side effects can be eliminated by dosage adjustment or other means

. . . . . I am willing to try any other medication the hospital doctor or psychiatric advanced registered nurse practitioner recommends

. . . . . I am willing to try any other medications my outpatient doctor or psychiatric advanced registered nurse practitioner recommends

. . . . . I do not want to try any other medications.

**Medication Allergies**

I have allergies to, or severe side effects from, the following:

**Other Medication Preferences or Instructions**

. . . . . I have the following other preferences or instructions about medications

**D. Preferences and Instructions About Hospitalization and Alternatives**

(*initial all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on*)

. . . . . In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as alternatives to psychiatric hospitalizations.

. . . . . I would also like the interventions below to be tried before hospitalization is considered:

. . . . . Calling someone or having someone call me when needed.

Name: Telephone:

. . . . . Staying overnight with someone

Name: Telephone:

. . . . . Having a mental health service provider come to see me

. . . . . Going to a crisis triage center or emergency room

. . . . . Staying overnight at a crisis respite (temporary) bed

. . . . . Seeing a service provider for help with psychiatric medications

. . . . . Other, specify:

**Authority to Consent to Inpatient Treatment**

I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment for . . . . . days (*not to exceed 14 days*)

(Sign one):

. . . . . If deemed appropriate by my agent (if appointed) and treating physician or psychiatric advanced registered nurse practitioner

(Signature)

or

. . . . . Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for hospitalization)

(Signature)

. . . . . I do **not** consent, or authorize my agent (if appointed) to consent, to inpatient treatment

(Signature)

**Hospital Preferences and Instructions**

If hospitalization is required, I prefer the following hospitals:

I do not consent to be admitted to the following hospitals:

**E. Preferences and Instructions About Preemergency**

I would like the interventions below to be tried before use of seclusion or restraint is considered (*initial all that apply*):

. . . . . "Talk me down" one-on-one

. . . . . More medication

. . . . . Time out/privacy

. . . . . Show of authority/force

. . . . . Shift my attention to something else

. . . . . Set firm limits on my behavior

. . . . . Help me to discuss/vent feelings

. . . . . Decrease stimulation

. . . . . Offer to have neutral person settle dispute

. . . . . Other, specify

**F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications**

If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of medication, I prefer these interventions in the order I have chosen (*choose "1" for first choice, "2" for second choice, and so on*):

. . . . . Seclusion

. . . . . Seclusion and physical restraint (combined)

. . . . . Medication by injection

. . . . . Medication in pill or liquid form

In the event that my attending physician or psychiatric advanced registered nurse practitioner decides to use medication in response to an emergency situation after due consideration of my preferences and instructions for emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have expressed in Part III C of this form. The preferences and instructions I express in this section regarding medication in emergency situations

do not constitute consent to use of the medication for nonemergency treatment.

**G. Preferences and Instructions About Electroconvulsive Therapy (ECT or Shock Therapy)**

My wishes regarding electroconvulsive therapy are (*sign one*):

..... I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

(Signature)

..... I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

(Signature)

..... I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy, but only under the following conditions:

(Signature)

**H. Preferences and Instructions About Who is Permitted to Visit**

If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

Name:

Name:

Name:

I understand that persons not listed above may be permitted to visit me.

**I. Additional Instructions About My Mental Health Care**

Other instructions about my mental health care:

In case of emergency, please contact:

Name: Address:

Work telephone: Home telephone:

Physician or Address:

Psychiatric Advanced

Registered Nurse

Practitioner:

Telephone:

The following may help me to avoid a hospitalization:

I generally react to being hospitalized as follows:

Staff of the hospital or crisis unit can help me by doing the following:

**J. Refusal of Treatment**

I do not consent to any mental health treatment.

(Signature)

**PART VI. DURABLE POWER OF ATTORNEY (APPOINTMENT OF MY AGENT)**

*(Fill out this part only if you wish to appoint an agent or nominate a guardian.)*

I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure, consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be made in accordance with my expressed wishes as set forth in this document. If I have not expressed a choice in this document **and my agent does not otherwise know my wishes**, I authorize my agent to make the decision that my agent determines is in my best interest. This agency shall not be affected by my incapacity. Unless I state otherwise in this durable power of attorney, I may revoke it unless prohibited by other state law.

**A. Designation of an Agent**

I appoint the following person as my agent to make mental health treatment decisions for me as authorized in this document and request that this person be notified immediately when this directive becomes effective:

Name: Address:  
Work telephone: Home telephone:  
Relationship:

**B. Designation of Alternate Agent**

If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to serve as my agent, I hereby appoint the following person as my alternate agent and request that this person be notified immediately when this directive becomes effective or when my original agent is no longer my agent:

Name: Address:  
Work telephone: Home telephone:  
Relationship:

**C. When My Spouse is My Agent (initial if desired)**

..... If my spouse is my agent, that person shall remain my agent even if we become legally separated or our marriage is dissolved, unless there is a court order to the contrary or I have remarried.

**D. Limitations on My Agent's Authority**

I do not grant my agent the authority to consent on my behalf to the following:

**E. Limitations on My Ability to Revoke this Durable Power of Attorney**

I choose to limit my ability to revoke this durable power of attorney as follows:

**F. Preference as to Court-Appointed Guardian**

In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I **nominate** the following person **as my guardian**:

Name: Address:  
Work telephone: Home telephone:  
Relationship:

The appointment of a guardian of my estate or my person or any other decision maker shall not give the

guardian or decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by law.

(Signature required if nomination is made)

**PART VII. OTHER DOCUMENTS**

*(Initial all that apply)*

I have executed the following documents that include the power to make decisions regarding health care services for myself:

..... Health care power of attorney (chapter ((11.94)) 11.— RCW (the new chapter created in section 505 of this act))

..... "Living will" (Health care directive; chapter 70.122 RCW)

..... I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated below:

**PART VIII. NOTIFICATION OF OTHERS AND CARE OF PERSONAL AFFAIRS**

*(Fill out this part only if you wish to provide nontreatment instructions.)*

I understand the preferences and instructions in this part are **NOT** the responsibility of my treatment provider and that no treatment provider is required to act on them.

**A. Who Should Be Notified**

I desire my agent to notify the following individuals as soon as possible when this directive becomes effective:

Name: Address:  
Day telephone: Evening telephone:  
Name: Address:  
Day telephone: Evening telephone:

**B. Preferences or Instructions About Personal Affairs**

I have the following preferences or instructions about my personal affairs (e.g., care of dependents, pets, household) if I am admitted to a mental health treatment facility:

**C. Additional Preferences and Instructions:**

**PART IX. SIGNATURE**

By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I intend that my consent in this directive be construed as being

consistent with the elements of informed consent under chapter 7.70 RCW.

Signature: Date:  
Printed Name:

This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not appear to be acting under duress, undue influence, or fraud. We further declare that none of us is:

- (A) A person designated to make medical decisions on the principal's behalf;
- (B) A health care provider or professional person directly involved with the provision of care to the principal at the time the directive is executed;
- (C) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in which the principal is a patient or resident;
- (D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating relationship as defined in RCW 26.50.010;
- (E) An incapacitated person;
- (F) A person who would benefit financially if the principal undergoes mental health treatment; or
- (G) A minor.

Witness 1: Signature: Date:

Printed Name:  
Telephone: Address:  
Witness 2: Signature: Date:

Printed Name:  
Telephone: Address:

**PART X. RECORD OF DIRECTIVE**

I have given a copy of this directive to the following persons:

DO NOT FILL OUT PART XI UNLESS YOU INTEND TO REVOKE THIS DIRECTIVE IN PART OR IN WHOLE

**PART XI. REVOCATION OF THIS DIRECTIVE**

*(Initial any that apply):*

..... I am revoking the following part(s) of this directive (specify):

..... I am revoking all of this directive.  
By signing here, I indicate that I understand the purpose and effect of my revocation and that no person is bound by any revoked provision(s). I intend this revocation to be interpreted as if I had never completed the revoked provision(s).

Signature: Date:  
Printed Name:

**DO NOT SIGN THIS PART UNLESS YOU  
INTEND TO REVOKE THIS  
DIRECTIVE IN PART OR IN WHOLE**

**PART V**

**NEW SECTION. Sec. 501.** In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact it.

**NEW SECTION. Sec. 502.** This act modifies, limits, and supersedes the federal electronic signatures in global and national commerce act, 15 U.S.C. Sec. 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, 15 U.S.C. Sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. Sec. 7003(b).

**NEW SECTION. Sec. 503.** Except as otherwise provided in this act, on the effective date of this section:

- (1) This act applies to a power of attorney created before, on, or after the effective date of this section;
- (2) This act applies to a judicial proceeding concerning a power of attorney commenced on or after the effective date of this section;
- (3) This act applies to a judicial proceeding concerning a power of attorney commenced before the effective date of this section unless the court finds that application of a provision of this act would substantially interfere with the effective conduct of the judicial proceeding or prejudice the rights of a party, in which case that provision does not apply and the superseded law applies; and
- (4) An act done before the effective date of this section is not affected by this act.

**NEW SECTION. Sec. 504.** The following acts or parts of acts are each repealed:

- (1)RCW 11.94.010 (Designation—Authority—Effect of acts done—Appointment of guardian, effect—Accounting—Reliance on instrument) and 2007 c 156 s 31, 2005 c 97 s 12, 2003 c 283 s 27, 1995 c 297 s 9, 1989 c 211 s 1, & 1985 c 30 s 25;
- (2)RCW 11.94.020 (Effect of death, disability, or incompetence of principal—Acts without knowledge) and 1985 c 30 s 26;
- (3)RCW 11.94.030 (Banking transactions) and 1985 c 30 s 27;
- (4)RCW 11.94.040 (Liability for reliance on power of attorney document) and 2001 c 203 s 2 & 1985 c 30 s 28;
- (5)RCW 11.94.043 (Durable power of attorney—Revocation or termination) and 1989 c 211 s 2;
- (6)RCW 11.94.046 (Durable power of attorney—Validity) and 1989 c 211 s 3;
- (7)RCW 11.94.050 (Attorney or agent granted principal's powers—Powers to be specifically provided for—Transfer of resources by principal's attorney or agent) and 2014 c 58 s 23, 2011 c 327 s 4, 2001 c 203 s 12, 1989 c 87 s 1, & 1985 c 30 s 29;
- (8)RCW 11.94.060 (Conveyance or encumbrance of homestead) and 1985 c 30 s 30;
- (9)RCW 11.94.070 (Limitations on powers to benefit attorneys-in-fact) and 1994 c 221 s 67;

(10)RCW 11.94.080 (Termination of marriage or state registered domestic partnership) and 2007 c 156 s 14 & 2001 c 203 s 1;

(11)RCW 11.94.090 (Court petition) and 2008 c 6 s 808 & 2001 c 203 s 3;

(12)RCW 11.94.100 (Persons allowed to file court petition) and 2008 c 6 s 809 & 2001 c 203 s 4;

(13)RCW 11.94.110 (Ruling on court petition) and 2001 c 203 s 5;

(14)RCW 11.94.120 (Award of costs on court petition) and 2001 c 203 s 6;

(15)RCW 11.94.130 (Applicability of dispute resolution provisions to court petition) and 2001 c 203 s 7;

(16)RCW 11.94.140 (Notice of hearing on court petition) and 2008 c 6 s 810 & 2001 c 203 s 8;

(17)RCW 11.94.150 (Mental health treatment decisions—Compensation of agent prohibited—Reimbursement of expenses allowed) and 2003 c 283 s 28;

(18)RCW 11.94.900 (Application of 1984 c 149 §§ 26-31 as of January 1, 1985) and 1985 c 30 s 140; and

(19)RCW 11.94.901 (Construction—Chapter applicable to state registered domestic partnerships—2009 c 521) and 2009 c 521 s 37.

**NEW SECTION. Sec. 505.** Sections 101 through 301 and 501 through 503 of this act constitute a new chapter in Title 11 RCW.

**NEW SECTION. Sec. 506.** This act takes effect January 1, 2017."  
Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

February 26, 2016

**SSB 5728**

Prime Sponsor, Committee on Ways & Means: Concerning screening for HIV infection. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the scientific community's understanding of the human immunodeficiency virus has changed significantly since the virus was first identified. With that change has come increased awareness of the value of incorporating HIV testing into routine health screenings. The legislature finds that the United States preventive services task force recommends that clinicians screen for HIV infection in adolescents and adults age fifteen to sixty-five years and for all pregnant women. The legislature also finds that since 2006, the United States centers for disease control has recommended one-time screening of adolescent and adult patients to identify persons who are

already HIV-positive, making HIV screening a regular part of the medical care provided by a primary care provider and on the same voluntary basis as other diagnostic and screening tests. In that same recommendation, the centers for disease control formally adopted its current recommendations for an opt-out model of HIV screening for all individuals ages thirteen to sixty-four and for all pregnant women. The legislature finds further that it is appropriate to update the state's HIV screening policy by adopting these recommendations.

NEW SECTION. Sec. 2. A new section is added to chapter 70.24 RCW to read as follows:

(1) Clinicians shall screen for HIV infection consistent with the United States preventive services task force recommendations for all patients age fifteen through sixty-five years and for all pregnant women. Screening is voluntary and may be undertaken only after the patient or the patient's authorized representative has been told that HIV screening is planned and that HIV screening will be performed unless the patient declines.

(2) If a health care provider notifies a patient that an HIV screening will be performed unless the patient declines, and the patient or patient's authorized representative declines the HIV screening, the health care provider may not use the fact that the person declined an HIV screening as a basis for denying services or treatment, other than an HIV screening, to the person."

Correct the title.

Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; Jinkins; Moeller; Robinson; Rodne; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; DeBolt; Johnson and Short.

Passed to Committee on Rules for second reading.

February 26, 2016

SSB 5778 Prime Sponsor, Committee on Health Care:  
Concerning ambulatory surgical facilities.  
Reported by Committee on Health Care &  
Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.70.250 and 2013 c 77 s 2 are each amended to read as follows:

(1) It shall be the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business.

(2) The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by

the department. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program and the cost of regulating licensed volunteer medical workers in accordance with RCW 18.130.360, except as provided in RCW 18.79.202. In no case may the secretary increase a licensing fee for an ambulatory surgical facility licensed under chapter 70.230 RCW prior to July 1, 2018, nor may he or she commence the adoption of rules to increase a licensing fee prior to July 1, 2018.

(3) All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 2. RCW 70.230.020 and 2007 c 273 s 2 are each amended to read as follows:

The secretary shall:

(1) Issue a license to any ambulatory surgical facility that:

(a) Submits payment of the fee established in ((section 7, chapter 273, Laws of 2007)) RCW 43.70.110 and 43.70.250;

(b) Submits a completed application that demonstrates the ability to comply with the standards established for operating and maintaining an ambulatory surgical facility in statute and rule. An ambulatory surgical facility shall be deemed to have met the standards if it submits proof of certification as a medicare ambulatory surgical facility or accreditation by an organization that the secretary has determined to have substantially equivalent standards to those of the department; and

(c) Successfully completes the survey requirements established in RCW 70.230.100;

(2) Develop an application form for applicants for a license to operate an ambulatory surgical facility;

(3) Initiate investigations and enforcement actions for complaints or other information regarding failure to comply with this chapter or the standards and rules adopted under this chapter;

(4) Conduct surveys of facilities, including reviews of medical records and documents required to be maintained under this chapter or rules adopted under this chapter;

(5) By March 1, 2008, determine which accreditation organizations have substantially equivalent standards for purposes of deeming specific licensing requirements required in statute and rule as having met the state's standards; and

(6) Adopt any rules necessary to implement this chapter. Sec. 3. RCW 70.230.050 and 2007 c 273 s 5 are each amended to read as follows:

(1) An applicant for a license to operate an ambulatory surgical facility must demonstrate the ability to comply with the standards established for operating and maintaining an ambulatory surgical facility in statute and rule, including:

(a) Submitting a written application to the department providing all necessary information on a form provided by the department, including a list of surgical specialties offered;

(b) Submitting building plans for review and approval by the department for new construction, alterations other than minor alterations, and additions to existing

facilities, prior to obtaining a license and occupying the building;

(c) Demonstrating the ability to comply with this chapter and any rules adopted under this chapter;

(d) Cooperating with the department during on-site surveys prior to obtaining an initial license or renewing an existing license;

(e) Providing such proof as the department may require concerning the ownership and management of the ambulatory surgical facility, including information about the organization and governance of the facility and the identity of the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets;

(f) Submitting proof of operation of a coordinated quality improvement program in accordance with RCW 70.230.080;

(g) Submitting a copy of the facility safety and emergency training program established under RCW 70.230.060;

(h) Paying any fees established by the secretary under ((section 7, chapter 273, Laws of 2007)) RCW 43.70.110 and 43.70.250; and

(i) Providing any other information that the department may reasonably require.

(2) A license is valid for three years, after which an ambulatory surgical facility must submit an application for renewal of license upon forms provided by the department and the renewal fee as established in ((section 7, chapter 273, Laws of 2007)) RCW 43.70.110 and 43.70.250. The applicant must demonstrate the ability to comply with the standards established for operating and maintaining an ambulatory surgical facility in statutes, standards, and rules. The applicant must submit the license renewal document no later than thirty days prior to the date of expiration of the license.

(3) The applicant may demonstrate compliance with any of the requirements of subsection (1) of this section by providing satisfactory documentation to the secretary that it has met the standards of an accreditation organization or federal agency that the secretary has determined to have substantially equivalent standards as the statutes and rules of this state.

Sec. 4. RCW 70.230.100 and 2007 c 273 s 11 are each amended to read as follows:

(1) The department shall make or cause to be made a survey of all ambulatory surgical facilities according to the following frequency:

(a) Except as provided in (b) of this subsection, an ambulatory surgical facility must be surveyed by the department no more than once every eighteen months.

(b) An ambulatory surgical facility must be surveyed by the department no more than once every thirty-six months if the ambulatory surgical facility:

(i) Has had, within eighteen months of a department survey, a survey in connection with its certification by the centers for medicare and medicaid services or accreditation by an accreditation organization approved by the department under RCW 70.230.020(5);

(ii) Has maintained certification by the centers for medicare and medicaid services or accreditation by an accreditation organization approved by the department

under RCW 70.230.020(5) since the survey in connection with its certification or accreditation pursuant to (b)(i) of this subsection; and

(iii) As soon as practicable after a survey in connection with its certification or accreditation pursuant to (b)(i) of this subsection, provides the department with documentary evidence that the ambulatory surgical facility is certified or accredited and that the survey has occurred, including the date that the survey occurred.

(2) Every survey of an ambulatory surgical facility may include an inspection of every part of the surgical facility. The department may make an examination of all phases of the ambulatory surgical facility operation necessary to determine compliance with all applicable statutes, rules, and regulations. In the event that the department is unable to make a survey or cause a survey to be made during the three years of the term of the license, the license of the ambulatory surgical facility shall remain in effect until the state conducts a survey or a substitute survey is performed if the ambulatory surgical facility is in compliance with all other licensing requirements.

((2) An ambulatory surgical facility shall be deemed to have met the survey standards of this section if it submits proof of certification as a medicare ambulatory surgical facility or accreditation by an organization that the secretary has determined to have substantially equivalent survey standards to those of the department. A survey performed pursuant to medicare certification or by an approved accrediting organization may substitute for a survey by the department if:

(a) The ambulatory surgical facility has satisfactorily completed a survey by the department in the previous eighteen months; and

(b) Within thirty days of learning the result of a survey, the ambulatory surgical facility provides the department with documentary evidence that the ambulatory surgical facility has been certified or accredited as a result of a survey and the date of the survey.)

(3) Ambulatory surgical facilities shall make the written reports of surveys conducted pursuant to medicare certification procedures or by an approved accrediting organization available to department surveyors during any department surveys(,) or upon request.

NEW SECTION. Sec. 5. A new section is added to chapter 48.39 RCW to read as follows:

If a payor that contracts with an ambulatory surgical facility licensed under chapter 70.230 RCW requires successful completion of a survey as part of the contract, the ambulatory surgical facility is deemed to have met survey requirements if it has successfully completed a survey performed pursuant to medicare certification or by an accrediting organization that has been determined by the secretary of the department of health to have substantially equivalent survey standards to those of the centers for medicare and medicaid services. The payor may not impose additional survey requirements on the ambulatory surgical facility.

NEW SECTION. Sec. 6. A new section is added to chapter 70.230 RCW to read as follows:

(1) The department shall report to the fiscal committees of the legislature by December 1, 2016, and December

1, 2017, if it anticipates that the amounts raised by ambulatory surgical facility licensing fees will not be sufficient to defray the costs of regulating ambulatory surgical facilities. The report shall identify the amount of state general fund money necessary to compensate for the insufficiency.

(2) The department shall conduct a benchmark survey to compare Washington's system for licensing ambulatory surgical facilities with the ambulatory surgical facility licensing systems of other states with a similar number of licensed ambulatory surgical facilities. The survey must review the licensing standards, staffing levels, training of surveyors and inspectors, and expenditures of the selected states. The survey must examine the total cost of the other states' regulatory structures and analyze the reasons for any differences in cost. The survey must assess the extent to which total program costs in other states are supported through licensing fees compared with state general fund money or other resources. The findings of the survey must be submitted to the committees of the legislature with jurisdiction over health care issues by December 1, 2016. The findings must include recommendations for statutory, regulatory, and administrative changes to reduce ambulatory surgical facility licensing fees.

(3) This section expires July 1, 2018.

NEW SECTION. Sec. 7. RCW 70.230.180 (Ambulatory surgical facility account) and 2007 c 273 s 19 are each repealed."

Correct the title.

Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Appropriations.

February 26, 2016

SB 5779 Prime Sponsor, Senator Parlette: Reducing penalties applied to regional support networks and behavioral health organizations. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Appropriations.

February 26, 2016

5ESSB 5857 Prime Sponsor, Committee on Ways & Means: Addressing registration and regulation of pharmacy benefit managers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.340.030 and 2014 c 213 s 2 are each amended to read as follows:

(1) To conduct business in this state, a pharmacy benefit manager must register with the ((department of revenue's business licensing service)) office of the insurance commissioner and annually renew the registration.

(2) To register under this section, a pharmacy benefit manager must:

(a) Submit an application requiring the following information:

(i) The identity of the pharmacy benefit manager;  
(ii) The name, business address, phone number, and contact person for the pharmacy benefit manager; and  
(iii) Where applicable, the federal tax employer identification number for the entity; and

(b) Pay a registration fee ((of two hundred dollars)) established in rule by the commissioner. The registration fee must be set to allow the registration and oversight activities to be self-supporting.

(3) To renew a registration under this section, a pharmacy benefit manager must pay a renewal fee ((of two hundred dollars)) established in rule by the commissioner. The renewal fee must be set to allow the renewal and oversight activities to be self-supporting.

(4) All receipts from registrations and renewals collected by the ((department)) commissioner must be deposited into the ((business license account created in RCW 19.02.210)) insurance commissioner's regulatory account created in RCW 48.02.190.

NEW SECTION. Sec. 2. A new section is added to chapter 19.340 RCW to read as follows:

(1) The commissioner shall have enforcement authority over this chapter and shall have authority to render a binding decision in any dispute between a pharmacy benefit manager, or third-party administrator of prescription drug benefits, and a pharmacy arising out of an appeal regarding drug pricing and reimbursement.

(2) Any person, corporation, third-party administrator of prescription drug benefits, pharmacy benefit manager, or business entity which violates any provision of this chapter shall be subject to a civil penalty in the amount of one thousand dollars for each act in violation of this chapter or, if the violation was knowing and willful, a civil penalty of five thousand dollars for each violation of this chapter.

Sec. 3. RCW 19.340.010 and 2014 c 213 s 1 are each amended to read as follows:

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

(1) "Claim" means a request from a pharmacy or pharmacist to be reimbursed for the cost of filling or refilling a prescription for a drug or for providing a medical supply or service.

(2) "Commissioner" means the insurance commissioner established in chapter 48.02 RCW.

(3) "Insurer" has the same meaning as in RCW 48.01.050.

((3)) (4) "Pharmacist" has the same meaning as in RCW 18.64.011.

((4)) (5) "Pharmacy" has the same meaning as in RCW 18.64.011.

((5)) (6)(a) "Pharmacy benefit manager" means a person that contracts with pharmacies on behalf of an insurer, a third-party payor, or the prescription drug purchasing consortium established under RCW 70.14.060 to:

(i) Process claims for prescription drugs or medical supplies or provide retail network management for pharmacies or pharmacists;

(ii) Pay pharmacies or pharmacists for prescription drugs or medical supplies; or

(iii) Negotiate rebates with manufacturers for drugs paid for or procured as described in this subsection.

(b) "Pharmacy benefit manager" does not include a health care service contractor as defined in RCW 48.44.010.

((6)) (7) "Third-party payor" means a person licensed under RCW 48.39.005.

Sec. 4. RCW 19.340.100 and 2014 c 213 s 10 are each amended to read as follows:

(1) As used in this section:

(a) "List" means the list of drugs for which ((maximum allowable costs have been established.

(b) "Maximum allowable cost" means the maximum amount that a pharmacy benefit manager will reimburse a pharmacy for the cost of a drug.

(c)) predetermined reimbursement costs have been established, such as a maximum allowable cost or maximum allowable cost list or any other benchmark prices utilized by the pharmacy benefit manager and must include the basis of the methodology and sources utilized to determine multisource generic drug reimbursement amounts.

(b) "Multiple source drug" means a therapeutically equivalent drug that is available from at least two manufacturers.

(c) "Multisource generic drug" means any covered outpatient prescription drug for which there is at least one other drug product that is rated as therapeutically equivalent under the food and drug administration's most recent publication of "Approved Drug Products with Therapeutic Equivalence Evaluations;" is pharmaceutically equivalent or bioequivalent, as determined by the food and drug administration; and is sold or marketed in the state during the period.

(d) "Network pharmacy" means a retail drug outlet licensed as a pharmacy under RCW 18.64.043 that contracts with a pharmacy benefit manager.

(e) "Therapeutically equivalent" has the same meaning as in RCW 69.41.110.

(2) A pharmacy benefit manager:

(a) May not place a drug on a list unless ((are is H:\DATA\2016

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there are at least two therapeutically equivalent multiple source drugs, or at least one generic drug available from only one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers;

(b) Shall ensure that all drugs on a list are ((generally)) readily available for purchase by pharmacies in this state from national or regional wholesalers that serve pharmacies in Washington;

(c) Shall ensure that all drugs on a list are not obsolete;

(d) Shall make available to each network pharmacy at the beginning of the term of a contract, and upon renewal of a contract, the sources utilized to determine the ((maximum allowable cost pricing)) predetermined reimbursement costs for multisource generic drugs of the pharmacy benefit manager;

(e) Shall make a list available to a network pharmacy upon request in a format that is readily accessible to and usable by the network pharmacy;

(f) Shall update each list maintained by the pharmacy benefit manager every seven business days and make the updated lists, including all changes in the price of drugs, available to network pharmacies in a readily accessible and usable format;

(g) Shall ensure that dispensing fees are not included in the calculation of ((maximum allowable cost)) the predetermined reimbursement costs for multisource generic drugs.

(3) A pharmacy benefit manager must establish a process by which a network pharmacy may appeal its reimbursement for a drug subject to ((maximum allowable cost pricing)) predetermined reimbursement costs for multisource generic drugs. A network pharmacy may appeal a ((maximum allowable cost)) predetermined reimbursement cost for a multisource generic drug if the reimbursement for the drug is less than the net amount that the network pharmacy paid to the supplier of the drug. ((An appeal requested under this section must be completed within thirty calendar days of the pharmacy making the claim for which an appeal has been requested.)) An appeal requested under this section must be completed within thirty calendar days of the pharmacy submitting the appeal. If after thirty days the network pharmacy has not received the decision on the appeal from the pharmacy benefit manager, then the appeal is considered denied.

The pharmacy benefit manager shall uphold the appeal if the pharmacy or pharmacist can demonstrate that it is unable to purchase a therapeutically equivalent interchangeable product from a supplier doing business in Washington at the pharmacy benefit manager's list price.

(4) A pharmacy benefit manager must provide as part of the appeals process established under subsection (3) of this section:

(a) A telephone number at which a network pharmacy may contact the pharmacy benefit manager and speak with an individual who is responsible for processing appeals; and

(b) ((A final response to an appeal of a maximum allowable cost within seven business days; and

(c)) If the appeal is denied, the reason for the denial and the national drug code of a drug that ((may be)) has been purchased by ((similarly situated)) other network pharmacies located in Washington at a price that is equal to or less than the ((maximum allowable cost))

predetermined reimbursement cost for the multisource generic drug.

(5)(a) If an appeal is upheld under this section, the pharmacy benefit manager shall make ((an)) a reasonable adjustment on a date no later than one day after the date of determination. ((The pharmacy benefit manager shall make the adjustment effective for all similarly situated pharmacies in this state that are within the network.))

(b) If the request for an adjustment has come from a critical access pharmacy, as defined by the state health care authority by rule for purposes related to the prescription drug purchasing consortium established under RCW 70.14.060, the adjustment approved under (a) of this subsection shall apply only to critical access pharmacies.

(6) If a network pharmacy appeal to the pharmacy benefit manager is denied, or if the network pharmacy is unsatisfied with the outcome of the appeal, the pharmacy or pharmacist may dispute the decision and request review by the commissioner within thirty calendar days of receiving the decision.

(a) All relevant information from the parties may be presented to the commissioner, and the commissioner may enter an order directing the pharmacy benefit manager to make an adjustment to the disputed claim, deny the pharmacy appeal, or take other actions deemed fair and equitable. An appeal requested under this section must be completed within thirty calendar days of the request.

(b) Upon resolution of the dispute, the commissioner shall provide a copy of the decision to both parties within seven calendar days.

(7) This section does not apply to the state medical assistance program.

(8) This section applies only to a retail licensed pharmacy with fewer than ten retail outlets, within the state of Washington, under its corporate umbrella.

NEW SECTION. Sec. 5. A new section is added to chapter 19.340 RCW to read as follows:

(1) As used in this section:

(a) "List" means the list of drugs for which maximum allowable costs have been established.

(b) "Maximum allowable cost" means the maximum amount that a pharmacy benefit manager will reimburse a pharmacy for the cost of a drug.

(c) "Multiple source drug" means a therapeutically equivalent drug that is available from at least two manufacturers.

(d) "Network pharmacy" means a retail drug outlet licensed as a pharmacy under RCW 18.64.043 that contracts with a pharmacy benefit manager.

(e) "Therapeutically equivalent" has the same meaning as in RCW 69.41.110.

(2) A pharmacy benefit manager:

(a) May not place a drug on a list unless there are at least two therapeutically equivalent multiple source drugs, or at least one generic drug available from only one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers;

(b) Shall ensure that all drugs on a list are generally available for purchase by pharmacies in this state from national or regional wholesalers;

(c) Shall ensure that all drugs on a list are not obsolete;

(d) Shall make available to each network pharmacy at the beginning of the term of a contract, and upon renewal of a contract, the sources utilized to determine the maximum allowable cost pricing of the pharmacy benefit manager;

(e) Shall make a list available to a network pharmacy upon request in a format that is readily accessible to and usable by the network pharmacy;

(f) Shall update each list maintained by the pharmacy benefit manager every seven business days and make the updated lists, including all changes in the price of drugs, available to network pharmacies in a readily accessible and usable format;

(g) Shall ensure that dispensing fees are not included in the calculation of maximum allowable cost.

(3) A pharmacy benefit manager must establish a process by which a network pharmacy may appeal its reimbursement for a drug subject to maximum allowable cost pricing. A network pharmacy may appeal a maximum allowable cost if the reimbursement for the drug is less than the net amount that the network pharmacy paid to the supplier of the drug. An appeal requested under this section must be completed within thirty calendar days of the pharmacy making the claim for which an appeal has been requested.

(4) A pharmacy benefit manager must provide as part of the appeals process established under subsection (3) of this section:

(a) A telephone number at which a network pharmacy may contact the pharmacy benefit manager and speak with an individual who is responsible for processing appeals;

(b) A final response to an appeal of a maximum allowable cost within seven business days; and

(c) If the appeal is denied, the reason for the denial and the national drug code of a drug that may be purchased by similarly situated pharmacies at a price that is equal to or less than the maximum allowable cost.

(5)(a) If an appeal is upheld under this section, the pharmacy benefit manager shall make an adjustment on a date no later than one day after the date of determination. The pharmacy benefit manager shall make the adjustment effective for all similarly situated pharmacies in this state that are within the network.

(b) If the request for an adjustment has come from a critical access pharmacy, as defined by the state health care authority by rule for purposes related to the prescription drug purchasing consortium established under RCW 70.14.060, the adjustment approved under (a) of this subsection shall apply only to critical access pharmacies.

(6) This section does not apply to the state medical assistance program.

(7) This section applies only to a retail licensed pharmacy with ten or more retail outlets, within the state of Washington, under its corporate umbrella.

NEW SECTION. Sec. 6. A new section is added to chapter 48.02 RCW to read as follows:

(1) The commissioner shall accept registration of pharmacy benefit managers as established in RCW 19.340.030 and receipts shall be deposited in the insurance commissioner's regulatory account.

(2) The commissioner shall have enforcement authority over chapter 19.340 RCW consistent with requirements established in section 2 of this act.

(3) The commissioner may adopt rules to implement chapter 19.340 RCW and to establish registration and renewal fees that ensure the registration, renewal, and oversight activities are self-supporting.

NEW SECTION. Sec. 7. The insurance commissioner, in collaboration with the department of health, must review the potential to use the independent review organizations, established in RCW 48.43.535, as an alternative to the appeal process for pharmacy and pharmacy benefit manager disputes. By December 1, 2016, the agencies must submit recommendations for use of the independent review organizations including detailed suggestions for modifications to the process, and the possible transition of the process from the department of health, established in RCW 43.70.235, to the office of the insurance commissioner.

NEW SECTION. Sec. 8. Section 1 of this act takes effect January 1, 2017."

Correct the title.

Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on General Government & Information Technology.

February 24, 2016

SSB 5864 Prime Sponsor, Committee on Ways & Means: Concerning sales and use tax for cities to offset municipal service costs to newly annexed areas. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Frame; Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Vick and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

February 26, 2016

SB 5894 Prime Sponsor, Senator Sheldon: Addressing unlawful activities on certain properties. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 507. A new section is added to chapter 9A.52 RCW to read as follows:

(1) Upon the receipt of a declaration signed under penalty of perjury and containing all of the required information and in the form prescribed in section 2 of this act, a peace officer shall have the authority to:

(a) Remove the person or persons from the premises, with or without arresting the person or persons; and

(b) Order the person or persons to remain off the premises or be subject to arrest for criminal trespass.

(2) Neither the peace officer nor his or her law enforcement agency shall be held liable for actions or omissions made in good faith under this section.

NEW SECTION. Sec. 508. A new section is added to chapter 9A.52 RCW to read as follows:

The owner of premises, or his or her authorized agent, may initiate the investigation and request the removal of an unauthorized person or persons from the premises by providing to law enforcement a declaration containing all of the following required information and in substantially the following form:

REQUEST TO REMOVE TRESPASSER(S) FORM

The undersigned owner, or authorized agent of the owner, of the premises located at ..... hereby represents and declares under the penalty of perjury that (initial each box):

(1) [ ] The declarant is the owner of the premises or the authorized agent of the owner of the premises;

(2) [ ] An unauthorized person or persons have entered and are remaining unlawfully on the premises;

(3) [ ] The person or persons were not authorized to enter or remain;

(4) [ ] The declarant has demanded that the unauthorized person or persons vacate the premises but they have not done so;

(5) [ ] The premises were not abandoned at the time the unauthorized person or persons entered;

(6) [ ] The premises were not open to members of the public at the time the unauthorized person or persons entered;

(7) [ ] The declarant understands that a person or persons removed from the premises pursuant to section 1 of this act may bring a cause of action under section 3 of this act against the declarant for

any false statements made in this declaration, and that as a result of such action the declarant may be held liable for actual damages, costs, and reasonable attorneys' fees;

(8) [ ] The declarant agrees to indemnify and hold harmless law enforcement for its actions or omissions made in good faith pursuant to this declaration; and

(9) [ ] Additional Optional Explanatory Comments:

.....  
.....

**NEW SECTION. Sec. 509.** A new section is added to chapter 4.24 RCW to read as follows:

All persons removed from premises pursuant to section 1 of this act on the basis of false statements made by a declarant pursuant to section 2 of this act shall have a cause of action to recover from the declarant for the full amount of damages caused thereby, together with costs and reasonable attorneys' fees."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

February 26, 2016  
ESB 6091 Prime Sponsor, Senator Dammeier:  
Changing the definition of slayer.  
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 11.84.010 and 2009 c 525 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Abuser" means any person who participates, either as a principal or an accessory before the fact, in the willful and unlawful financial exploitation of a vulnerable adult.

(2) "Decedent" means:

(a) Any person whose life is taken by a slayer; or

(b) Any deceased person who, at any time during life in which he or she was a vulnerable adult, was the victim of financial exploitation by an abuser.

(3) "Financial exploitation" has the same meaning as provided in RCW 74.34.020, as enacted or hereafter amended.

(4) "Property" includes any real and personal property and any right or interest therein.

(5) "Slayer" means any person who participates, either as a principal or an accessory before the fact, in the

willful and unlawful killing of any other person as determined under RCW 11.84.140.

(6) "Vulnerable adult" has the same meaning as provided in RCW 74.34.020.

Sec. 2. RCW 11.84.140 and 2009 c 525 s 14 are each amended to read as follows:

(1) A final judgment of conviction for the willful and unlawful killing of the decedent is conclusive for purposes of determining whether a person is a slayer under this section. A finding of not guilty by reason of insanity for the willful and unlawful killing of the decedent carries the same meaning as a judgment of conviction.

(2) In the absence of a criminal conviction or a finding of not guilty by reason of insanity, a superior court finding by a preponderance of the evidence that a person participated in the willful and unlawful killing of the decedent is conclusive for purposes of determining whether a person is a slayer under this section.

NEW SECTION. Sec. 3. This act may be known and cited as Carol's law."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

February 26, 2016  
ESB 6100 Prime Sponsor, Senator Chase:  
Establishing an economic gardening pilot program. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that: (a) Washington's unemployment rate during the recent recession created economic and social hardships for the people of the state;

(b) Local start-up companies and small businesses are likely, as they grow, to remain in their communities of origin, thereby creating local jobs and an economic multiplier effect with their payrolls and taxes while providing local economic stimuli, which increases the local tax base;

(c) Statewide economic prosperity and job creation are advanced significantly by creating, promoting, and retaining local start-up companies and small businesses with high growth potential;

(d) Entrepreneurs and small business owners of second-stage companies, which are those companies that are beyond the start-up stage but have not yet fully matured, with innovative products or services that satisfy market needs, have particular potential for expansion and job creation;

(e) Such entrepreneurs and owners can benefit from specialized business assistance to refine core strategies and from access to in-depth market research, competitor analyses, geographic information systems, search engine optimization, and other strategic information, as well as from relationships with mentors and advisers;

(f) The aspects of economic gardening that incorporate these principles have proven successful in improving the entrepreneurial process and promoting economically sustainable local businesses; and

(g) It is important to the overall health and growth of the state's economy to promote favorable conditions for those expanding Washington businesses that demonstrate the ability to grow.

(2) In recognition of the foregoing findings and principles, it is the intent of the legislature to create a Washington economic gardening pilot project in the department of commerce.

**NEW SECTION. Sec. 2.** A new section is added to chapter 43.31 RCW to read as follows:

(1) There is hereby created within the department the economic gardening pilot project. The purpose of the pilot project is to stimulate Washington's economy and create good-paying, sustainable jobs by providing economic gardening strategic assistance services to second-stage companies in accordance with this section.

(2) The department must oversee and direct all resources for the execution of the pilot project. The department must work with chambers of commerce, associate development organizations, and other economic development organizations to implement the pilot project. The pilot project includes developing the processes for qualifying and selecting second-stage companies, identifying training components for economic development organizations implementing the pilot project, engaging private contractors as necessary to obtain strategic assistance from nationally recognized industry experts, and providing economic gardening strategic assistance to companies participating in the pilot project.

(3)(a) On or before January 1, 2017, the department must initiate a program to provide or obtain all necessary credentials for high-impact strategic assistance for the economic development organizations participating in the pilot project.

(b) Economic development organizations participating in the pilot project must be certified in economic gardening by an entity with relevant expertise in providing strategic assistance to second-stage companies.

(i) Prior to December 1, 2016, the department must issue a request for expression of interest in offering an economic gardening strategic assistance program. The department must compile a list of interested parties identified through the request for expression of interest process.

(ii) By December 1, 2016, the department must provide the list to the legislature. The department must select from the list of interested parties the entity it deems best able to deliver the training and strategic assistance services to second-stage companies described in this

section and achieve the deliverables identified in subsection (6) of this section.

(c) The department or economic development organizations participating in the pilot project may, as necessary, contract with national specialists in the industries of the second-stage companies selected for the pilot program.

(d) The department must use the existing infrastructure of economic development organizations in the state to promote the pilot project to second-stage companies and to those clients and referrals that show growth potential in jobs, sales, or export potential.

(4)(a) On or before January 1, 2017, the department and participating economic development organizations must publish criteria for a second-stage company to be selected to participate in the pilot project. The criteria must include job growth potential, sustainability, export potential, and a workforce comprised of at least fifty percent Washington residents. Application criteria must also include requirements for data collection, as specified by the department, to show the impacts of services provided through the pilot project. The department and participating economic development organizations must utilize existing strategic infrastructure and consult with local and regional economic development partners, such as chambers of commerce, associate development organizations, and other local or regional economic development entities, to identify eligible second-stage companies.

(b) In order to participate in the pilot project, a company selected for participation must pay a one-time fee of seven hundred fifty dollars, which moneys must be deposited into the economic gardening pilot project fund, created in subsection (5) of this section, for reinvestment in the pilot project.

(c) On or before March 1, 2017, the department and participating economic development organizations must select a minimum of twenty companies to participate in the pilot project.

(d) The department must oversee staff members certified pursuant to subsection (3)(b) of this section and private contractors selected pursuant to subsection (3)(c) of this section to deploy strategic assistance to all pilot project participants. The department and participating economic development organizations must acquire any tools necessary to provide the strategic assistance, including database licenses, permits, and economic gardening certification.

(e) A participating company has twelve months from the date that the department and participating economic development organizations select the company to participate in the pilot project to use the strategic assistance and other economic gardening services offered pursuant to the pilot project.

(5) There is hereby created in the state treasury the economic gardening pilot project fund, to be administered by the department. The fund consists of all fees received under subsection (4)(b) of this section and any moneys appropriated by the legislature for the purposes of this section. The legislature must make annual appropriations of the moneys in the fund to the department for administering the pilot project. Any

moneys in the fund not appropriated must remain in the fund and may not be transferred or revert to the general fund at the end of any fiscal year.

(6) On or before November 1, 2017, and on or before November 1st each year thereafter through November 1, 2019, and in compliance with RCW 43.01.036 the department must submit a report to the economic development and workforce development committees of the legislature. The report must include, at a minimum:

(a) The services offered through the pilot project's strategic assistance;

(b) The department's expenditures on strategic assistance provided to pilot project participants;

(c) The number and types of jobs created as a result of the pilot project;

(d) The increased sales as a result of the pilot project; and

(e) The value of goods or services sold outside the company's local area or state.

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

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

(b) "Economic gardening" means an approach to economic growth and development that emphasizes nurturing and cultivating local small businesses by providing strategic assistance to second-stage companies.

(c) "Key industry" means an industry critical to the Washington economy, as identified by the department.

(d) "Pilot project" means the economic gardening pilot project created in this section.

(e) "Second-stage company" means a privately held business that:

(i) Employs full-time at least six persons but not more than ninety-nine persons;

(ii) Has maintained its principal place of business and a majority of its employees in Washington for at least the previous two years;

(iii) Claims at least five hundred thousand dollars but not more than fifty million dollars as annual gross revenue or working capital; and

(iv) Has a product or service that is, or has the potential to be, sold outside the company's local area or state.

(f) "Strategic assistance" or "economic gardening strategic assistance" means performing high-level database research and analysis or deploying staff members certified under subsection (4) of this section or possessing national expertise in the relevant industry to perform market research, develop core strategies, conduct business modeling, identify qualified sales leads, provide growth financing referrals, perform search engine optimization, utilize geographic information systems, advise on new media marketing, or assist with network analyses and innovation strategies.

(8) The pilot project created in this section terminates July 1, 2019.

(9) This section expires July 1, 2020."

Correct the title.

Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; Fey; Hudgins; Rossetti and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Assistant Ranking Minority Member; Magendanz and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Nealey.

Passed to Committee on General Government & Information Technology.

February 26, 2016

SSB 6117 Prime Sponsor, Committee on Law & Justice: Concerning notice against trespass. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

February 26, 2016

SB 6151 Prime Sponsor, Senator Litzow: Concerning sexual assault protection orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Goodman; Hansen; Kirby; Kuderer and Orwall.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Haler and Klippert.

MINORITY recommendation: Without recommendation. Signed by Representatives Muri and Stokesbary.

Passed to Committee on Rules for second reading.

February 26, 2016

SB 6156 Prime Sponsor, Senator Rivers: Reauthorizing the medicaid fraud false claims act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Appropriations.

February 26, 2016

SB 6162 Prime Sponsor, Senator Honeyford: Concerning the expiration date of the

invasive species council and account.  
Reported by Committee on Agriculture &  
Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Lytton; Orcutt; Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

February 26, 2016  
SSB 6165 Prime Sponsor, Committee on Law &  
Justice: Concerning short-barreled rifles.  
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.190 and 2014 c 201 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this section, it is unlawful for any person to:

(a) Manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any machine gun, short-barreled shotgun, or short-barreled rifle; ((or))

(b) Manufacture, own, buy, sell, loan, furnish, transport, or have in possession or under control, any part designed and intended solely and exclusively for use in a machine gun, short-barreled shotgun, or short-barreled rifle, or in converting a weapon into a machine gun, short-barreled shotgun, or short-barreled rifle; or ((to))

(c) Assemble or repair any machine gun, short-barreled shotgun, or short-barreled rifle.

(2) It is not unlawful for a person to ((possess, transport, acquire, or transfer a short-barreled rifle that is legally registered and possessed, transported, acquired, or transferred in accordance)) manufacture, own, buy, sell, loan, furnish, transport, assemble, or repair, or have in possession or under control, a short-barreled rifle, or any part designed or intended solely and exclusively for use in a short-barreled rifle or in converting a weapon into a short-barreled rifle, if the person is in compliance with applicable federal law.

(3) Subsection (1) of this section shall not apply to:

(a) Any peace officer in the discharge of official duty or traveling to or from official duty, or to any officer or member of the armed forces of the United States or the state of Washington in the discharge of official duty or traveling to or from official duty; or

(b) A person, including an employee of such person if the employee has undergone fingerprinting and a background check, who or which is exempt from or licensed under federal law, and engaged in the production, manufacture, repair, or testing of machine guns, short-barreled shotguns, or short-barreled rifles:

(i) To be used or purchased by the armed forces of the United States;

(ii) To be used or purchased by federal, state, county, or municipal law enforcement agencies; or

(iii) For exportation in compliance with all applicable federal laws and regulations.

(4) It shall be an affirmative defense to a prosecution brought under this section that the machine gun or short-barreled shotgun was acquired prior to July 1, 1994, and is possessed in compliance with federal law.

(5) Any person violating this section is guilty of a class C felony."

Correct the title.

Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

February 26, 2016  
SSB 6179 Prime Sponsor, Committee on Agriculture,  
Water & Rural Economic Development:  
Concerning water banking. Reported by  
Committee on Agriculture & Natural  
Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.42.100 and 2009 c 283 s 2 are each amended to read as follows:

(1) The department is ((hereby)) authorized to use the trust water rights program for water banking purposes statewide.

(2) Water banking may be used for one or more of the following purposes:

(a) To authorize the use of trust water rights to mitigate for water resource impacts, future water supply needs, or any beneficial use under chapter 90.03, 90.44, or 90.54 RCW, consistent with any terms and conditions established by the transferor, except that within the Yakima river basin return flows from water rights authorized in whole or in part for any purpose shall remain available as part of the Yakima basin's total water supply available and to satisfy existing rights for other downstream uses and users;

(b) To document transfers of water rights to and from the trust water rights program; and

(c) To provide a source of water rights the department can make available to third parties on a temporary or permanent basis for any beneficial use under chapter 90.03, 90.44, or 90.54 RCW.

(3) The department shall not use water banking to:

(a) Cause detriment or injury to existing rights;

(b) Issue temporary water rights or portions thereof for new potable uses requiring an adequate and reliable water supply under RCW 19.27.097;

(c) Administer federal project water rights, including federal storage rights; ((or))

(d) Allow carryover of stored water in the Yakima basin from one water year to another water year if it would negatively impact the total water supply available; or

(e) Provide for mitigation of water resource impacts unless an adequate and reliable water supply is available for the purpose of providing mitigation.

(4) The department shall provide electronic notice and opportunity for comment to affected local governments and affected federally recognized tribal governments prior to initiating use of the trust water rights program for water banking purposes for the first time in each water resource inventory area.

(5) Nothing in this section may be interpreted or administered in a manner that precludes the use of the department's existing authority to process trust water rights applications under this chapter or to process water right applications under chapter 90.03 or 90.44 RCW.

(6) For purposes of this section and RCW 90.42.135, "total water supply available" shall be defined as provided in the 1945 consent decree between the United States and water users in the Yakima river basin, and consistent with later interpretation by state and federal courts.

Sec. 2. RCW 90.42.130 and 2014 c 76 s 9 are each amended to read as follows:

((1)) The department shall seek input from agricultural organizations, federal agencies, tribal governments, local governments, watershed groups, conservation groups, and developers on water banking, including water banking procedures and identification of areas in Washington ((state)) where water banking could assist in providing water supplies for instream and out-of-stream uses.

((2) The department shall maintain information on its web site regarding water banking, including information on water banks and related programs in various areas of the state.)

NEW SECTION. Sec. 3. A new section is added to chapter 90.42 RCW to read as follows:

(1)(a) The department must maintain information on its web site regarding water banking, including information on water banks and related programs in various areas of the state.

(b) The information maintained on the department's web site under this subsection must include a schedule or table for each water bank that shows:

(i) The amount charged for mitigation, including any fees;

(ii) If applicable, the priority date of the water rights made available for mitigation;

(iii) The amount of water made available for mitigation;

(iv) If applicable, any geographic areas in the state where the department may issue permits or other approvals to use the water rights associated with the water bank as mitigation;

(v) The processes utilized by the water bank to obtain approval from the department, or any other applicable governmental agency, to use the water rights as mitigation for new water uses; and

(vi) The nature of the ownership interest of the water right available to be conveyed to the landowner and whether the ownership interest will be recorded on the title.

(2) The department must update the schedule or table required under this section on a quarterly basis, using

information provided to the department by the operator of each water bank. Any person operating a water bank in Washington must provide the information required under this section to the department upon request."

Correct the title.

Signed by Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler; Lytton; Orcutt; Pettigrew; Schmick; Stanford and Van De Wege.

Passed to Committee on Rules for second reading.

February 26, 2016  
SB 6196 Prime Sponsor, Senator McCoy:  
 Modifying administrative processes for the utilities and transportation commission in managing deposits and cost reimbursements of the energy facility site evaluation council. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Hudgins; Magendanz; Nealey; Rossetti; Wylie and Young.

Passed to Committee on Rules for second reading.

February 26, 2016  
SB 6205 Prime Sponsor, Senator Pedersen:  
 Clarifying when a person is an acquiring person of a target corporation with more than one class of voting stock. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri and Orwall.

MINORITY recommendation: Do not pass. Signed by Representative Stokesbary.

Passed to Committee on Rules for second reading.

February 26, 2016  
SSB 6210 Prime Sponsor, Committee on Health Care:  
 Creating the Washington achieving a better life experience program. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer and Walkinshaw.

Passed to Committee on Appropriations.

February 26, 2016

SB 6220 Prime Sponsor, Senator Brown: Promoting economic development by maximizing the use of federal economic development funding opportunities. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Hudgins; Magendanz; Nealey; Rossetti; Wylie and Young.

Passed to Committee on Rules for second reading.

February 26, 2016

SSB 6238 Prime Sponsor, Committee on Health Care: Allowing the prescription of a schedule II controlled substance to treat a binge eating disorder. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 69.50.402 and 2013 c 19 s 107 are each amended to read as follows:

- (1) It is unlawful for any person:
  - (a) Who is subject to Article III to distribute or dispense a controlled substance in violation of RCW 69.50.308;
  - (b) Who is a registrant, to manufacture a controlled substance not authorized by his or her registration, or to distribute or dispense a controlled substance not authorized by his or her registration to another registrant or other authorized person;
  - (c) Who is a practitioner, to prescribe, order, dispense, administer, supply, or give to any person:
    - (i) Any amphetamine, including its salts, optical isomers, and salts of optical isomers classified as a schedule II controlled substance by the commission pursuant to chapter 34.05 RCW; or
    - (ii) Any nonnarcotic stimulant classified as a schedule II controlled substance and designated as a nonnarcotic stimulant by the commission pursuant to chapter 34.05 RCW;

except for the treatment of narcolepsy, or for the treatment of hyperkinesis, or for the treatment of drug-induced brain dysfunction, or for the treatment of epilepsy, or for the differential diagnostic psychiatric evaluation of depression, or for the treatment of depression shown to be refractory to other therapeutic modalities, or for the treatment of multiple sclerosis, or for the treatment of any other disease states or conditions for which the United States food and drug administration has approved an indication, or for the clinical investigation of the effects of such drugs or compounds, in which case an investigative protocol therefor shall have been submitted to and reviewed and approved by

the commission before the investigation has been begun: PROVIDED, That the commission, in consultation with the medical quality assurance commission and the osteopathic disciplinary board, may establish by rule, pursuant to chapter 34.05 RCW, disease states or conditions in addition to those listed in this subsection for the treatment of which Schedule II nonnarcotic stimulants may be prescribed, ordered, dispensed, administered, supplied, or given to patients by practitioners: AND PROVIDED, FURTHER, That investigations by the commission of abuse of prescriptive authority by physicians, licensed pursuant to chapter 18.71 RCW, pursuant to subsection (1)(c) of this section shall be done in consultation with the medical quality assurance commission;

(d) To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice, or information required under this chapter;

(e) To refuse an entry into any premises for any inspection authorized by this chapter; or

(f) Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping or selling them in violation of this chapter.

(2) Any person who violates this section is guilty of a class C felony and upon conviction may be imprisoned for not more than two years, fined not more than two thousand dollars, or both."

Correct the title.

Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Rodne; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 25, 2016

2SSB 6243 Prime Sponsor, Committee on Ways & Means: Regarding a training program for educators and parents concerning students' mental health. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that suicide is the second leading cause of death in Washington for youth ten to twenty-four years of age. The legislature acknowledges that most suicides are preventable and that early prevention within schools can help decrease the number of youth suicides. The legislature recognizes that schools can aid in the development of social and emotional foundations for students. The legislature intends to develop a training program for middle and high school staff and parents or

guardians focused on developing students' social and emotional skills to help prevent youth suicide.

(2) The legislature is committed to investing in preventative strategies in schools to increase student mental health and well-being in order to support the education of our state's children. The legislature recognizes that responsible decision making, self-management, healthy relationship skills, and self and social awareness are among the tools students need. The legislature acknowledges that these essential skills help improve school climate and reduce bullying, discipline issues, dropout rates, and the educational opportunity gap at the same time as they increase mental well-being, student engagement, and academic performance.

Sec. 2. RCW 28A.310.500 and 2013 c 197 s 6 are each amended to read as follows:

(1) Each educational service district shall develop and maintain the capacity to offer training for educators and other school district staff on youth suicide screening and referral, and on recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. An educational service district may demonstrate capacity by employing staff with sufficient expertise to offer the training or by contracting with individuals or organizations to offer the training. Training may be offered on a fee-for-service basis, or at no cost to school districts or educators if funds are appropriated specifically for this purpose or made available through grants or other sources.

(2)(a) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington shall convene a one-day in-person training of student support staff from the educational service districts to deepen the staff's capacity to assist schools in their districts in responding to concerns about suicide. Educational service districts shall send staff members to the one-day in-person training within existing resources.

(b) Subject to the availability of amounts appropriated for this specific purpose, after establishing these relationships with the educational service districts, Forefront at the University of Washington must continue to meet with the educational service districts via videoconference on a monthly basis to answer questions that arise for the educational service districts, and to assess the feasibility of collaborating with the educational service districts to develop a multiyear, statewide rollout of a comprehensive school suicide prevention model involving regional trainings, on-site coaching, and cohorts of participating schools in each educational service district.

(c) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington must work to develop public-private partnerships to support the rollout of a comprehensive school suicide prevention model across Washington's middle and high schools.

(d) The comprehensive school suicide prevention model must consist of:

(i) School-specific revisions to safe school plans required under RCW 28A.320.125, to include

procedures for suicide prevention, intervention, assessment, referral, reentry, and intervention and recovery after a suicide attempt or death;

(ii) Developing, within the school, capacity to train staff, teachers, parents, and students in how to recognize and support a student who may be struggling with behavioral health issues;

(iii) Improved identification such as screening, and response systems such as family counseling, to support students who are at risk;

(iv) Enhanced community-based linkages of support; and

(v) School selection of appropriate curricula and programs to enhance student awareness of behavioral health issues to reduce stigma, and to promote resilience and coping skills.

(e) Subject to the availability of amounts appropriated for this specific purpose, and by December 15, 2017, Forefront at the University of Washington shall report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, with the outcomes of the educational service district trainings, any public-private partnership developments, and recommendations on ways to work with the educational service districts or others to implement suicide prevention.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall create and maintain an online social and emotional training module for educators, administrators, and other school district staff. The module must be available by September 1, 2017.

(2) The training module must be based on the recommendations of the office of the superintendent of public instruction's 2016 report on comprehensive benchmarks for developmentally appropriate interpersonal and decision-making knowledge and skills of social and emotional learning.

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

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall contract and partner with a state organization that educates about and advocates for access to social and emotional learning and skill development in Washington public schools, in order to build capacity, promote, and sustain a social and emotional learning collaborative to support implementation of the recommendations of the office of the superintendent of public instruction's 2016 report on comprehensive benchmarks for developmentally appropriate interpersonal and decision-making knowledge and skills of social and emotional learning. The purpose of this partnership is to identify, test, and develop scalable, cost-effective, and evidence-based approaches for increasing social and emotional learning in elementary, middle, and high schools, and for improving student outcomes.

(2) Subject to the availability of amounts appropriated for this specific purpose, the partner organization selected under subsection (1) of this section must establish relationships with educational service districts

to assess the feasibility of collaborating to develop a multiyear, statewide rollout of a comprehensive social and emotional learning model. The partner organization must also work to develop public-private partnerships to support the rollout of comprehensive social and emotional learning across Washington's elementary, middle, and high schools.

NEW SECTION. Sec. 5. (1) School districts and educational service districts must report the following data to the office of the superintendent of public instruction:

- (a) How many students are served by mental health services in each school, school district, or educational service district;
- (b) How many of these students are participating in medicaid programs;
- (c) How the mental health services are funded, including federal, state, and private sources;
- (d) Information on who provides the mental health services, including district employees and contractors; and
- (e) Any other available information related to student access and outcomes.

(2) The office of the superintendent of public instruction must compile the data submitted under subsection (1) of this section into an inventory of the mental health service models available to students through schools, school districts, and educational service districts. By October 31, 2016, the office of the superintendent of public instruction must submit a report to the appropriate committees of the house of representatives and the senate, in accordance with RCW 43.01.036.

(3) This section expires August 1, 2017."

Correct the title.

Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hayes; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Hargrove and Harris.

Passed to Committee on Appropriations.

February 26, 2016

ESSB 6248 Prime Sponsor, Committee on Energy, Environment & Telecommunications: Concerning risk mitigation plans to promote the transition of eligible coal units. (REVISED FOR ENGROSSED: Regarding a pathway for a transition of eligible coal units. ) Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chair; Tarleton, Vice Chair;

Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Hudgins; Magendanz; Nealey; Rossetti; Wylie and Young.

Passed to Committee on General Government & Information Technology.

February 26, 2016

SSB 6267 Prime Sponsor, Committee on Law & Justice: Concerning notice to the licensee before a concealed pistol license expires. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jenkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

February 25, 2016

SSB 6273 Prime Sponsor, Committee on Early Learning & K-12 Education: Concerning safe technology use and digital citizenship in public schools. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that as technology becomes more prevalent, students must learn how to safely, ethically, responsibly, and effectively use technology. The legislature intends to provide a process in which students, parents or guardians, teachers, teacher-librarians, other school employees, administrators, and community representatives will engage in an ongoing discussion on safe technology use, internet use, digital citizenship, and media literacy as part of implementing the state's basic education goal outlined in RCW 28A.150.210(3) and essential academic learning requirements for technology outlined in RCW 28A.655.075.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.650 RCW to read as follows:

(1) For the purposes of this section, "digital citizenship" includes the norms of appropriate, responsible, and healthy behavior related to current technology use, including digital and media literacy, ethics, etiquette, and security. The term also includes the ability to access, analyze, evaluate, develop, produce, and interpret media, as well as internet safety and cyberbullying prevention and response.

(2)(a) By December 1, 2016, the office of the superintendent of public instruction shall develop best practices and recommendations for instruction in digital citizenship, internet safety, and media literacy, and report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, on strategies to implement the best practices and recommendations

statewide. The best practices and recommendations must be developed in consultation with an advisory committee as specified in (b) of this subsection. Best practices and recommendations must include instruction that provides guidance about thoughtful, safe, and strategic uses of online and other media resources, and education on how to apply critical thinking skills when consuming and producing information.

(b) The office of the superintendent of public instruction must convene and consult with an advisory committee when developing best practices and recommendations for instruction in digital citizenship, internet safety, and media literacy. The advisory committee must include: Representatives from the Washington state school directors' association; experts in digital citizenship, internet safety, and media literacy; teacher-librarians as defined in RCW 28A.320.240; and other stakeholders, including parent associations, educators, and administrators. Recommendations produced by the committee may include, but are not limited to:

(i) Revisions to the state learning standards for educational technology, required under RCW 28A.655.075;

(ii) Revisions to the model policy and procedures on electronic resources and internet safety developed by the Washington state school directors' association;

(iii) School district processes necessary to develop customized district policies and procedures on electronic resources and internet safety;

(iv) Best practices, resources, and models for instruction in digital citizenship, internet safety, and media literacy; and

(v) Strategies that will support school districts in local implementation of the best practices and recommendations developed by the office of the superintendent of public instruction under (a) of this subsection."

Correct the title.

Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

Passed to Committee on Rules for second reading.

February 26, 2016

SSB 6295 Prime Sponsor, Committee on Law & Justice: Clarifying the venue in which coroner's inquests are to be convened and payment of related costs. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Hansen; Kirby; Kuderer; Muri and Orwall.

MINORITY recommendation: Do not pass. Signed by Representatives Haler and Klippert.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary.

Passed to Committee on Rules for second reading.

February 26, 2016

SSB 6327 Prime Sponsor, Committee on Health Care: Providing for hospital discharge planning with lay caregivers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.41.020 and 2015 c 23 s 5 are each reenacted and amended to read as follows:

Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

(1) "Aftercare" means the assistance provided by a lay caregiver to a patient under this chapter after the patient's discharge from a hospital. The assistance may include, but is not limited to, assistance with activities of daily living, wound care, medication assistance, and the operation of medical equipment. "Aftercare" includes assistance only for conditions that were present at the time of the patient's discharge from the hospital. "Aftercare" does not include:

(a) Assistance related to conditions for which the patient did not receive medical care, treatment, or observation in the hospital; or

(b) Tasks the performance of which requires licensure as a health care provider.

(2) "Department" means the Washington state department of health.

((2)) (3) "Discharge" means a patient's release from a hospital following the patient's admission to the hospital.

(4) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine.

((3)) (5) "Emergency care to victims of sexual assault" means medical examinations, procedures, and services provided by a hospital emergency room to a victim of sexual assault following an alleged sexual assault.

((4)) (6) "Emergency contraception" means any health care treatment approved by the food and drug administration that prevents pregnancy, including but not limited to administering two increased doses of certain oral contraceptive pills within seventy-two hours of sexual contact.

((5)) (7) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition

for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include birthing centers, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, intellectual disability, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this chapter or the rules adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations.

((6)) (8) "Lay caregiver" means any individual designated as such by a patient under this chapter who provides aftercare assistance to a patient in the patient's residence. "Lay caregiver" does not include a long-term care worker as defined in RCW 74.39A.009.

(9) "Originating site" means the physical location of a patient receiving health care services through telemedicine.

((7)) (10) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

((8)) (11) "Secretary" means the secretary of health.

((9)) (12) "Sexual assault" has the same meaning as in RCW 70.125.030.

((10)) (13) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. "Telemedicine" does not include the use of audio-only telephone, facsimile, or email.

((11)) (14) "Victim of sexual assault" means a person who alleges or is alleged to have been sexually assaulted and who presents as a patient.

NEW SECTION. Sec. 2. A new section is added to chapter 70.41 RCW to read as follows:

(1) In addition to the requirements in RCW 70.41.320, hospital discharge policies must ensure that the discharge plan is appropriate for the patient's physical condition, emotional and social needs, and, if a lay caregiver is designated takes into consideration, to the extent possible, the lay caregiver's abilities as disclosed to the hospital.

(2) As part of a patient's individualized treatment plan, discharge criteria must include, but not be limited to, the following components:

(a) The details of the discharge plan;

(b) Hospital staff assessment of the patient's ability for self-care after discharge;

(c) An opportunity for the patient to designate a lay caregiver;

(d) Documentation of any designated lay caregiver's contact information;

(e) A description of aftercare tasks necessary to promote the patient's ability to stay at home;

(f) An opportunity for the patient and, if designated, the patient's lay caregiver to participate in the discharge planning;

(g) Instruction or training provided to the patient and, if designated, the patient's lay caregiver, prior to discharge, to perform aftercare tasks. Instruction or training may include education and counseling about the patient's medications, including dosing and proper use of medication delivery devices when applicable; and

(h) Notification to a lay caregiver, if designated, of the patient's discharge or transfer.

(3) In the event that a hospital is unable to contact a designated lay caregiver, the lack of contact may not interfere with, delay, or otherwise affect the medical care provided to the patient, or an appropriate discharge of the patient.

NEW SECTION. Sec. 3. A new section is added to chapter 70.41 RCW to read as follows:

Section 2 of this act does not require a hospital to adopt discharge policies or criteria that:

(1) Delay a patient's discharge or transfer to another facility or to home; or

(2) Require the disclosure of protected health information to a lay caregiver without obtaining a patient's consent as required by state and federal laws governing health information privacy and security, including chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and related regulations.

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

Nothing in section 2 of this act may be construed to:

(1) Interfere with the rights or duties of an agent operating under a valid health care directive under RCW 70.122.030;

(2) Interfere with designations made by a patient pursuant to a physician order for life-sustaining treatment under RCW 43.70.480;

(3) Interfere with the rights or duties of an authorized surrogate decision maker under RCW 7.70.065;

(4) Establish a new requirement to reimburse or otherwise pay for services performed by the lay caregiver for aftercare;

(5) Create a private right of action against a hospital or any of its directors, trustees, officers, employees, or agents, or any contractors with whom the hospital has a contractual relationship;

(6) Hold liable, in any way, a hospital, hospital employee, or any consultants or contractors with whom the hospital has a contractual relationship for the services rendered or not rendered by the lay caregiver to the patient at the patient's residence;

(7) Obligate a designated lay caregiver to perform any aftercare tasks for any patient;

(8) Require a patient to designate any individual as a lay caregiver as defined in RCW 70.41.020;

(9) Obviate the obligation of a health carrier as defined in RCW 48.43.005 or any other entity issuing health benefit plans to provide coverage required under a health benefit plan; and

(10) Impact, impede, or otherwise disrupt or reduce the reimbursement obligations of a health carrier or any other entity issuing health benefit plans.

Sec. 5. RCW 70.41.320 and 1998 c 245 s 127 are each amended to read as follows:

(1) Hospitals and acute care facilities shall:

(a) Work cooperatively with the department of social and health services, area agencies on aging, and local long-term care information and assistance organizations in the planning and implementation of patient discharges to long-term care services.

(b) Establish and maintain a system for discharge planning and designate a person responsible for system management and implementation.

(c) Establish written policies and procedures to:

(i) Identify patients needing further nursing, therapy, or supportive care following discharge from the hospital;

(ii) Subject to section 2 of this act, develop a documented discharge plan for each identified patient, including relevant patient history, specific care requirements, and date such follow-up care is to be initiated;

(iii) Coordinate with patient, family, caregiver, lay caregiver as provided in section 2 of this act, a long-term care worker as defined in RCW 74.39A.009, a home and community-based service provider such as an adult family home as defined in RCW 70.128.010, an assisted living facility as defined in RCW 18.20.020, or a home care agency as defined in RCW 70.127.010, and appropriate members of the health care team;

(iv) Provide any patient, regardless of income status, written information and verbal consultation regarding the array of long-term care options available in the community, including the relative cost, eligibility criteria, location, and contact persons;

(v) Promote an informed choice of long-term care services on the part of patients, family members, and legal representatives; ((and))

(vi) Coordinate with the department and specialized case management agencies, including area agencies on aging and other appropriate long-term care providers, as necessary, to ensure timely transition to appropriate home, community residential, or nursing facility care; and

(vii) Inform the patient or his or her surrogate decision maker designated under RCW 7.70.065 if it is necessary to complete a valid disclosure authorization as required by state and federal laws governing health information privacy and security, including chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and related regulations, in order to allow disclosure of health care information, including the discharge plan, to an individual or entity that will be involved in the patient's care upon discharge, including a lay caregiver as defined in RCW 70.41.020, a long-term care worker as defined in RCW 74.39A.009, a home and community-based service provider such as

an adult family home as defined in RCW 70.128.010, an assisted living facility as defined in RCW 18.20.020, or a home care agency as defined in RCW 70.127.010. If a valid disclosure authorization is obtained, the hospital may release information as designated by the patient for care coordination or other specified purposes.

(d) Work in cooperation with the department which is responsible for ensuring that patients eligible for medicaid long-term care receive prompt assessment and appropriate service authorization.

(2) In partnership with selected hospitals, the department of social and health services shall develop and implement pilot projects in up to three areas of the state with the goal of providing information about appropriate in-home and community services to individuals and their families early during the individual's hospital stay.

The department shall not delay hospital discharges but shall assist and support the activities of hospital discharge planners. The department also shall coordinate with home health and hospice agencies whenever appropriate. The role of the department is to assist the hospital and to assist patients and their families in making informed choices by providing information regarding home and community options.

In conducting the pilot projects, the department shall:

(a) Assess and offer information regarding appropriate in-home and community services to individuals who are medicaid clients or applicants; and

(b) Offer assessment and information regarding appropriate in-home and community services to individuals who are reasonably expected to become medicaid recipients within one hundred eighty days of admission to a nursing facility."

Correct the title.

Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Clibborn; Jinkins; Moeller; Robinson; Tharinger and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; DeBolt; Johnson and Short.

Passed to Committee on Rules for second reading.

February 26, 2016

SSB 6338

Prime Sponsor, Committee on Law & Justice: Addressing the rights of dissenting members of cooperative associations in certain mergers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 23.86.135 and 1989 c 307 s 30 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a member of an association shall have the right to dissent from any of the following association actions:

((1)) (a) Any plan of merger or consolidation to which the association is a party;  
 ((2)) (b) Any plan of conversion of the association to an ordinary business corporation; or  
 ((3)) (c) Any sale or exchange of all or substantially all of the property and assets of the association not made in the usual and regular course of its business, including a sale in dissolution, but not including a sale pursuant to an order of a court having jurisdiction in the premises or a sale for cash on terms requiring that all or substantially all of the net proceeds of the sale be distributed to the members in accordance with their respective interests within one year from the date of sale.  
 (2) A member of a rural electric association is not entitled to dissent from a merger to which the association is a party if all members of the association have the right to continue their membership status in the surviving association on substantially similar terms."  
 Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

February 26, 2016

SSB 6360 Prime Sponsor, Committee on Law & Justice: Developing a plan for the consolidation of traffic-based financial obligations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:  
 "NEW SECTION. Sec. 1. (1) The office of the attorney general shall convene a work group of stakeholders to provide input and feedback on the development of a plan and program for the efficient statewide consolidation of an individual's traffic-based financial obligations imposed by courts of limited jurisdiction into a unified and affordable payment plan.  
 (2) The following must be invited to participate in the work group:  
 (a) The administrator for the courts or the administrator for the courts' designee;  
 (b) The director of the Washington state department of licensing or the director's designee;  
 (c) A district or municipal court judge, appointed by the district and municipal court judges' association;  
 (d) A prosecutor, appointed by the Washington association of prosecuting attorneys, or the prosecutor's designee;  
 (e) A public defender, jointly appointed by the Washington defender association and the Washington association of criminal defense lawyers;

(f) A district or municipal court administrator or manager, appointed by the district and municipal court management association;  
 (g) A representative of a civil legal aid organization, appointed by the office of civil legal aid;  
 (h) The chief of the Washington state patrol or the chief's designee;  
 (i) A representative of a statewide association of police chiefs and sheriffs, selected by the association;  
 (j) The director of the Washington traffic safety commission or the director's designee;  
 (k) A representative of a statewide association of city governments, selected by the association;  
 (l) A representative of a statewide association of counties, selected by the association; and  
 (m) A representative of a statewide association of collection professionals.  
 (3) The work group shall convene as necessary.  
 (4) The stakeholder work group shall provide final feedback and recommendations to the office of the attorney general no later than September 15, 2017.  
 NEW SECTION. Sec. 2. (1) At a minimum, the plan must:  
 (a) Provide for the participation in the statewide system by all courts of limited jurisdiction;  
 (b) Establish proposed uniform procedures and eligibility criteria for participation in the program by individuals, how payment plans will be established, how community restitution in lieu of all or part of a monetary penalty may be incorporated in the payment plans, and the circumstances and procedures for terminating an individual's participation in the program;  
 (c) Provide recommendations regarding which traffic-based financial obligations should be included and whether any should not be included. These recommendations must address whether or not to include obligations arising out of red light camera violations; and  
 (d) Provide recommendations regarding how to create and implement the program through supreme court rule making, legislation, or a combination thereof.  
 (2) Considerations for the program may include, but not be limited to:  
 (a) Procedures to allow traffic-based financial obligations incurred after establishment of a payment plan to be added to and consolidated with an existing unified payment plan;  
 (b) Provisions for waiving previously accumulated interest once a person is determined to be eligible for the program, establishes a payment plan, and makes an initial payment in accordance with the terms of such a plan;  
 (c) Procedures for communicating to the courts of limited jurisdiction when a person enters into a payment plan for traffic-based financial obligations and makes an initial payment thereon, so that the courts of limited jurisdiction can notify the department of licensing and which shall result in the department of licensing releasing any suspension of that person's driver's license or driver's privilege based on failure to respond to or pay those traffic-based financial obligations;

(d) A process for proportionally allocating any moneys collected through a consolidated payment plan between the courts that imposed the financial obligations included in the consolidated plan;

(e) Whether to contract with outside entities to administer the program;

(f) What fee, if any, should be assessed to the individual participating in the program for the administration of such services, which may be calculated on a periodic, percentage, or other basis, and the limits on such fees if the program is to be administered by an outside entity;

(g) Appropriate uniform administrative protocols and associated workflow coordination for the administrative office of the courts and for courts of limited jurisdiction;

(h) Uniform guidelines for establishing reasonable, affordable payment plans that are based on an individual's income and capacity to pay, as well as policies and procedures for recording the terms of such plans in a written document provided to program participants;

(i) Policies and procedures to remit money received on a monthly basis to courts that includes an accounting of the involved case numbers and their remaining balances due; and

(j) Policies and procedures for establishing default for when a program participant fails to meet the terms of the payment plan, for other grounds for terminating program participation, and to provide timely notice to courts.

NEW SECTION. Sec. 3. (1) Notwithstanding any other provision in this act, the plan required by this act must not:

(a) Provide for or make recommendations regarding the reinstatement of driving privileges when the revocation of a person's driving privileges is made mandatory by the provisions of chapter 46.20 RCW or other law; or

(b) Include provisions or recommendations related to altering the original amount of any traffic-based financial obligation imposed by any court of limited jurisdiction.

(2) Nothing herein prohibits local jurisdictions or state agencies from offering training in how to provide participants with life skills, driver's education, or budget management classes, or from offering other resources targeted towards addressing the social barriers facing participants with chronically suspended driver's licenses for unpaid traffic fines.

NEW SECTION. Sec. 4. The office of the attorney general shall submit a report detailing its recommendations and the plan and program required by this act to the Washington state supreme court, the governor, and appropriate committees of the legislature no later than December 1, 2017.

NEW SECTION. Sec. 5. This act expires December 31, 2017."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

February 23, 2016

SB 6405

Prime Sponsor, Senator Benton: Addressing the civilian health and medical program for the veterans affairs administration. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

February 26, 2016

SSB 6411

Prime Sponsor, Committee on Law & Justice: Expanding the eligibility of certain representatives and transferees to serve as directors, officers, and shareholders of professional service corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

February 26, 2016

ESB 6413

Prime Sponsor, Senator Mullet: Modifying residential landlord-tenant act provisions relating to tenant screening, evictions, and refunds. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 59.18.030 and 2015 c 264 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Certificate of inspection" means an unsworn statement, declaration, verification, or certificate made in accordance with the requirements of RCW 9A.72.085 by a qualified inspector that states that the landlord has not failed to fulfill any substantial obligation imposed under RCW 59.18.060 that endangers or impairs the health or safety of a tenant, including (a) structural members that are of insufficient size or strength to carry imposed loads with safety, (b) exposure of the occupants to the weather, (c) plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury, (d) not providing facilities adequate to supply heat and water and hot water as reasonably required by the tenant, (e) providing heating or ventilation systems that are not functional or are hazardous, (f) defective,

hazardous, or missing electrical wiring or electrical service, (g) defective or hazardous exits that increase the risk of injury to occupants, and (h) conditions that increase the risk of fire.

(2) "Commercially reasonable manner," with respect to a sale of a deceased tenant's personal property, means a sale where every aspect of the sale, including the method, manner, time, place, and other terms, must be commercially reasonable. If commercially reasonable, a landlord may sell the tenant's property by public or private proceedings, by one or more contracts, as a unit or in parcels, and at any time and place and on any terms.

(3) "Designated person" means a person designated by the tenant under RCW 59.18.590.

(4) "Distressed home" has the same meaning as in RCW 61.34.020.

(5) "Distressed home conveyance" has the same meaning as in RCW 61.34.020.

(6) "Distressed home purchaser" has the same meaning as in RCW 61.34.020.

(7) "Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single-family residences and units of multiplexes, apartment buildings, and mobile homes.

(8) "Gang" means a group that: (a) Consists of three or more persons; (b) has identifiable leadership or an identifiable name, sign, or symbol; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(9) "Gang-related activity" means any activity that occurs within the gang or advances a gang purpose.

(10) "In danger of foreclosure" means any of the following:

(a) The homeowner has defaulted on the mortgage and, under the terms of the mortgage, the mortgagee has the right to accelerate full payment of the mortgage and repossess, sell, or cause to be sold the property;

(b) The homeowner is at least thirty days delinquent on any loan that is secured by the property; or

(c) The homeowner has a good faith belief that he or she is likely to default on the mortgage within the upcoming four months due to a lack of funds, and the homeowner has reported this belief to:

(i) The mortgagee;

(ii) A person licensed or required to be licensed under chapter 19.134 RCW;

(iii) A person licensed or required to be licensed under chapter 19.146 RCW;

(iv) A person licensed or required to be licensed under chapter 18.85 RCW;

(v) An attorney-at-law;

(vi) A mortgage counselor or other credit counselor licensed or certified by any federal, state, or local agency; or

(vii) Any other party to a distressed property conveyance.

(11) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sublessor

including, but not limited to, an agent, a resident manager, or a designated property manager.

(12) "Mortgage" is used in the general sense and includes all instruments, including deeds of trust, that are used to secure an obligation by an interest in real property.

(13) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or any part of the legal title to property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

(14) "Person" means an individual, group of individuals, corporation, government, or governmental agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(15) "Premises" means a dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.

(16) "Property" or "rental property" means all dwelling units on a contiguous quantity of land managed by the same landlord as a single, rental complex.

(17) "Prospective landlord" means a landlord or a person who advertises, solicits, offers, or otherwise holds a dwelling unit out as available for rent.

(18) "Prospective tenant" means a tenant or a person who has applied for residential housing that is governed under this chapter.

(19) "Qualified inspector" means a United States department of housing and urban development certified inspector; a Washington state licensed home inspector; an American society of home inspectors certified inspector; a private inspector certified by the national association of housing and redevelopment officials, the American association of code enforcement, or other comparable professional association as approved by the local municipality; a municipal code enforcement officer; a Washington licensed structural engineer; or a Washington licensed architect.

(20) "Reasonable attorneys' fees," where authorized in this chapter, means an amount to be determined including the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation and ability of the lawyer or lawyers performing the services.

(21) "Reasonable manner," with respect to disposing of a deceased tenant's personal property, means to dispose of the property by donation to a not-for-profit charitable organization, by removal of the property by a trash hauler or recycler, or by any other method that is reasonable under the circumstances.

(22) "Rental agreement" means all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

(23) A "single-family residence" is a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more

walls with another dwelling unit, it shall be deemed a single-family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

(24) A "tenant" is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

(25) "Tenant representative" means:

(a) A personal representative of a deceased tenant's estate if known to the landlord;

(b) If the landlord has no knowledge that a personal representative has been appointed for the deceased tenant's estate, a person claiming to be a successor of the deceased tenant who has provided the landlord with proof of death and an affidavit made by the person that meets the requirements of RCW 11.62.010(2);

(c) In the absence of a personal representative under (a) of this subsection or a person claiming to be a successor under (b) of this subsection, a designated person; or

(d) In the absence of a personal representative under (a) of this subsection, a person claiming to be a successor under (b) of this subsection, or a designated person under (c) of this subsection, any person who provides the landlord with reasonable evidence that he or she is a successor of the deceased tenant as defined in RCW 11.62.005. The landlord has no obligation to identify all of the deceased tenant's successors.

(26) "Tenant screening" means using a consumer report or other information about a prospective tenant in deciding whether to make or accept an offer for residential rental property to or from a prospective tenant.

(27) "Tenant screening report" means a consumer report as defined in RCW 19.182.010 and any other information collected by a tenant screening service.

(28) "Comprehensive reusable tenant screening report" means a tenant screening report prepared by a consumer reporting agency at the direction of and paid for by the prospective tenant and made available directly to a prospective landlord at no charge, which contains all of the following: (a) A consumer credit report prepared by a consumer reporting agency within the past thirty days; (b) the prospective tenant's criminal history; (c) the prospective tenant's eviction history; (d) an employment verification; and (e) the prospective tenant's address and rental history.

(29) "Criminal history" means a report containing or summarizing (a) the prospective tenant's criminal convictions and pending cases, the final disposition of which antedates the report by no more than seven years, and (b) the results of a sex offender registry and United States department of the treasury's office of foreign assets control search, all based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

(30) "Eviction history" means a report containing or summarizing the contents of any records of unlawful detainer actions concerning the prospective tenant that are reportable in accordance with state law, are lawful for landlords to consider, and are obtained after a search

based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

Sec. 2. RCW 59.18.257 and 2012 c 41 s 3 are each amended to read as follows:

(1)(a) Prior to obtaining any information about a prospective tenant, the prospective landlord shall first notify the prospective tenant in writing, or by posting, of the following:

(i) What types of information will be accessed to conduct the tenant screening;

(ii) What criteria may result in denial of the application; ((and))

(iii) If a consumer report is used, the name and address of the consumer reporting agency and the prospective tenant's rights to obtain a free copy of the consumer report in the event of a denial or other adverse action, and to dispute the accuracy of information appearing in the consumer report; and

(iv) Whether or not the landlord will accept a comprehensive reusable tenant screening report made available to the landlord by a consumer reporting agency. If the landlord indicates its willingness to accept a comprehensive reusable tenant screening report, the landlord may access the landlord's own tenant screening report regarding a prospective tenant as long as the prospective tenant is not charged for the landlord's own tenant screening report.

(b)(i) The landlord may charge a prospective tenant for costs incurred in obtaining a tenant screening report only if the prospective landlord provides the information as required in (a) of this subsection.

(ii) If a prospective landlord conducts his or her own screening of tenants, the prospective landlord may charge his or her actual costs in obtaining the background information only if the prospective landlord provides the information as required in (a) of this subsection. The amount charged may not exceed the customary costs charged by a screening service in the general area. The prospective landlord's actual costs include costs incurred for long distance phone calls and for time spent calling landlords, employers, and financial institutions.

(c) If a prospective landlord takes an adverse action, the prospective landlord shall provide a written notice of the adverse action to the prospective tenant that states the reasons for the adverse action. The adverse action notice must contain the following information in a substantially similar format, including additional information as may be required under chapter 19.182 RCW:

"ADVERSE ACTION NOTICE

Name

Address

City/State/Zip Code

This notice is to inform you that your application has been:

..... Rejected

..... Approved with conditions:

..... Residency requires an increased deposit

..... Residency requires a qualified guarantor

..... Residency requires last month's rent

..... Residency requires an increased monthly rent of \$.....

..... Other:

Adverse action on your application was based on the following:

..... Information contained in a consumer report (The prospective landlord must include the name, address, and phone number of the consumer reporting agency that furnished the consumer report that contributed to the adverse action.)

..... The consumer credit report did not contain sufficient information

..... Information received from previous rental history or reference

..... Information received in a criminal record

..... Information received in a civil record

..... Information received from an employment verification

Dated this ..... day of ....., ((20))...(year)

Agent/Owner Signature"

(2) Any landlord who maintains a web site advertising the rental of a dwelling unit or as a source of information for current or prospective tenants must include a statement on the property's home page stating whether or not the landlord will accept a comprehensive reusable tenant screening report made available to the landlord by a consumer reporting agency. If the landlord indicates its willingness to accept a comprehensive reusable tenant screening report, the landlord may access the landlord's own tenant screening report regarding a prospective tenant as long as the prospective tenant is not charged for the landlord's own tenant screening report.

(3) Any landlord or prospective landlord who violates subsection (1) of this section may be liable to the prospective tenant for an amount not to exceed one hundred dollars. The prevailing party may also recover court costs and reasonable attorneys' fees.

((3) A stakeholder work group comprised of landlords, tenant advocates, and representatives of consumer reporting and tenant screening companies shall convene for the purposes of addressing the issues of tenant screening including, but not limited to: A tenant's cost of obtaining a tenant screening report; the portability of tenant screening reports; criteria used to evaluate a prospective tenant's background, including which court records may or may not be considered; and the regulation of tenant screening services. Specific recommendations on these issues are due to the legislature by December 1, 2012.)

(4) This section does not limit a prospective tenant's rights or the duties of a screening service as otherwise provided in chapter 19.182 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 59.18 RCW to read as follows:

(1) A court may order an unlawful detainer action to be of limited dissemination for one or more persons if: (a) The court finds that the plaintiff's case was sufficiently without basis in fact or law; (b) the tenancy was reinstated under RCW 59.18.410 or other law; or (c) other good cause exists for limiting dissemination of the unlawful detainer action.

(2) An order to limit dissemination of an unlawful detainer action must be in writing.

(3) When an order for limited dissemination of an unlawful detainer action has been entered with respect to a person, a tenant screening service provider must not: (a) Disclose the existence of that unlawful detainer action in a tenant screening report pertaining to the person for whom dissemination has been limited, or (b) use the unlawful detainer action as a factor in determining any score or recommendation to be included in a tenant screening report pertaining to the person for whom dissemination has been limited.

Sec. 4. RCW 59.18.280 and 2010 c 8 s 19027 are each amended to read as follows:

(1) Within ((fourteen)) twenty-one days after the termination of the rental agreement and vacation of the premises or, if the tenant abandons the premises as defined in RCW 59.18.310, within ((fourteen)) twenty-one days after the landlord learns of the abandonment, the landlord shall give a full and specific statement of the basis for retaining any of the deposit together with the payment of any refund due the tenant under the terms and conditions of the rental agreement.

(a) No portion of any deposit shall be withheld on account of wear resulting from ordinary use of the premises.

(b) The landlord complies with this section if the required statement or payment, or both, are delivered to the tenant personally or deposited in the United States mail properly addressed to the tenant's last known address with first-class postage prepaid within the ((fourteen)) twenty-one days.

((The notice shall be delivered to the tenant personally or by mail to his or her last known address.)) (2) If the landlord fails to give such statement together with any refund due the tenant within the time limits specified above he or she shall be liable to the tenant for the full amount of the deposit. The landlord is also barred in any action brought by the tenant to recover the deposit from asserting any claim or raising any defense for retaining any of the deposit unless the landlord shows that circumstances beyond the landlord's control prevented the landlord from providing the statement within the ((fourteen)) twenty-one days or that the tenant abandoned the premises as defined in RCW 59.18.310. The court may in its discretion award up to two times the amount of the deposit for the intentional refusal of the landlord to give the statement or refund due. In any action brought by the tenant to recover the deposit, the prevailing party shall additionally be entitled to the cost of suit or arbitration including a reasonable attorneys' fee.

(3) Nothing in this chapter shall preclude the landlord from proceeding against, and the landlord shall have the right to proceed against a tenant to recover sums exceeding the amount of the tenant's damage or security deposit for damage to the property for which the tenant is responsible together with reasonable attorneys' fees." Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea,

Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

Passed to Committee on Rules for second reading.

February 26, 2016

SSB 6430 Prime Sponsor, Committee on Human Services, Mental Health & Housing: Providing continuity of care for recipients of medical assistance during periods of incarceration. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Appropriations.

February 26, 2016

SSB 6445 Prime Sponsor, Committee on Health Care: Clarifying the role of physician assistants in the delivery of mental health services. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.05.020 and 2015 c 269 s 14 and 2015 c 250 s 2 are each reenacted and amended to read as follows:

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

(1) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an

evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(8) "Department" means the department of social and health services;

(9) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in chapters 70.96A and 70.96B RCW;

(10) "Designated crisis responder" means a mental health professional appointed by the county or the behavioral health organization to perform the duties specified in this chapter;

(11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter;

(12) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(13) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(14) "Developmental disability" means that condition defined in RCW 71A.10.020(5);

(15) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. The department may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine

functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(18) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(19) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

(20) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(21) "In need of assisted outpatient mental health treatment" means that a person, as a result of a mental disorder: (a) Has been committed by a court to detention for involuntary mental health treatment at least twice during the preceding thirty-six months, or, if the person is currently committed for involuntary mental health treatment, the person has been committed to detention for involuntary mental health treatment at least once during the thirty-six months preceding the date of initial detention of the current commitment cycle; (b) is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive alternative treatment, in view of the person's treatment history or current behavior; (c) is unlikely to survive safely in the community without supervision; (d) is likely to benefit from less restrictive alternative treatment; and (e) requires less restrictive alternative treatment to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time. For purposes of (a) of this subsection, time spent in a mental health facility or in confinement as a result of a criminal conviction is excluded from the thirty-six month calculation;

(22) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for

proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(23) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(24) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(25) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health service providers under RCW 71.05.130;

(26) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

(27) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(28) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated mental health professional;

(29) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(30) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(31) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community mental health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration

under chapter 10.77 RCW, and correctional facilities operated by state and local governments;

(32) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(33) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

(34) "Professional person" means a mental health professional and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(35) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(36) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(37) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(38) "Public agency" means any evaluation and treatment facility or institution, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(39) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness;

(40) "Release" means legal termination of the commitment under the provisions of this chapter;

(41) "Resource management services" has the meaning given in chapter 71.24 RCW;

(42) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(43) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(44) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

(45) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(46) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others;

(47) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

(48) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property;

(49) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW.

Sec. 2. RCW 71.05.210 and 2015 c 269 s 7 and 2015 c 250 s 20 are each reenacted and amended to read as follows:

(1) Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility ((1)):

(a) Shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by ((a) a licensed physician who may be assisted by a physician assistant according to chapter 18.71A RCW and a mental health professional, (b) an advanced registered nurse practitioner according to chapter 18.79 RCW and a mental health professional, or (c) a licensed physician and a psychiatric advanced registered nurse practitioner):

(i) One physician and a mental health professional;

(ii) One physician assistant and a mental health professional; or

(iii) One advanced registered nurse practitioner and a mental health professional; and

((2)) (b) Shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240,

71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: ((a)) (i) Any other medication previously prescribed by a person licensed under Title 18 RCW; or ((b)) (ii) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

(2) If, after examination and evaluation, the mental health professional and licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the person would be better served by placement in a chemical dependency treatment facility, then the person shall be referred to an approved treatment program defined under RCW 70.96A.020.

(3) An evaluation and treatment center admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 3. RCW 71.05.215 and 2008 c 156 s 2 are each amended to read as follows:

(1) A person found to be gravely disabled or presents a likelihood of serious harm as a result of a mental disorder has a right to refuse antipsychotic medication unless it is determined that the failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment and there is no less intrusive course of treatment than medication in the best interest of that person.

(2) The department shall adopt rules to carry out the purposes of this chapter. These rules shall include:

(a) An attempt to obtain the informed consent of the person prior to administration of antipsychotic medication.

(b) For short-term treatment up to thirty days, the right to refuse antipsychotic medications unless there is an additional concurring medical opinion approving medication by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with a mental health professional with prescriptive authority.

(c) For continued treatment beyond thirty days through the hearing on any petition filed under RCW 71.05.217,

the right to periodic review of the decision to medicate by the medical director or designee.

(d) Administration of antipsychotic medication in an emergency and review of this decision within twenty-four hours. An emergency exists if the person presents an imminent likelihood of serious harm, and medically acceptable alternatives to administration of antipsychotic medications are not available or are unlikely to be successful; and in the opinion of the physician, physician assistant, or psychiatric advanced registered nurse practitioner, the person's condition constitutes an emergency requiring the treatment be instituted prior to obtaining a second medical opinion.

(e) Documentation in the medical record of the attempt by the physician, physician assistant, or psychiatric advanced registered nurse practitioner to obtain informed consent and the reasons why antipsychotic medication is being administered over the person's objection or lack of consent.

Sec. 4. RCW 71.05.217 and 2008 c 156 s 3 are each amended to read as follows:

Insofar as danger to the individual or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(1) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(2) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(3) To have access to individual storage space for his or her private use;

(4) To have visitors at reasonable times;

(5) To have reasonable access to a telephone, both to make and receive confidential calls;

(6) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(7) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.320((3)) (4) or the performance of electroconvulsant therapy or surgery, except emergency lifesaving surgery, unless ordered by a court of competent jurisdiction pursuant to the following standards and procedures:

(a) The administration of antipsychotic medication or electroconvulsant therapy shall not be ordered unless the petitioning party proves by clear, cogent, and convincing evidence that there exists a compelling state interest that justifies overriding the patient's lack of consent to the administration of antipsychotic medications or electroconvulsant therapy, that the proposed treatment is necessary and effective, and that medically acceptable alternative forms of treatment are not available, have not been successful, or are not likely to be effective.

(b) The court shall make specific findings of fact concerning: (i) The existence of one or more compelling state interests; (ii) the necessity and effectiveness of the treatment; and (iii) the person's desires regarding the proposed treatment. If the patient is unable to make a rational and informed decision about consenting to or refusing the proposed treatment, the court shall make a substituted judgment for the patient as if he or she were competent to make such a determination.

(c) The person shall be present at any hearing on a request to administer antipsychotic medication or electroconvulsant therapy filed pursuant to this subsection. The person has the right: (i) To be represented by an attorney; (ii) to present evidence; (iii) to cross-examine witnesses; (iv) to have the rules of evidence enforced; (v) to remain silent; (vi) to view and copy all petitions and reports in the court file; and (vii) to be given reasonable notice and an opportunity to prepare for the hearing. The court may appoint a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, physician assistant, or physician to examine and testify on behalf of such person. The court shall appoint a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychologist within their scope of practice, physician assistant, or physician designated by such person or the person's counsel to testify on behalf of the person in cases where an order for electroconvulsant therapy is sought.

(d) An order for the administration of antipsychotic medications entered following a hearing conducted pursuant to this section shall be effective for the period of the current involuntary treatment order, and any interim period during which the person is awaiting trial or hearing on a new petition for involuntary treatment or involuntary medication.

(e) Any person detained pursuant to RCW 71.05.320((3)) (4), who subsequently refuses antipsychotic medication, shall be entitled to the procedures set forth in this subsection.

(f) Antipsychotic medication may be administered to a nonconsenting person detained or committed pursuant to this chapter without a court order pursuant to RCW 71.05.215(2) or under the following circumstances:

(i) A person presents an imminent likelihood of serious harm;

(ii) Medically acceptable alternatives to administration of antipsychotic medications are not available, have not been successful, or are not likely to be effective; and

(iii) In the opinion of the physician, physician assistant, or psychiatric advanced registered nurse practitioner with responsibility for treatment of the person, or his or her designee, the person's condition constitutes an emergency requiring the treatment be instituted before a judicial hearing as authorized pursuant to this section can be held.

If antipsychotic medications are administered over a person's lack of consent pursuant to this subsection, a petition for an order authorizing the administration of antipsychotic medications shall be filed on the next

judicial day. The hearing shall be held within two judicial days. If deemed necessary by the physician, physician assistant, or psychiatric advanced registered nurse practitioner with responsibility for the treatment of the person, administration of antipsychotic medications may continue until the hearing is held;

(8) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue;

(9) Not to have psychosurgery performed on him or her under any circumstances.

Sec. 5. RCW 71.05.230 and 2015 c 250 s 6 are each amended to read as follows:

A person detained or committed for seventy-two hour evaluation and treatment or for an outpatient evaluation for the purpose of filing a petition for a less restrictive alternative treatment order may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative to involuntary intensive treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder and results in a likelihood of serious harm, results in the person being gravely disabled, or results in the person being in need of assisted outpatient mental health treatment, and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The agency or facility providing intensive treatment or which proposes to supervise the less restrictive alternative is certified to provide such treatment by the department; and

(4) The professional staff of the agency or facility or the designated mental health professional has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed either by:

(a) Two physicians;

(b) One physician and a mental health professional;

(c) ((Two psychiatric advanced registered nurse practitioners;)) One physician assistant and a mental health professional; or

(d) One psychiatric advanced registered nurse practitioner and a mental health professional((; or

(e) A physician and a psychiatric advanced registered nurse practitioner)). The persons signing the petition

must have examined the person. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others.

The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative

is sought, the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient mental health treatment, and shall set forth a plan for the less restrictive alternative treatment proposed by the facility in accordance with RCW 71.05.585; and

(5) A copy of the petition has been served on the detained or committed person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated mental health professional may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

Sec. 6. RCW 71.05.290 and 2015 c 250 s 10 are each amended to read as follows:

(1) At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated mental health professional may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits based on an examination of the patient and signed by:

(a) Two ((examining)) physicians;

(b) One ((examining)) physician and ((examining)) a mental health professional;

(c) ((Two psychiatric advanced registered nurse practitioners;)) One physician assistant and a mental health professional; or

(d) One psychiatric advanced registered nurse practitioner and a mental health professional((; or

(e) An examining physician and an examining psychiatric advanced registered nurse practitioner)). The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth a proposed plan for less

restrictive alternative treatment in accordance with RCW 71.05.585.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(4), then the professional person in charge of the treatment facility or his or her professional designee or the designated mental health professional may directly file a petition for one hundred eighty day treatment under RCW 71.05.280(3). No petition for initial detention or fourteen day detention is required before such a petition may be filed.

Sec. 7. RCW 71.05.300 and 2014 c 225 s 84 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated mental health professional. The designated mental health professional shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the behavioral health organization administrator, and provide a copy of the petition to such persons as soon as possible. The behavioral health organization administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney, his or her right to a jury trial, and his or her loss of firearm rights if involuntarily committed. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, physician assistant, psychiatric advanced registered nurse practitioner, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW 10.77.086(4), then the appointed professional person under this section shall be a developmental disabilities professional.

(4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 8. RCW 71.05.360 and 2009 c 217 s 5 are each amended to read as follows:

(1)(a) Every person involuntarily detained or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter, which shall be prominently posted in the facility, and shall retain all rights not denied him or her under this chapter except as

chapter 9.41 RCW may limit the right of a person to purchase or possess a firearm or to qualify for a concealed pistol license.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder, under this chapter or any prior laws of this state dealing with mental illness. Competency shall not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(c) Any person who leaves a public or private agency following evaluation or treatment for mental disorder shall be given a written statement setting forth the substance of this section.

(2) Each person involuntarily detained or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician, physician assistant, psychiatric advanced registered nurse practitioner, or other professional person qualified to provide such services.

(5) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both the person and, if possible, a responsible member of his or her immediate family, personal representative, guardian, or conservator, if any, shall be advised as soon as possible in writing or orally, by the officer or person taking him or her into custody or by personnel of the evaluation and treatment facility where the person is detained that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention:

(a) A judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain the person after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that the person is a person whose mental disorder presents a likelihood of serious harm or that the person is gravely disabled;

(b) The person has a right to communicate immediately with an attorney; has a right to have an attorney appointed to represent him or her before and at the probable cause hearing if he or she is indigent; and has the right to be told the name and address of the attorney that the mental health professional has designated pursuant to this chapter;

(c) The person has the right to remain silent and that any statement he or she makes may be used against him or her;

(d) The person has the right to present evidence and to cross-examine witnesses who testify against him or her at the probable cause hearing; and

(e) The person has the right to refuse psychiatric medications, including antipsychotic medication

beginning twenty-four hours prior to the probable cause hearing.

(6) When proceedings are initiated under RCW 71.05.153, no later than twelve hours after such person is admitted to the evaluation and treatment facility the personnel of the evaluation and treatment facility or the designated mental health professional shall serve on such person a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on the designated attorney.

(7) The judicial hearing described in subsection (5) of this section is hereby authorized, and shall be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(8) At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

(a) To present evidence on his or her behalf;

(b) To cross-examine witnesses who testify against him or her;

(c) To be proceeded against by the rules of evidence;

(d) To remain silent;

(e) To view and copy all petitions and reports in the court file.

(9) Privileges between patients and physicians, physician assistants, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(10) Insofar as danger to the person or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

- (b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;
  - (c) To have access to individual storage space for his or her private use;
  - (d) To have visitors at reasonable times;
  - (e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;
  - (f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;
  - (g) To discuss treatment plans and decisions with professional persons;
  - (h) Not to consent to the administration of antipsychotic medications and not to thereafter be administered antipsychotic medications unless ordered by a court under RCW 71.05.217 or pursuant to an administrative hearing under RCW 71.05.215;
  - (i) Not to consent to the performance of electroconvulsant therapy or surgery, except emergency lifesaving surgery, unless ordered by a court under RCW 71.05.217;
  - (j) Not to have psychosurgery performed on him or her under any circumstances;
  - (k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue.
- (11) Every person involuntarily detained shall immediately be informed of his or her right to a hearing to review the legality of his or her detention and of his or her right to counsel, by the professional person in charge of the facility providing evaluation and treatment, or his or her designee, and, when appropriate, by the court. If the person so elects, the court shall immediately appoint an attorney to assist him or her.
- (12) A person challenging his or her detention or his or her attorney shall have the right to designate and have the court appoint a reasonably available independent physician, physician assistant, psychiatric advanced registered nurse practitioner, or licensed mental health professional to examine the person detained, the results of which examination may be used in the proceeding. The person shall, if he or she is financially able, bear the cost of such expert examination, otherwise such expert examination shall be at public expense.
- (13) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for release.
- (14) Nothing in this chapter shall prohibit a person committed on or prior to January 1, 1974, from exercising a right available to him or her at or prior to January 1, 1974, for obtaining release from confinement.
- (15) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

Sec. 9. RCW 71.05.660 and 2013 c 200 s 21 are each amended to read as follows:

Nothing in this chapter or chapter 70.02, 70.96A, 71.34, or 70.96B RCW shall be construed to interfere with communications between physicians, physician

assistants, psychiatric advanced registered nurse practitioners, or psychologists and patients and attorneys and clients.

Sec. 10. RCW 71.06.040 and 2009 c 217 s 10 are each amended to read as follows:

At a preliminary hearing upon the charge of sexual psychopathy, the court may require the testimony of two duly licensed physicians, physician assistants, or psychiatric advanced registered nurse practitioners who have examined the defendant. If the court finds that there are reasonable grounds to believe the defendant is a sexual psychopath, the court shall order said defendant confined at the nearest state hospital for observation as to the existence of sexual psychopathy. Such observation shall be for a period of not to exceed ninety days. The defendant shall be detained in the county jail or other county facilities pending execution of such observation order by the department.

Sec. 11. RCW 71.12.540 and 2009 c 217 s 11 are each amended to read as follows:

The authorities of each establishment as defined in this chapter shall place on file in the office of the establishment the recommendations made by the department of health as a result of such visits, for the purpose of consultation by such authorities, and for reference by the department representatives upon their visits. Every such establishment shall keep records of every person admitted thereto as follows and shall furnish to the department, when required, the following data: Name, age, sex, marital status, date of admission, voluntary or other commitment, name of physician, physician assistant, or psychiatric advanced registered nurse practitioner, diagnosis, and date of discharge.

Sec. 12. RCW 71.24.025 and 2014 c 225 s 10 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(3) "Behavioral health organization" means any county authority or group of county authorities or other entity recognized by the secretary in contract in a defined region.

(4) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and chemical dependency treatment services as described in chapter 70.96A RCW.

(5) "Child" means a person under the age of eighteen years.

(6) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(7) "Clubhouse" means a community-based program that provides rehabilitation services and is certified by the department of social and health services.

(8) "Community mental health program" means all mental health services, activities, or programs using available resources.

(9) "Community mental health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(10) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health organizations.

(11) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(12) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities

specified in this subsection which have entered into an agreement to provide a community mental health program.

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

(14) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(15) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (16) of this section.

(16) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(17) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 or 70.96A RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, or tribal attestation that meets state minimum standards, or persons licensed under chapter 18.57, 18.57A, 18.71, 18.71A, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(18) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(19) "Mental health services" means all services provided by behavioral health organizations and other services provided by the state for persons who are mentally ill.

(20) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (6), (28), and (29) of this section.

(21) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

(22) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(23) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (16) of this section but does not meet the full criteria for evidence-based.

(24) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(25) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(26) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined solely by a behavioral health organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven days a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated mental health professionals, evaluation and treatment facilities, and others as determined by the behavioral health organization.

(27) "Secretary" means the secretary of social and health services.

(28) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(29) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health organization to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(30) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for:

(a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

(31) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department,

behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(32) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any behavioral health organization that would present a conflict of interest.

Sec. 13. RCW 71.32.110 and 2003 c 283 s 11 are each amended to read as follows:

(1) For the purposes of this chapter, a principal, agent, professional person, or health care provider may seek a determination whether the principal is incapacitated or has regained capacity.

(2)(a) For the purposes of this chapter, no adult may be declared an incapacitated person except by:

(i) A court, if the request is made by the principal or the principal's agent;

(ii) One mental health professional and one health care provider; or

(iii) Two health care providers.

(b) One of the persons making the determination under (a)(ii) or (iii) of this subsection must be a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, or a psychiatric advanced registered nurse practitioner.

(3) When a professional person or health care provider requests a capacity determination, he or she shall promptly inform the principal that:

(a) A request for capacity determination has been made; and

(b) The principal may request that the determination be made by a court.

(4) At least one mental health professional or health care provider must personally examine the principal prior to making a capacity determination.

(5)(a) When a court makes a determination whether a principal has capacity, the court shall, at a minimum, be informed by the testimony of one mental health professional familiar with the principal and shall, except for good cause, give the principal an opportunity to appear in court prior to the court making its determination.

(b) To the extent that local court rules permit, any party or witness may testify telephonically.

(6) When a court has made a determination regarding a principal's capacity and there is a subsequent change in the principal's condition, subsequent determinations whether the principal is incapacitated may be made in accordance with any of the provisions of subsection (2) of this section.

Sec. 14. RCW 71.32.140 and 2009 c 217 s 12 are each amended to read as follows:

(1) A principal who:

(a) Chose not to be able to revoke his or her directive during any period of incapacity;

(b) Consented to voluntary admission to inpatient mental health treatment, or authorized an agent to consent on the principal's behalf; and

(c) At the time of admission to inpatient treatment, refuses to be admitted,

may only be admitted into inpatient mental health treatment under subsection (2) of this section.

(2) A principal may only be admitted to inpatient mental health treatment under his or her directive if, prior to admission, a member of the treating facility's professional staff who is a physician, physician assistant, or psychiatric advanced registered nurse practitioner:

(a) Evaluates the principal's mental condition, including a review of reasonably available psychiatric and psychological history, diagnosis, and treatment needs, and determines, in conjunction with another health care provider or mental health professional, that the principal is incapacitated;

(b) Obtains the informed consent of the agent, if any, designated in the directive;

(c) Makes a written determination that the principal needs an inpatient evaluation or is in need of inpatient treatment and that the evaluation or treatment cannot be accomplished in a less restrictive setting; and

(d) Documents in the principal's medical record a summary of the physician's, physician assistant's, or psychiatric advanced registered nurse practitioner's findings and recommendations for treatment or evaluation.

(3) In the event the admitting physician is not a psychiatrist, the admitting physician assistant is not supervised by a psychiatrist, or the advanced registered nurse practitioner is not a psychiatric advanced registered nurse practitioner, the principal shall receive a complete psychological assessment by a mental health professional within twenty-four hours of admission to determine the continued need for inpatient evaluation or treatment.

(4)(a) If it is determined that the principal has capacity, then the principal may only be admitted to, or remain in, inpatient treatment if he or she consents at the time or is detained under the involuntary treatment provisions of chapter 70.96A, 71.05, or 71.34 RCW.

(b) If a principal who is determined by two health care providers or one mental health professional and one health care provider to be incapacitated continues to refuse inpatient treatment, the principal may immediately seek injunctive relief for release from the facility.

(5) If, at the end of the period of time that the principal or the principal's agent, if any, has consented to voluntary inpatient treatment, but no more than fourteen days after admission, the principal has not regained capacity or has regained capacity but refuses to consent to remain for additional treatment, the principal must be released during reasonable daylight hours, unless detained under chapter 70.96A, 71.05, or 71.34 RCW.

(6)(a) Except as provided in (b) of this subsection, any principal who is voluntarily admitted to inpatient mental health treatment under this chapter shall have all the rights provided to individuals who are voluntarily admitted to inpatient treatment under chapter 71.05, 71.34, or 72.23 RCW.

(b) Notwithstanding RCW 71.05.050 regarding consent to inpatient treatment for a specified length of time, the choices an incapacitated principal expressed in his or her directive shall control, provided, however, that a

principal who takes action demonstrating a desire to be discharged, in addition to making statements requesting to be discharged, shall be discharged, and no principal shall be restrained in any way in order to prevent his or her discharge. Nothing in this subsection shall be construed to prevent detention and evaluation for civil commitment under chapter 71.05 RCW.

(7) Consent to inpatient admission in a directive is effective only while the professional person, health care provider, and health care facility are in substantial compliance with the material provisions of the directive related to inpatient treatment.

Sec. 15. RCW 71.32.250 and 2009 c 217 s 13 are each amended to read as follows:

(1) If a principal who is a resident of a long-term care facility is admitted to inpatient mental health treatment pursuant to his or her directive, the principal shall be allowed to be readmitted to the same long-term care facility as if his or her inpatient admission had been for a physical condition on the same basis that the principal would be readmitted under state or federal statute or rule when:

(a) The treating facility's professional staff determine that inpatient mental health treatment is no longer medically necessary for the resident. The determination shall be made in writing by a psychiatrist, physician assistant working with a supervising psychiatrist, or a psychiatric advanced registered nurse practitioner, or ((a mental health professional and either (i) a physician or (ii) psychiatric advanced registered nurse practitioner)) (i) one physician and a mental health professional; (ii) one physician assistant and a mental health professional; or (iii) one psychiatric advanced registered nurse practitioner and a mental health professional; or

(b) The person's consent to admission in his or her directive has expired.

(2)(a) If the long-term care facility does not have a bed available at the time of discharge, the treating facility may discharge the resident, in consultation with the resident and agent if any, and in accordance with a medically appropriate discharge plan, to another long-term care facility.

(b) This section shall apply to inpatient mental health treatment admission of long-term care facility residents, regardless of whether the admission is directly from a facility, hospital emergency room, or other location.

(c) This section does not restrict the right of the resident to an earlier release from the inpatient treatment facility. This section does not restrict the right of a long-term care facility to initiate transfer or discharge of a resident who is readmitted pursuant to this section, provided that the facility has complied with the laws governing the transfer or discharge of a resident.

(3) The joint legislative audit and review committee shall conduct an evaluation of the operation and impact of this section. The committee shall report its findings to the appropriate committees of the legislature by December 1, 2004.

Sec. 16. RCW 71.32.260 and 2009 c 217 s 14 are each amended to read as follows:

The directive shall be in substantially the following form:

#### Mental Health Advance Directive

#### NOTICE TO PERSONS

#### CREATING A MENTAL HEALTH ADVANCE DIRECTIVE

This is an important legal document. It creates an advance directive for mental health treatment. Before signing this document you should know these important facts:

(1) This document is called an advance directive and allows you to make decisions in advance about your mental health treatment, including medications, short-term admission to inpatient treatment and electroconvulsive therapy.

**YOU DO NOT HAVE TO FILL OUT OR SIGN THIS FORM.**

**IF YOU DO NOT SIGN THIS FORM, IT WILL NOT TAKE EFFECT.**

If you choose to complete and sign this document, you may still decide to leave some items blank.

(2) You have the right to appoint a person as your agent to make treatment decisions for you. You must notify your agent that you have appointed him or her as an agent. The person you appoint has a duty to act consistently with your wishes made known by you. If your agent does not know what your wishes are, he or she has a duty to act in your best interest. Your agent has the right to withdraw from the appointment at any time.

(3) The instructions you include with this advance directive and the authority you give your agent to act will only become effective under the conditions you select in this document. You may choose to limit this directive and your agent's authority to times when you are incapacitated or to times when you are exhibiting symptoms or behavior that you specify. You may also make this directive effective immediately. No matter when you choose to make this directive effective, your treatment providers must still seek your informed consent at all times that you have capacity to give informed consent.

(4) You have the right to revoke this document in writing at any time you have capacity.

**YOU MAY NOT REVOKE THIS DIRECTIVE WHEN YOU HAVE BEEN FOUND TO BE INCAPACITATED UNLESS YOU HAVE SPECIFICALLY STATED IN THIS DIRECTIVE THAT**

**YOU WANT IT TO BE REVOCABLE WHEN YOU ARE INCAPACITATED.**

(5) This directive will stay in effect until you revoke it unless you specify an expiration date. If you specify an expiration date and you are incapacitated at the time it expires, it will remain in effect until you have capacity to make treatment decisions again unless you chose to be able to revoke it while you are incapacitated and you revoke the directive.

(6) You cannot use your advance directive to consent to civil commitment. The procedures that apply to your advance directive are different than those provided for in the Involuntary Treatment Act. Involuntary treatment is a different process.

(7) If there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.

(8) You should be aware that there are some circumstances where your provider may not have to follow your directive.

(9) You should discuss any treatment decisions in your directive with your provider.

(10) You may ask the court to rule on the validity of your directive.

PART I.

STATEMENT OF INTENT TO CREATE A MENTAL HEALTH ADVANCE DIRECTIVE

I, . . . . . being a person with capacity, willfully and voluntarily execute this mental health advance directive so that my choices regarding my mental health care will be carried out in circumstances when I am unable to express my instructions and preferences regarding my mental health care. If a guardian is appointed by a court to make mental health decisions for me, I intend this document to take precedence over all other means of ascertaining my intent.

The fact that I may have left blanks in this directive does not affect its validity in any way. I intend that all completed sections be followed. If I have not expressed a choice, my agent should make the decision that he or she determines is in my best interest. I intend this directive to take precedence over any other directives I have previously executed, to the extent that they are inconsistent with this document, or unless I expressly state otherwise in either document.

I understand that I may revoke this directive in whole or in part if I am a person with capacity. I understand that I cannot revoke this directive if a court, two health care providers, or one mental health professional and one health care provider find that I am an incapacitated person, unless, when I executed this directive, I chose to be able to revoke this directive while incapacitated.

I understand that, except as otherwise provided in law, revocation must be in writing. I understand that nothing in this directive, or in my refusal of treatment to which I consent in this directive, authorizes any health care provider, professional person, health care facility, or agent appointed in this directive to use or threaten to use abuse, neglect, financial exploitation, or abandonment to carry out my directive.

I understand that there are some circumstances where my provider may not have to follow my directive.

PART II.

WHEN THIS DIRECTIVE IS EFFECTIVE YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.

I intend that this directive become effective (YOU MUST CHOOSE ONLY ONE):

. . . . . Immediately upon my signing of this directive.

. . . . . If I become incapacitated.

. . . . . When the following circumstances, symptoms, or behaviors occur:

PART III.

DURATION OF THIS DIRECTIVE

YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.

I want this directive to (YOU MUST CHOOSE ONLY ONE):

. . . . . Remain valid and in effect for an indefinite period of time.

. . . . . Automatically expire . . . . . years from the date it was created.

PART IV.

WHEN I MAY REVOKE THIS DIRECTIVE YOU MUST COMPLETE THIS PART FOR THIS DIRECTIVE TO BE VALID.

I intend that I be able to revoke this directive (YOU MUST CHOOSE ONLY ONE):

. . . . . Only when I have capacity.

I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this directive, even if I object at the time.

. . . . . Even if I am incapacitated.

I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further understand that if I choose this option and revoke this directive while I am incapacitated I may not receive treatment that I specify in this directive, even if I want the treatment.

PART V.

PREFERENCES AND INSTRUCTIONS ABOUT TREATMENT, FACILITIES, AND PHYSICIANS OR PSYCHIATRIC ADVANCED REGISTERED NURSE PRACTITIONERS

A. Preferences and Instructions About Physician(s), Physician Assistant(s), or Psychiatric Advanced Registered Nurse Practitioner(s) to be Involved in My Treatment

I would like the physician(s), physician assistant(s), or psychiatric advanced registered nurse practitioner(s) named below to be involved in my treatment decisions: Dr., PA-C, or PARNP . . . . . Contact information:

Dr., PA-C, or PARNP . . . . . Contact information:

I do not wish to be treated by Dr. or PARNP

B. Preferences and Instructions About Other Providers I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the following treatment provider(s) to be contacted when this directive is effective:

Name . . . . . Profession . . . . . . . . . . Contact information

Name . . . . . Profession . . . . . . . . . . Contact information

C. Preferences and Instructions About Medications for Psychiatric Treatment (initial and complete all that apply)

. . . . . I consent, and authorize my agent (if appointed) to consent, to the following medications:

..... I do not consent, and I do not authorize my agent (if appointed) to consent, to the administration of the following medications:

..... I am willing to take the medications excluded above if my only reason for excluding them is the side effects which include

and these side effects can be eliminated by dosage adjustment or other means

..... I am willing to try any other medication the hospital doctor, physician assistant, or psychiatric advanced registered nurse practitioner recommends

..... I am willing to try any other medications my outpatient doctor, physician assistant, or psychiatric advanced registered nurse practitioner recommends

..... I do not want to try any other medications.

**Medication Allergies**

I have allergies to, or severe side effects from, the following:

**Other Medication Preferences or Instructions**

..... I have the following other preferences or instructions about medications

**D. Preferences and Instructions About Hospitalization and Alternatives**

(initial all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on)

..... In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as alternatives to psychiatric hospitalizations.

..... I would also like the interventions below to be tried before hospitalization is considered:

..... Calling someone or having someone call me when needed.

Name: Telephone:

..... Staying overnight with someone

Name: Telephone:

..... Having a mental health service provider come to see me

..... Going to a crisis triage center or emergency room

..... Staying overnight at a crisis respite (temporary) bed

..... Seeing a service provider for help with psychiatric medications

..... Other, specify:

**Authority to Consent to Inpatient Treatment**

I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment for ..... days (not to exceed 14 days)

(Sign one):

..... If deemed appropriate by my agent (if appointed) and treating physician, physician assistant, or psychiatric advanced registered nurse practitioner

(Signature)

or

..... Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for hospitalization)

(Signature)

..... I do not consent, or authorize my agent (if appointed) to consent, to inpatient treatment

(Signature)

**Hospital Preferences and Instructions**

If hospitalization is required, I prefer the following hospitals:

I do not consent to be admitted to the following hospitals:

E. Preferences and Instructions About Preemergency  
I would like the interventions below to be tried before use of seclusion or restraint is considered

(initial all that apply):

..... "Talk me down" one-on-one

..... More medication

..... Time out/privacy

..... Show of authority/force

..... Shift my attention to something else

..... Set firm limits on my behavior

..... Help me to discuss/vent feelings

..... Decrease stimulation

..... Offer to have neutral person settle dispute

..... Other, specify

**F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications**

If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of medication, I prefer these interventions in the order I have chosen (choose "1" for first choice, "2" for second choice, and so on):

..... Seclusion

..... Seclusion and physical restraint (combined)

..... Medication by injection

..... Medication in pill or liquid form

In the event that my attending physician, physician assistant, or psychiatric advanced registered nurse practitioner decides to use medication in response to an emergency situation after due consideration of my preferences and instructions for emergency treatments stated above, I expect the choice of medication to reflect any preferences and instructions I have expressed in Part III C of this form. The preferences and instructions I express in this section regarding medication in emergency situations do not constitute consent to use of the medication for nonemergency treatment.

**G. Preferences and Instructions About Electroconvulsive Therapy (ECT or Shock Therapy)**

My wishes regarding electroconvulsive therapy are (sign one):

..... I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

(Signature)

..... I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

(Signature)

. . . . . I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy, but only under the following conditions:

(Signature)

H. Preferences and Instructions About Who is Permitted to Visit

If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

Name:

Name:

Name:

I understand that persons not listed above may be permitted to visit me.

I. Additional Instructions About My Mental Health Care

Other instructions about my mental health care:

In case of emergency, please contact:

Name: Address:

Work telephone: Home telephone:

Physician, Physician Assistant, or Psychiatric Advanced Registered Nurse Practitioner:

Address:

Telephone:

The following may help me to avoid a hospitalization:

I generally react to being hospitalized as follows:

Staff of the hospital or crisis unit can help me by doing the following:

J. Refusal of Treatment

I do not consent to any mental health treatment.

(Signature)

PART VI. DURABLE POWER OF ATTORNEY (APPOINTMENT OF MY AGENT)

(Fill out this part only if you wish to appoint an agent or nominate a guardian.)

I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure, consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be made in accordance with my expressed wishes as set forth in this document.

If I have not expressed a choice in this document and my agent does not otherwise know my wishes, I authorize my agent to make the decision that my agent determines is in my best interest. This agency shall not be affected by my incapacity. Unless I state otherwise in this durable power of attorney, I may revoke it unless prohibited by other state law.

A. Designation of an Agent

I appoint the following person as my agent to make mental health treatment decisions for me as authorized

in this document and request that this person be notified immediately when this directive becomes effective:

Name: Address:

Work telephone: Home telephone:

Relationship:

B. Designation of Alternate Agent

If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to serve as my agent, I hereby appoint the following person as my alternate agent and request that this person be notified immediately when this directive becomes effective or when my original agent is no longer my agent:

Name: Address:

Work telephone: Home telephone:

Relationship:

C. When My Spouse is My Agent (initial if desired)

. . . . . If my spouse is my agent, that person shall remain my agent even if we become legally separated or our marriage is dissolved, unless there is a court order to the contrary or I have remarried.

D. Limitations on My Agent's Authority

I do not grant my agent the authority to consent on my behalf to the following:

E. Limitations on My Ability to Revoke this Durable Power of Attorney

I choose to limit my ability to revoke this durable power of attorney as follows:

F. Preference as to Court-Appointed Guardian

In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I nominate the following person as my guardian:

Name: Address:

Work telephone: Home telephone:

Relationship:

The appointment of a guardian of my estate or my person or any other decision maker shall not give the guardian or decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by law.

(Signature required if nomination is made)

PART VII.

OTHER DOCUMENTS

(Initial all that apply)

I have executed the following documents that include the power to make decisions regarding health care services for myself:

. . . . . Health care power of attorney (chapter 11.94 RCW)

. . . . . "Living will" (Health care directive; chapter 70.122 RCW)

. . . . . I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated below:

PART VIII.

NOTIFICATION OF OTHERS AND CARE OF PERSONAL AFFAIRS

(Fill out this part only if you wish to provide nontreatment instructions.)

I understand the preferences and instructions in this part are NOT the responsibility of my treatment provider and that no treatment provider is required to act on them.

A. Who Should Be Notified

I desire my agent to notify the following individuals as soon as possible when this directive becomes effective:

Name: Address:
Day telephone: Evening telephone:
Name: Address:
Day telephone: Evening telephone:

B. Preferences or Instructions About Personal Affairs

I have the following preferences or instructions about my personal affairs (e.g., care of dependents, pets, household) if I am admitted to a mental health treatment facility:

C. Additional Preferences and Instructions:

PART IX. SIGNATURE

By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I intend that my consent in this directive be construed as being consistent with the elements of informed consent under chapter 7.70 RCW.

Signature: Date:
Printed Name:

This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not appear to be acting under duress, undue influence, or fraud. We further declare that none of us is:

- (A) A person designated to make medical decisions on the principal's behalf;
(B) A health care provider or professional person directly involved with the provision of care to the principal at the time the directive is executed;
(C) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in which the principal is a patient or resident;
(D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating relationship as defined in RCW 26.50.010;
(E) An incapacitated person;
(F) A person who would benefit financially if the principal undergoes mental health treatment; or
(G) A minor.

Witness 1: Signature: Date:
Printed Name:

Telephone: Address:
Witness 2: Signature: Date:
Printed Name:

Telephone: Address:
PART X.

RECORD OF DIRECTIVE

I have given a copy of this directive to the following persons:

DO NOT FILL OUT PART XI UNLESS YOU INTEND TO REVOKE THIS DIRECTIVE IN PART OR IN WHOLE PART XI.

REVOCATION OF THIS DIRECTIVE

(Initial any that apply):
. . . . . I am revoking the following part(s) of this directive (specify):

. . . . . I am revoking all of this directive.
By signing here, I indicate that I understand the purpose and effect of my revocation and that no person is bound by any revoked provision(s). I intend this revocation to be interpreted as if I had never completed the revoked provision(s).

Signature: Date:
Printed Name:

DO NOT SIGN THIS PART UNLESS YOU INTEND TO REVOKE THIS DIRECTIVE IN PART OR IN WHOLE

Sec. 17. RCW 71.34.020 and 2011 c 89 s 16 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.
(2) "Children's mental health specialist" means:
(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and
(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.
(3) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.
(4) "Department" means the department of social and health services.
(5) "Designated mental health professional" means a mental health professional designated by one or more counties to perform the functions of a designated mental health professional described in this chapter.

(6) "Evaluation and treatment facility" means a public or private facility or unit that is certified by the department to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately-operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the department or federal agency does not require certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(7) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(8) "Gravely disabled minor" means a minor who, as a result of a mental disorder, is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(9) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, or residential treatment facility certified by the department as an evaluation and treatment facility for minors.

(10) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(11) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others.

(12) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder; or (b) prevent the worsening of mental conditions that endanger life or cause suffering and pain, or result in illness or infirmity or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(13) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or

intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(14) "Mental health professional" means a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under this chapter.

(15) "Minor" means any person under the age of eighteen years.

(16) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed services providers as identified by RCW 71.24.025.

(17) "Parent" means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under a joint custody agreement; or

(b) A person or agency judicially appointed as legal guardian or custodian of the child.

(18) "Professional person in charge" or "professional person" means a physician or other mental health professional empowered by an evaluation and treatment facility with authority to make admission and discharge decisions on behalf of that facility.

(19) "Psychiatric nurse" means a registered nurse who has a bachelor's degree from an accredited college or university, and who has had, in addition, at least two years' experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional. "Psychiatric nurse" shall also mean any other registered nurse who has three years of such experience.

(20) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(21) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(22) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(23) "Secretary" means the secretary of the department or secretary's designee.

(24) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(25) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(26) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW.

Sec. 18. RCW 71.34.355 and 2009 c 217 s 15 are each amended to read as follows:

Absent a risk to self or others, minors treated under this chapter have the following rights, which shall be prominently posted in the evaluation and treatment facility:

- (1) To wear their own clothes and to keep and use personal possessions;
- (2) To keep and be allowed to spend a reasonable sum of their own money for canteen expenses and small purchases;
- (3) To have individual storage space for private use;
- (4) To have visitors at reasonable times;
- (5) To have reasonable access to a telephone, both to make and receive confidential calls;
- (6) To have ready access to letter-writing materials, including stamps, and to send and receive uncensored correspondence through the mails;
- (7) To discuss treatment plans and decisions with mental health professionals;
- (8) To have the right to adequate care and individualized treatment;
- (9) Not to consent to the performance of electro-convulsive treatment or surgery, except emergency lifesaving surgery, upon him or her, and not to have electro-convulsive treatment or nonemergency surgery in such circumstance unless ordered by a court pursuant to a judicial hearing in which the minor is present and represented by counsel, and the court shall appoint a psychiatrist, physician assistant, psychologist, psychiatric advanced registered nurse practitioner, or physician designated by the minor or the minor's counsel to testify on behalf of the minor. The minor's parent may exercise this right on the minor's behalf, and must be informed of any impending treatment;
- (10) Not to have psychosurgery performed on him or her under any circumstances.

Sec. 19. RCW 71.34.720 and 2009 c 217 s 16 are each amended to read as follows:

- (1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist as to the child's mental condition and by a physician, physician assistant, or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.
- (2) If, after examination and evaluation, the children's mental health specialist and the physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor would be better served by placement in a chemical dependency treatment facility, then the minor shall be referred to an approved treatment program defined under RCW 70.96A.020.
- (3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.
- (4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such

communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

(5) If the evaluation and treatment facility admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 20. RCW 71.34.730 and 2009 c 293 s 6 and 2009 c 217 s 17 are each amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility where a minor has been admitted involuntarily for the initial seventy-two hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility for fourteen-day diagnosis, evaluation, and treatment.

If the professional person in charge of the treatment and evaluation facility does not petition to have the minor committed, the parent who has custody of the minor may seek review of that decision in court. The parent shall file notice with the court and provide a copy of the treatment and evaluation facility's report.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is residing or being detained.

(a) A petition for a fourteen-day commitment shall be signed by: (i) Two physicians(.); (ii) ((two psychiatric advanced registered nurse practitioners, (iii) a mental health professional and either a physician or a psychiatric advanced registered nurse practitioner, or (iv) a physician and a psychiatric advanced registered nurse practitioner)) one physician and a mental health professional; (iii) one physician assistant and a mental health professional; or (iv) one psychiatric advanced registered nurse practitioner and a mental health professional. The person signing the petition must have examined the minor, and the petition must contain the following:

- (A) The name and address of the petitioner;
- (B) The name of the minor alleged to meet the criteria for fourteen-day commitment;
- (C) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;
- (D) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;
- (E) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;

(F) A statement that the minor has been advised of the loss of firearm rights if involuntarily committed;

(G) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and

(H) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(b) A copy of the petition shall be personally delivered to the minor by the petitioner or petitioner's designee. A copy of the petition shall be sent to the minor's attorney and the minor's parent.

Sec. 21. RCW 71.34.750 and 2009 c 217 s 18 are each amended to read as follows:

(1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment. The evidence in support of the petition shall be presented by the county prosecutor unless the petition is filed by the professional person in charge of a state-operated facility in which case the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

(a) The name and address of the petitioner or petitioners;

(b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;

(c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility responsible for the treatment of the minor;

(d) The date of the fourteen-day commitment order; and

(e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by: (a) Two examining physicians, one of whom shall be a child psychiatrist, or two psychiatric advanced registered nurse practitioners, one of whom shall be a child and adolescent or family psychiatric advanced registered nurse practitioner, or two physician assistants, one of whom must be supervised by a child psychiatrist; (b) one children's mental health specialist and either an examining physician, physician assistant, or a psychiatric advanced registered nurse practitioner(.); or (c) two among an examining physician, physician assistant, and a psychiatric advanced registered nurse practitioner, one of which needs to be a child psychiatrist a physician assistant supervised by a child psychiatrist, or a child and adolescent psychiatric nurse practitioner. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition shall be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. The court may continue the hearing upon the written request of the minor or the minor's attorney for not more than ten days. The minor or the parents shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment, the court must find by clear, cogent, and convincing evidence that the minor:

(a) Is suffering from a mental disorder;

(b) Presents a likelihood of serious harm or is gravely disabled; and

(c) Is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

(7) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court shall order the minor committed for further inpatient treatment to the custody of the secretary or to a private treatment and evaluation facility if the minor's parents have assumed responsibility for payment for the treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

(8) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least five days prior to the expiration of the previous one hundred eighty-day commitment order.

Sec. 22. RCW 71.34.770 and 2009 c 217 s 19 are each amended to read as follows:

(1) The professional person in charge of the inpatient treatment facility may authorize release for the minor under such conditions as appropriate. Conditional release may be revoked pursuant to RCW 71.34.780 if leave conditions are not met or the minor's functioning substantially deteriorates.

(2) Minors may be discharged prior to expiration of the commitment period if the treating physician, physician assistant, psychiatric advanced registered nurse practitioner, or professional person in charge concludes that the minor no longer meets commitment criteria.

Sec. 23. RCW 18.71A.030 and 2013 c 203 s 6 are each amended to read as follows:

(1) A physician assistant may practice medicine in this state only with the approval of the delegation agreement by the commission and only to the extent permitted by the commission. A physician assistant who has received a license but who has not received commission approval of the delegation agreement under RCW 18.71A.040 may not practice. A physician assistant shall be subject to discipline under chapter 18.130 RCW.

(2) Physician assistants may provide services that they are competent to perform based on their education, training, and experience and that are consistent with

their commission-approved delegation agreement. The supervising physician and the physician assistant shall determine which procedures may be performed and the degree of supervision under which the procedure is performed. Physician assistants may practice in any area of medicine or surgery as long as the practice is not beyond the supervising physician's own scope of expertise and practice.

Sec. 24. RCW 18.57A.030 and 2013 c 203 s 3 are each amended to read as follows:

(1) An osteopathic physician assistant as defined in this chapter may practice osteopathic medicine in this state only with the approval of the delegation agreement by the board and only to the extent permitted by the board. An osteopathic physician assistant who has received a license but who has not received board approval of the delegation agreement under RCW 18.57A.040 may not practice. An osteopathic physician assistant shall be subject to discipline by the board under the provisions of chapter 18.130 RCW.

(2) Osteopathic physician assistants may provide services that they are competent to perform based on their education, training, and experience and that are consistent with their board-approved delegation agreement. The supervising physician and the physician assistant shall determine which procedures may be performed and the degree of supervision under which the procedure is performed. Physician assistants may practice in any area of medicine or surgery so long as the practice is not beyond the supervising physician's own scope of expertise and practice."

Correct the title.

Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 25, 2016

E2SSB 6455 Prime Sponsor, Committee on Ways & Means: Expanding the professional educator workforce by increasing career opportunities in education, creating a more robust enrollment forecasting, and enhancing recruitment efforts. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.300 RCW to read as follows:

Subject to an appropriation specifically provided for this purpose, the superintendent of public instruction, in consultation with school district and educational service district personnel, shall develop and implement a comprehensive, statewide initiative to increase the number of qualified individuals who apply for teaching

positions in Washington. In developing and implementing the initiative, the superintendent shall:

(1) Include a teacher recruitment component that targets groups of individuals who may be interested in teaching in Washington public schools, such as: College students who have not chosen a major; out-of-state teachers; military personnel and their spouses; and individuals with teaching certificates who are not currently employed as teachers;

(2) Contract for the development of a statewide system to provide recruitment and hiring services, including a centralized hiring portal, to school districts, and a statewide central depository for applications of individuals interested in applying for certificated positions that can be accessed by school districts in the state for purposes of hiring teachers and other certificated positions. The services and tools developed under this subsection must be made available initially to small school districts, and to larger districts as resources are available. When defining small districts for the purpose of this subsection, the office of the superintendent of public instruction must consider whether a district has fewer than three hundred certificated staff;

(3) Create or enhance an existing web site that provides useful information to individuals who are interested in teaching in Washington; and

(4) Take other actions to increase the number of qualified individuals who apply for teaching positions in Washington.

NEW SECTION. Sec. 2. (1) Subject to an appropriation specifically provided for this purpose, the workforce training and education coordinating board, in collaboration with the professional educator standards board, shall work with the student achievement council, the office of the superintendent of public instruction, school districts, educational service districts, the state board for community and technical colleges, the institutions of higher education, major employers, and other parties to develop and disseminate information designed to increase recruitment into professional educator standards board-approved teacher preparation programs. The information must be disseminated statewide through existing channels.

(2) This section expires July 1, 2019.

NEW SECTION. Sec. 3. (1) Subject to an appropriation specifically provided for this purpose, the professional educator standards board shall create and administer the recruitment specialists grant program to provide funds to professional educator standards board-approved teacher preparation programs to hire, or contract with, recruitment specialists that focus on recruitment of individuals who are from traditionally underrepresented groups among teachers in Washington when compared to the common school population.

(2) This section expires July 1, 2018.

Sec. 4. RCW 28A.410.250 and 2005 c 498 s 2 are each amended to read as follows:

The agency responsible for educator certification shall adopt rules for professional certification that:

(1) Provide maximum program choice for applicants, promote portability among programs, and promote

maximum efficiency for applicants in attaining professional certification;

(2) Require professional certification no earlier than the fifth year following the year that the teacher first completes provisional status, with an automatic two-year extension upon enrollment;

(3) Grant professional certification to any teacher who attains certification from the national board for professional teaching standards;

(4) Permit any teacher currently enrolled in or participating in a program leading to professional certification to continue the program under administrative rules in place when the teacher began the program;

(5) Provide criteria for the approval of educational service districts, beginning no later than August 31, 2007, to offer programs leading to professional certification. The rules shall be written to encourage institutions of higher education and educational service districts to partner with local school districts or consortia of school districts, as appropriate, to provide instruction for teachers seeking professional certification;

(6) Encourage institutions of higher education to offer professional certificate coursework as continuing education credit hours. This shall not prevent an institution of higher education from providing the option of including the professional certification requirements as part of a master's degree program;

(7) Provide criteria for a liaison relationship between approved programs and school districts in which applicants are employed;

(8) Identify an expedited professional certification process for out-of-state teachers who have five years or more of successful teaching experience ((to demonstrate skills and impact on student learning commensurate with Washington requirements for professional certification. The rules may require these teachers, within one year of the time they begin to teach in the state's public schools, take a course in or show evidence that they can teach to the state's essential academic learning requirements)), including a method to determine the comparability of rigor between the Washington professional certification process and the second-level teacher certification process of other states. A professional certificate must be issued to these experienced out-of-state teachers if the teacher holds: (a) A valid teaching certificate issued by the national board for professional teaching standards; or (b) a second-level teacher certificate from another state that has been determined to be comparable to the Washington professional certificate; and

(9) Identify an evaluation process of approved programs that includes a review of the program coursework and applicant coursework load requirements, linkages of programs to individual teacher professional growth plans, linkages to school district and school improvement plans, and, to the extent possible, linkages to school district professional enrichment and growth programs for teachers, where such programs are in place in school districts. The agency shall provide a preliminary report on the evaluation process to the senate and house of representatives committees on

education policy by November 1, 2005. The board shall identify:

(a) A process for awarding conditional approval of a program that shall include annual evaluations of the program until the program is awarded full approval;

(b) A less intensive evaluation cycle every three years once a program receives full approval unless the responsible agency has reason to intensify the evaluation;

(c) A method for investigating programs that have received numerous complaints from students enrolled in the program and from those recently completing the program;

(d) A method for investigating programs at the reasonable discretion of the agency; and

(e) A method for using, in the evaluation, both program completion satisfaction responses and data on the impact of educators who have obtained professional certification on student work and achievement.

NEW SECTION. Sec. 5. A new section is added to chapter 41.32 RCW under the subchapter heading "provisions applicable to plan 2 and plan 3" to be codified between RCW 41.32.067 and 41.32.215 to read as follows:

In addition to the postretirement employment options available in RCW 41.32.802 or 41.32.862, and only until August 1, 2020, a teacher in plan 2 or plan 3 who has retired under the alternate early retirement provisions of RCW 41.32.765(3)(b) or 41.32.875(3)(b) may be employed with an employer for up to eight hundred sixty-seven hours per calendar year without suspension of his or her benefit, provided that the retired teacher reenters employment more than one calendar month after his or her accrual date and after the effective date of this section, and is employed exclusively as either:

(1) A substitute teacher as defined in RCW 41.32.010(48)(a) in an instructional capacity, as opposed to other capacities identified in RCW 41.32.010(49); or

(2) A mentor to teachers or an adviser to students in a professional educator standards board-approved teacher preparation program if the retired teacher has received appropriate training as defined by the office of the superintendent of public instruction, including training to become national board certified or other specialized training.

NEW SECTION. Sec. 6. A new section is added to chapter 41.32 RCW to read as follows:

A school district that employs a retired teacher exclusively as a substitute teacher under section 5(1) of this act must compensate its substitute teachers at an amount that is equal to or greater than the full daily amount allocated by the state to the district for substitute teacher compensation.

NEW SECTION. Sec. 7. (1) Subject to an appropriation specifically provided for this purpose, the professional educator standards board shall coordinate meetings between the school districts that do not have professional educator standards board-approved alternative route teacher certification programs and the nearest public or private institution of higher education with a professional educator standards board-approved teacher preparation program. The purpose of the meetings is to

determine whether the districts and institutions can partner to apply to the professional educator standards board to operate an alternative route teacher certification program.

(2) Subject to an appropriation specifically provided for this purpose, an institution of higher education, as defined in RCW 28B.10.016, with a professional educator standards board-approved teacher preparation program that does not operate a professional educator standards board-approved alternative route teacher certification program must seek approval from the professional educator standards board to offer an alternative route teacher certification program by submitting the proposal developed under RCW 28A.410.290, or an updated version of the proposal, by September 1, 2016. If approved, the institution of higher education must implement an alternative route teacher certification program according to a timeline suggested by the professional educator standards board.

(3) This section expires July 1, 2017.

NEW SECTION. Sec. 8. A new section is added to chapter 28B.10 RCW to read as follows:

(1) By July 1, 2018, each institution of higher education with a professional educator standards board-approved alternative route teacher certification program must develop a plan describing how the institution of higher education will partner with school districts in the general geographic region of the school, or where its programs are offered, regarding placement of resident teachers. The plans must be developed in collaboration with school districts desiring to partner with the institutions of higher education, and may include use of unexpended federal or state funds to support residencies and mentoring for students who are likely to continue teaching in the district in which they have a supervised student teaching residency.

(2) The plans required under subsection (1) of this section must be updated at least biennially.

Sec. 9. RCW 28A.415.265 and 2013 2nd sp.s. c 18 s 401 are each amended to read as follows:

(1) For the purposes of this section, a mentor is an educator who has achieved appropriate training in assisting, coaching, and advising beginning teachers or student teaching residents as defined by the office of the superintendent of public instruction, such as national board certification or other specialized training.

(2)(a) The educator support program is established to provide professional development and mentor support for beginning educators, candidates in alternative route teacher programs under RCW 28A.660.040, and educators on probation under RCW 28A.405.100, to be composed of the beginning educator support team for beginning educators and continuous improvement coaching for educators on probation, as provided in this section.

((2)(a)) (b) The superintendent of public instruction shall notify school districts about the educator support program and encourage districts to apply for program funds.

(3) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction shall allocate funds for the beginning

educator support team on a competitive basis to individual school districts or consortia of districts. School districts are encouraged to include educational service districts in creating regional consortia. In allocating funds, the office of the superintendent of public instruction shall give priority to:

(a) School districts with low-performing schools identified under RCW 28A.657.020 as being challenged schools in need of improvement; and

(b) School districts with a large influx of beginning classroom teachers.

(4) A portion of the appropriated funds may be used for program coordination and provision of statewide or regional professional development through the office of the superintendent of public instruction.

((b)) (5) A beginning educator support team must include the following components:

((i)) (a) A paid orientation or individualized assistance before the start of the school year for beginning educators;

((ii)) (b) Assignment of a trained and qualified mentor for the first three years for beginning educators, with intensive support in the first year and decreasing support over the following years depending on the needs of the beginning educator;

((iii)) (c) A goal to provide beginning teachers from underrepresented populations with a mentor who has strong ties to underrepresented populations;

(d) Professional development for beginning educators that is designed to meet their unique needs for supplemental training and skill development;

((iv)) (e) Professional development for mentors;

((v)) (f) Release time for mentors and their designated educators to work together, as well as time for educators to observe accomplished peers; and

((vi)) (g) A program evaluation using a standard evaluation tool provided from the office of the superintendent of public instruction that measures increased knowledge, skills, and positive impact on student learning for program participants.

((3)) (6) Subject to funds separately appropriated for this specific purpose, the beginning educator support team components under subsection ((2)) (3) of this section may be provided for continuous improvement coaching to support educators on probation under RCW 28A.405.100.

NEW SECTION. Sec. 10. (1) In fiscal year 2017, the office of the superintendent of public instruction, in collaboration with the professional educator standards board and institutions of higher education with professional educator standards board-approved teacher preparation programs, shall develop mentor training program goals for the institutions to use in their teacher preparation program curricula.

(2) Once the mentor training program goals are developed as required under subsection (1) of this section, the institutions of higher education with professional educator standards board-approved teacher preparation programs are encouraged to develop and implement curricula that meet the mentor training program goals.

(3) This section expires July 1, 2019.

NEW SECTION. Sec. 11. A new section is added to chapter 28A.330 RCW to read as follows:

By June 15th of each year, a school district shall report to the office of the superintendent of public instruction the number of classroom teachers the district projects will be hired in the following school year.

Sec. 12. RCW 28A.660.050 and 2015 3rd sp.s. c 9 s 2 are each amended to read as follows:

Subject to the availability of amounts appropriated for these purposes, the conditional scholarship programs in this chapter are created under the following guidelines:

(1) The programs shall be administered by the student achievement council. In administering the programs, the council has the following powers and duties:

(a) To adopt necessary rules and develop guidelines to administer the programs;

(b) To collect and manage repayments from participants who do not meet their service obligations; and

(c) To accept grants and donations from public and private sources for the programs.

(2) Requirements for participation in the conditional scholarship programs are as provided in this subsection (2).

(a) The alternative route conditional scholarship program is limited to interns of professional educator standards board-approved alternative routes to teaching programs under RCW 28A.660.040. For fiscal year 2011, priority must be given to fiscal year 2010 participants in the alternative route partnership program. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment in alternative certification routes through a professional educator standards board-approved program;

(ii) Continue to make satisfactory progress toward completion of the alternative route certification program and receipt of a residency teaching certificate; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed eight thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The council may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(b) The pipeline for paraeducators conditional scholarship program is limited to qualified paraeducators as provided by RCW 28A.660.042. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment at a community and technical college for no more than two years and attain an associate of arts degree;

(ii) Continue to make satisfactory progress toward completion of an associate of arts degree. This progress requirement is a condition for eligibility into a route one program of the alternative routes to teacher certification program for a mathematics, special education, or English as a second language endorsement; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed four thousand dollars, for the

cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The student achievement council may adjust the annual award by the average rate of tuition and fee increases at the state community and technical colleges.

(c) The educator retooling conditional scholarship program is limited to current K-12 teachers. In order to receive conditional scholarship awards:

(i) Individuals currently employed as teachers shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to((,)) mathematics, science, special education, elementary education, early childhood education, bilingual education, English language learner, computer science education, or environmental and sustainability education; or

(ii) Individuals who are certificated with an elementary education endorsement shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to((,)) mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education; and

(iii) Individuals shall use one of the pathways to endorsement processes to receive an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to((,)) mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education, which shall include passing an endorsement test plus observation and completing applicable coursework to attain the proper endorsement; and

(iv) Individuals shall receive no more than the annual amount of the scholarship, not to exceed three thousand dollars, for the cost of tuition, test fees, and educational expenses, including books, supplies, and transportation for the endorsement pathway being pursued.

(3) The Washington professional educator standards board shall select individuals to receive conditional scholarships. In selecting recipients, preference shall be given to eligible veterans or national guard members. In awarding conditional scholarships to support additional bilingual education or English language learner endorsements, the board shall also give preference to teachers assigned to schools required under state or federal accountability measures to implement a plan for improvement, and to teachers assigned to schools whose enrollment of English language learner students has increased an average of more than five percent per year over the previous three years.

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients who fail to continue a course of study leading

to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The student achievement council shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) The student achievement council may deposit all appropriations, collections, and any other funds received for the program in this chapter in the future teachers conditional scholarship account authorized in RCW 28B.102.080.

NEW SECTION. Sec. 13. A new section is added to chapter 28B.102 RCW to read as follows:

(1) Subject to an appropriation specifically provided for this purpose, the office shall develop and administer the teacher shortage conditional grant program as a subprogram within the future teachers conditional scholarship and loan repayment program. The purpose of the teacher shortage conditional grant program is to encourage individuals to become teachers by providing financial aid to individuals enrolled in professional educator standards-approved teacher preparation programs.

(2) The office has the power and duty to develop and adopt rules as necessary under chapter 34.05 RCW to administer the program described in this section.

(3) As part of the rule-making process under subsection (2) of this section, the office must collaborate with the professional educator standards board, the Washington state school directors' association, and the professional educator standards board-approved teacher preparation programs to develop a framework for the teacher shortage conditional grant program, including eligibility requirements, contractual obligations, conditional grant amounts, and loan repayment requirements.

(4)(a) In developing the eligibility requirements, the office must consider: Whether the individual has a financial need, is a first-generation college student, or is from a traditionally underrepresented group among teachers in Washington; whether the individual is completing an alternative route to teacher certification program; whether the individual plans to obtain an endorsement in a hard-to-fill subject, as defined by the professional educator standards board; the characteristic of any geographic shortage area, as defined by the professional educator standards board, that the individual plans to teach in; and whether a school district has committed to offering the individual employment once the individual obtains a residency teacher certificate.

(b) In developing the contractual obligations, the office must consider requiring the individual to: Obtain a Washington state residency teacher certificate; teach in a subject or geographic endorsement shortage area, as defined by the professional educator standards board; and commit to teach for five school years in an approved education program with a need for a teacher with such an endorsement at the time of hire.

(c) In developing the conditional grant award amounts, the office must consider whether the individual is: Enrolled in a public or private institution of higher education, a resident, in a baccalaureate or postbaccalaureate program, or in an alternative route to teacher certification program. In addition, the award amounts must not result in a reduction of the individual's federal or state grant aid, including Pell grants, state need grants, college bound scholarships, or opportunity scholarships.

(d) In developing the repayment requirements for a conditional grant that is converted into a loan, the terms and conditions of the loan must follow the interest rate and repayment terms of the federal direct subsidized loan program. In addition, the office must consider the following repayment schedule:

(i) For less than one school year of teaching completed, the loan obligation is eighty-five percent of the conditional grant the student received, plus interest and an equalization fee;

(ii) For less than two school years of teaching completed, the loan obligation is seventy percent of the conditional grant the student received, plus interest and an equalization fee;

(iii) For less than three school years of teaching completed, the loan obligation is fifty-five percent of the conditional grant the student received, plus interest and an equalization fee; and

(iv) For less than four school years of teaching completed, the loan obligation is forty percent of the conditional grant the student received, plus interest and an equalization fee.

(5) By November 1, 2018, and November 1, 2020, the office shall submit reports, in accordance with RCW 43.01.036, to the appropriate committees of the legislature that recommend whether the teacher shortage conditional grant program under this section should be continued, modified, or terminated, and that include information about the recipients of the grants under this program.

NEW SECTION. Sec. 14. A new section is added to chapter 28B.76 RCW to read as follows:

(1) Subject to funds appropriated specifically for this purpose, the office shall administer a student teaching residency grant program to provide additional funds to individuals completing student teaching residencies at public schools in Washington.

(2) To qualify for the grant, recipients must be enrolled in a professional educator standards board-approved teacher preparation program, be completing or about to start a student teaching residency at a Title I school, and demonstrate financial need, as defined by the office and consistent with the income criteria required to receive the state need grant established in chapter 28B.92 RCW.

(3) The office shall establish rules for administering the grants under this section.

NEW SECTION. Sec. 15. Sections 5 and 6 of this act expire July 1, 2021."

Correct the title.

Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking

Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Harris; Hayes; Kilduff; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative Klippert.

Passed to Committee on Appropriations.

February 26, 2016

SB 6488 Prime Sponsor, Senator Becker: Directing the health care authority to apply for a federal innovation waiver to expand an employer-based coverage option with a portable health care account. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short and Tharinger.

MINORITY recommendation: Do not pass. Signed by Representatives Riccelli, Vice Chair and Van De Wege.

Passed to Committee on Appropriations.

February 26, 2016

2SSB 6497 Prime Sponsor, Committee on Ways & Means: Providing court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that school attendance really matters, and that poor school attendance can have far-reaching effects on academic performance and achievement, development of social skills and school engagement, dropout rates, and even college completion rates. According to an August 2014 report by Attendance Works titled "Absences Add Up: How School Attendance Influences Student Success," students who missed more school than their peers scored lower on the 2013 national assessment for educational progress (NAEP). This was true at every age, in every racial and ethnic group, and in every state and city examined in the state-by-state analysis, and reinforced other research that has shown that: Poor attendance in the first month of school can predict chronic absence for the entire year; absenteeism in kindergarten can affect whether a child develops necessary grit and perseverance; absenteeism in preschool and kindergarten can influence whether a child will master reading by the end of third grade or be held back; absenteeism in middle and high school can

predict dropout rates; absenteeism influences not just chances for graduating but also for completing college; improving attendance is important for reducing educational opportunity gaps; and when students reduce absences, they can make academic gains.

The legislature further finds that these effects occur regardless of whether excessive absenteeism is considered excused or unexcused or the specific reason or reasons for excessive absenteeism. By taking a three-pronged approach, focusing not just on truancy but on school attendance in general, and providing additional tools to schools, courts, communities, and families, the legislature hopes to reduce excessive absenteeism, strengthen family engagement with schools, involve communities, promote academic achievement, reduce educational opportunity gaps, and increase high school graduation rates.

First, with respect to absenteeism in general, the legislature intends to put in place consistent practices and procedures, beginning in kindergarten, pursuant to which schools share information with families about the importance of consistent attendance and the consequences of excessive absences, involve families early, and provide families with information, services, and tools that they may access to improve and maintain their children's school attendance.

Second, the legislature recognizes the success that has been had by school districts and county juvenile courts around the state that have worked in tandem with one another to establish truancy boards capable of therapeutic prevention and intervention and that regularly stay truancy petitions in order to first allow these boards to identify barriers to school attendance, cooperatively solve problems, and connect students and their families with needed academic supports and community-based services, and that turn to court orders only as a last resort. While keeping petition filing requirements in place, the legislature intends to require an initial stay of truancy petitions in order to allow for appropriate intervention and prevention before using a court order to enforce attendance laws. The legislature also intends to encourage efforts by county juvenile courts and school districts to: Establish and maintain therapeutic truancy boards; and to employ other best practices, including the provision of training for board members and other school and court personnel on trauma-informed approaches to discipline, the research regarding adverse childhood experiences, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families as well as those that have been shown to be culturally appropriate promising practices.

Third, the legislature recognizes that there are instances in which individual barriers to school attendance that have led to a student's absences may be best addressed by providing access to a bed in a HOPE center. The legislature further recognizes that even when a student is found in contempt of a court order to attend school, it is best practice that the student not be placed in juvenile

detention but, where feasible and available, instead be placed in a crisis residential center. The legislature intends to increase the number of beds in HOPE centers and crisis residential centers in order to facilitate their use for these students.

Sec. 2. RCW 28A.225.005 and 2009 c 556 s 5 are each amended to read as follows:

(1) Each school within a school district shall inform the students and the parents of the students enrolled in the school about: The benefits of regular school attendance; the potential effects of excessive absenteeism, whether excused or unexcused, on academic achievement, and graduation and dropout rates; the school's expectations of the parents and guardians to ensure regular school attendance by the child; the resources available to assist the child and the parents and guardians; the role and responsibilities of the school; and the consequences of truancy, including the compulsory education requirements under this chapter. The school shall provide access to the information ((at least annually.)) before or at the time of enrollment of the child at a new school and at the beginning of each school year. If the school regularly and ordinarily communicates most other information to parents online, providing online access to the information required by this section satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. Provision must be made to enable parents to request and receive the information in a language in which they are fluent. A parent must date and acknowledge review of this information online or in writing before or at the time of enrollment of the child at a new school and at the beginning of each school year.

(2) The office of the superintendent of public instruction shall develop a template that schools may use to satisfy the requirements of subsection (1) of this section and shall post the information on its web site.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.225 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, in the event that a child in elementary school is required to attend school under RCW 28A.225.010 or 28A.225.015(1) and has five or more excused absences in a single month during the current school year, or ten or more excused absences in the current school year, the school district shall schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of identifying the barriers to the child's regular attendance, and the supports and resources that may be made available to the family so that the child is able to regularly attend school. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the absences, the school district may schedule this conference on that day. To satisfy the requirements of this section, the conference must include at least one school district employee such as a nurse, counselor, social worker, or teacher, except in those instances regarding the attendance of a child who has an individualized education program or a plan developed under section 504 of the rehabilitation act of 1973, in

which case the reconvening of the team that created the program or plan is required.

(2) A conference pursuant to subsection (1) of this section is not required in the event of excused absences for which prior notice has been given to the school or a doctor's note has been provided and an academic plan is put in place so that the child does not fall behind.

Sec. 4. RCW 28A.225.025 and 2009 c 266 s 2 are each amended to read as follows:

(1) For purposes of this chapter, "community truancy board" means a board composed of members of the local community in which the child attends school. Juvenile courts may establish and operate community truancy boards. If the juvenile court and the school district agree, a school district may establish and operate a community truancy board under the jurisdiction of the juvenile court. Juvenile courts may create a community truancy board or may use other entities that exist or are created, such as diversion units. However, a diversion unit or other existing entity must agree before it is used as a truancy board. Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program.

(2) The legislature finds that utilization of community truancy boards, or other diversion units that fulfill a similar function, is the preferred means of intervention when preliminary methods of notice and parent conferences and taking appropriate steps to eliminate or reduce unexcused absences have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community truancy boards and other diversion programs which are effective in promoting school attendance and preventing the need for more intrusive intervention by the court. Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3).

(3) For purposes of this chapter, "therapeutic truancy board" means a community truancy board operated within existing resources pursuant to a memorandum of understanding between a school district and a juvenile court. All members of a therapeutic truancy board receive training with respect to the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, the research regarding adverse childhood experiences, evidence-based treatments that have been found to be effective in supporting at-risk youth and their families as well as those that have been shown to be culturally appropriate promising practices, and the specific academic supports, services, and treatments available in the particular school, court, community, and

elsewhere. A therapeutic truancy board identifies barriers to school attendance, cooperatively solves problems, connects students and their families with academic supports, community services, evidence-based services such as functional family therapy, and culturally appropriate promising practices, and may refer children to a HOPE center.

Sec. 5. RCW 28A.225.035 and 2012 c 157 s 2 are each amended to read as follows:

(1) A petition for a civil action under RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:

(a) The child has unexcused absences during the current school year;

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, date of birth, school, address, gender, race, and ethnicity of the child and the names and addresses of the child's parents, and shall set forth whether the child and parent are fluent in English, whether there is an existing individualized education program, and the child's current academic status in school.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4)(a) When a petition is filed under RCW 28A.225.030 or 28A.225.015, it shall initially be stayed and intervention and prevention efforts employed in order to substantially reduce the child's unexcused absences. Intervention and prevention efforts under this subsection may include referral to a community truancy board, preferably a therapeutic truancy board, use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, the provision of academic services such as tutoring, credit retrieval and school reengagement supports, and community-based services, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families and those that have been shown to be culturally appropriate promising practices.

(b) If intervention and prevention efforts under (a) of this subsection are unsuccessful at substantially reducing the child's unexcused absences, the stay shall be lifted and the juvenile court shall schedule a hearing at which the court shall consider the petition, or if the court determines that ((a)) an initial or subsequent referral to an available community truancy board would substantially reduce the child's unexcused absences, the court may refer the case to a community truancy board under the jurisdiction of the juvenile court.

(5) If a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an

agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within twenty days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this subsection shall be between the truancy board, the school district, and the child's parent. The court may permit the truancy board or truancy prevention counselor to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015.

(6) If the truancy board fails to reach an agreement, or the parent or student does not comply with the agreement, the truancy board shall return the case to the juvenile court for a hearing.

(7)(a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. When a juvenile court hearing is held, the court shall:

(i) Separately notify the child, the parent of the child, and the school district of the hearing. If the parent is not fluent in English, the preferred practice is for notice to be provided in a language in which the parent is fluent;

(ii) Notify the parent and the child of their rights to present evidence at the hearing; and

(iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(b) If the child is not provided with counsel, the advisement of rights must take place in court by means of a colloquy between the court, the child if eight years old or older, and the parent.

(8)(a) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

(b) The court may not issue a bench warrant for a child for failure to appear at a hearing on an initial truancy petition filed under RCW 28A.225.030. If there has been proper service, the court may instead enter a default order assuming jurisdiction under the terms specified in subsection (12) of this section.

(9) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or 28A.225.015.

(10) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

(11) If the child is in a special education program or has a diagnosed mental or emotional disorder, the court shall inquire as to what efforts the school district has made to assist the child in attending school.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the

juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

(13)(a) If the court assumes jurisdiction, the school district shall periodically report to the court any additional unexcused absences by the child, actions taken by the school district, and an update on the child's academic status in school at a schedule specified by the court.

(b) The first report under this subsection (13) must be received no later than three months from the date that the court assumes jurisdiction.

(14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.225 RCW to read as follows:

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate to therapeutic truancy boards grant funds that may be used to supplement existing funds in order to pay for training for board members or the provision of services and treatment to children and their families.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this section. This is a competitive grant process. A prerequisite to applying for either or both grants is a memorandum of understanding, between a school district and a court, to institute a new or maintain an existing therapeutic truancy board that meets the requirements of RCW 28A.225.025.

(3) Successful applicants for an award of grant funds to supplement existing funds to pay for the training of therapeutic truancy board members must commit to the provision of training to board members regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, research about adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, as well as the specific academic and community services and treatments available in the school, court, community, and elsewhere. This training may be provided by educational service districts.

(4) Successful applicants for an award of grant funds to supplement existing funds to pay for services and treatments provided to children and their families must commit to the provision of academic services such as tutoring, credit retrieval and school reengagement supports, community services, and evidence-based treatments that have been found to be effective in

supporting at-risk youth and their families, such as functional family therapy, or those that have been shown to be culturally appropriate promising practices.

Sec. 7. RCW 28A.225.090 and 2009 c 266 s 4 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, including suspensions;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district.

If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; ((or))

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the drug assessment at no expense to the school; or

(f) Submit to a temporary placement in a crisis residential center if the court determines there is an immediate health and safety concern, or a family conflict with the need for mediation.

(2) If the child fails to comply with the court order, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community restitution. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection

may be for no longer than seven days. Detention ordered under this subsection shall preferably be served at a crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

Sec. 8. RCW 43.185C.315 and 2015 c 69 s 22 are each amended to read as follows:

(1) The department shall establish HOPE centers that provide no more than seventy-five beds across the state and may establish HOPE centers by contract, within funds appropriated by the legislature specifically for this purpose. HOPE centers shall be operated in a manner to reasonably assure that street youth placed there will not run away. Street youth may leave a HOPE center during the course of the day to attend school or other necessary appointments, but the street youth must be accompanied by an administrator or an administrator's designee. The street youth must provide the administration with specific information regarding his or her destination and expected time of return to the HOPE center. Any street youth who runs away from a HOPE center shall not be readmitted unless specifically authorized by the street youth's placement and liaison specialist, and the placement and liaison specialist shall document with specific factual findings an appropriate basis for

readmitting any street youth to a HOPE center. HOPE centers are required to have the following:

((1)) (a) A license issued by the department of social and health services;

((2)) (b) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. This professional staff person may be contractual or a part-time employee, but must be available to work with street youth in a HOPE center at a ratio of one to every fifteen youth staying in a HOPE center. This professional shall be known as a placement and liaison specialist. Preference shall be given to those professionals cross-credentialed in mental health and chemical dependency. The placement and liaison specialist shall:

((a)) (i) Conduct an assessment of the street youth that includes a determination of the street youth's legal status regarding residential placement;

((b)) (ii) Facilitate the street youth's return to his or her legally authorized residence at the earliest possible date or initiate processes to arrange legally authorized appropriate placement. Any street youth who may meet the definition of dependent child under RCW 13.34.030 must be referred to the department of social and health services. The department of social and health services shall determine whether a dependency petition should be filed under chapter 13.34 RCW. A shelter care hearing must be held within seventy-two hours to authorize out-of-home placement for any youth the department of social and health services determines is appropriate for out-of-home placement under chapter 13.34 RCW. All of the provisions of chapter 13.32A RCW must be followed for children in need of services or at-risk youth;

((c)) (iii) Interface with other relevant resources and system representatives to secure long-term residential placement and other needed services for the street youth;

((d)) (iv) Be assigned immediately to each youth and meet with the youth within eight hours of the youth receiving HOPE center services;

((e)) (v) Facilitate a physical examination of any street youth who has not seen a physician within one year prior to residence at a HOPE center and facilitate evaluation by a county-designated mental health professional, a chemical dependency specialist, or both if appropriate; and

((f)) (vi) Arrange an educational assessment to measure the street youth's competency level in reading, writing, and basic mathematics, and that will measure learning disabilities or special needs;

((3)) (c) Staff trained in development needs of street youth as determined by the department, including an administrator who is a professional with a master's degree in counseling, social work, or a related field and at least one year of experience working with street youth, or a bachelor of arts degree in social work or a related field and five years of experience working with street youth, who must work with the placement and liaison specialist to provide appropriate services on site;

((4)) (d) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the department;

((5)) (e) Notification requirements that meet the notification requirements of chapter 13.32A RCW. The youth's arrival date and time must be logged at intake by HOPE center staff. The staff must immediately notify law enforcement and dependency caseworkers if a street youth runs away from a HOPE center. A child may be transferred to a secure facility as defined in RCW 13.32A.030 whenever the staff reasonably believes that a street youth is likely to leave the HOPE center and not return after full consideration of the factors set forth in RCW 43.185C.290(2)(a) (i) and (ii). The street youth's temporary placement in the HOPE center must be authorized by the court or the secretary of the department of social and health services if the youth is a dependent of the state under chapter 13.34 RCW or the department of social and health services is responsible for the youth under chapter 13.32A RCW, or by the youth's parent or legal custodian, until such time as the parent can retrieve the youth who is returning to home;

((6)) (f) HOPE centers must identify to the department of social and health services any street youth it serves who is not returning promptly to home. The department of social and health services then must contact the missing children's clearinghouse identified in chapter 13.60 RCW and either report the youth's location or report that the youth is the subject of a dependency action and the parent should receive notice from the department of social and health services; and

((7)) (g) Services that provide counseling and education to the street youth(, and).

((8)) (2) The department shall award contracts for the operation of HOPE center beds with the goal of facilitating the coordination of services provided for youth by such programs and those services provided by secure and semi-secure crisis residential centers.

(3) Subject to funds appropriated for this purpose, the beds available in HOPE centers shall be increased incrementally beyond the limit of seventy-five set forth in subsection (1) of this section. The additional capacity shall be distributed around the state based upon need and, to the extent feasible, shall be geographically situated so that HOPE beds are available across the state. In determining the need for increased numbers of HOPE beds in a particular county or counties, one of the considerations should be the volume of truancy petitions filed there.

Sec. 9. RCW 43.185C.320 and 2015 c 69 s 23 are each amended to read as follows:

To be eligible for placement in a HOPE center, a minor must be either a street youth, as that term is defined in this chapter, or a youth who, without placement in a HOPE center, will continue to participate in increasingly risky behavior, including truancy. Youth may also self-refer to a HOPE center. Payment for a HOPE center bed is not contingent upon prior approval by the department; however, approval from the department of social and

health services is needed if the youth is dependent under chapter 13.34 RCW.

NEW SECTION. Sec. 10. A new section is added to chapter 43.185C RCW to read as follows:

Subject to funds appropriated for this purpose, the capacity available in crisis residential centers established pursuant to this chapter shall be increased incrementally in order to accommodate truant students found in contempt of a court order to attend school. The additional capacity shall be distributed around the state based upon need and, to the extent feasible, shall be geographically situated so that crisis residential centers are available for use by all courts.

NEW SECTION. Sec. 11. The office of the superintendent of public instruction shall develop recommendations as to how mandatory school attendance and truancy amelioration provisions under chapter 28A.225 RCW should be applied to online schools and report back to the relevant committees of the legislature by November 1, 2016.

NEW SECTION. Sec. 12. (1) The educational opportunity gap oversight and accountability committee shall conduct a review and make recommendations to the appropriate committees of the legislature with respect to:

(a) The cultural competence training that therapeutic truancy board members, as well as others involved in the truancy process, should receive;

(b) Best practices for supporting and facilitating parent and community involvement and outreach; and

(c) The cultural relevance of the assessments employed to identify barriers to attendance and the treatments and tools provided to children and their families.

(2) By June 30, 2017, a preliminary review shall be completed and preliminary recommendations provided. The review shall be completed, and a report and final recommendations provided, by December 1, 2017.

(3) For the purposes of this section, "cultural competence" includes knowledge of children's cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction and treatment to children's experiences and identifying cultural contexts for individual children.

(4) This section expires July 1, 2018.

NEW SECTION. Sec. 13. A new section is added to chapter 28A.225 RCW to read as follows:

(1) The Washington state institute for public policy shall conduct a study of local practices that address truancy. The study must include:

(a) A systematic review of the research literature on the effectiveness of the various practices in reducing absenteeism, fostering school engagement, improving academic performance and achievement, increasing graduation rates, and decreasing dropout rates; and

(b) An outcome evaluation of the impact on the outcomes listed in (a) of this subsection from local practices including, but not limited to, therapeutic truancy boards under RCW 28A.225.025 and section 6 of this act.

(2) In conducting its analysis, the Washington state institute for public policy may consult with employees and access data systems of the office of the superintendent of public instruction, any educational service district or school district, and the administrative office of the courts, each of which shall provide the Washington state institute for public policy with access to necessary data and administrative systems.

(3) The Washington state institute for public policy shall report the findings of the study under subsection (1)(a) of this section to the appropriate committees of the legislature by December 1, 2017, and the findings of the evaluation under subsection (1)(b) of this section by December 1, 2022.

(4) This section expires August 1, 2023.

NEW SECTION. Sec. 14. A new section is added to chapter 2.56 RCW to read as follows:

To accurately track the extent to which courts order youth into a secure detention facility in Washington state for the violation of a court order related to a truancy, at-risk youth, or a child in need of services petition, all juvenile courts shall transmit youth-level secure detention data to the administrative office of the courts. Data may either be entered into the statewide management information system for juvenile courts or securely transmitted to the administrative office of the courts at least monthly. Juvenile courts shall provide, at a minimum, the name and date of birth for the youth, the court case number assigned to the petition, the reasons for admission to the juvenile detention facility, the date of admission, the date of exit, and the time the youth spent in secure confinement. Courts are also encouraged to report individual-level data reflecting whether a detention alternative, such as electronic monitoring, was used, and the time spent in detention alternatives. The administrative office of the courts and the juvenile court administrators must work to develop uniform data standards for detention. The administrative office of the courts shall deliver an annual statewide report to the legislature that details the number of Washington youth who are placed into detention facilities during the preceding calendar year. The first report shall be delivered by March 1, 2017, and shall detail the most serious reason for detention and youth gender, race, and ethnicity. The report must have a specific emphasis on youth who are detained for reasons relating to a truancy, at-risk youth, or a child in need of services petition.

NEW SECTION. Sec. 15. This act shall be known and cited as the keeping kids in school act."

Correct the title.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representative Shea, Assistant Ranking Minority Member.

Passed to Committee on Appropriations.

SSB 6498

February 26, 2016  
Prime Sponsor, Committee on Law & Justice: Concerning testimonial privileges for alcohol and drug addiction recovery sponsors. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Kuderer; Muri; Orwall and Stokesbary.

MINORITY recommendation: Do not pass. Signed by Representative Shea, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

SSB 6519

February 26, 2016  
Prime Sponsor, Committee on Health Care: Expanding patient access to health services through telemedicine and establishing a collaborative for the advancement of telemedicine. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Appropriations.

ESSB 6528

February 26, 2016  
Prime Sponsor, Committee on Trade & Economic Development: Enacting the cybersecurity jobs act. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass as amended.

On page 6, after line 14, insert the following:  
"NEW SECTION. Sec. 4. A new section is added to chapter 43.105 RCW to read as follows:

(1) The office must evaluate the extent to which the state is building upon its existing expertise in information technology to become a national leader in cybersecurity, as described in section 1(6) of this act, by periodically evaluating the state's performance in achieving the following objectives:

(a) High levels of compliance with the state's information technology security policy and standards, as demonstrated by the attestation that state agencies make annually to the office in which they report their implementation of best practices identified by the office;  
(b) Achieving recognition from the federal government as a leader in cybersecurity, as evidenced by federal

dollars received for ongoing efforts or for piloting cybersecurity programs;

(c) Developing future leaders in cybersecurity, as evidenced by an increase in the number of students trained, and cybersecurity programs enlarged in educational settings from a January 1, 2016, baseline;

(d) Broad participation in cybersecurity trainings and exercises or outreach, as evidenced by the number of events and the number of participants;

(e) Full coverage and protection of state information technology assets by a centralized cybersecurity protocol; and

(f) Adherence by state agencies to recovery and resilience plans post cyber attack.

(2) The office is encouraged to collaborate with community colleges, universities, the department of commerce, and other stakeholders in obtaining the information necessary to measure its progress in achieving these objectives.

(3) Before December 1, 2020, the office must report to the legislature:

(a) Its performance in achieving the objectives described in subsection (1) of this section; and

(b) Its recommendations, if any, for additional or different metrics that would improve measurement of the effectiveness of the state's efforts to maintain leadership in cybersecurity.

(4) This section expires October 1, 2021."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title. On page 6, line 16, after "act" insert "of 2016"

Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Hudgins; Magendanz; Nealey; Rossetti; Wylie and Young.

Passed to Committee on General Government & Information Technology.

February 26, 2016

E2SSB 6534 Prime Sponsor, Committee on Ways & Means: Establishing a maternal mortality review panel. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) For the purposes of this section, "maternal mortality" or "maternal death" means a death of a woman while pregnant or within one year of delivering or following the end of a pregnancy, whether or not the woman's death is related to or aggravated by the pregnancy.

(2) A maternal mortality review panel is established to conduct comprehensive, multidisciplinary reviews of maternal deaths in Washington to identify factors associated with the deaths and make recommendations for system changes to improve health care services for

women in this state. The members of the panel must be appointed by the secretary of the department of health, must serve without compensation, and may include:

(a) An obstetrician;

(b) A physician specializing in maternal fetal medicine;

(c) A neonatologist;

(d) A midwife with licensure in the state of Washington;

(e) A representative from the department of health who works in the field of maternal and child health;

(f) A department of health epidemiologist with experience analyzing perinatal data;

(g) A pathologist; and

(h) A representative of the community mental health centers.

(3) The maternal mortality review panel must conduct comprehensive, multidisciplinary reviews of maternal mortality in Washington. The panel may not call witnesses or take testimony from any individual involved in the investigation of a maternal death or enforce any public health standard or criminal law or otherwise participate in any legal proceeding relating to a maternal death.

(4)(a) Information, documents, proceedings, records, and opinions created, collected, or maintained by the maternity mortality review panel or the department of health in support of the maternal mortality review panel are confidential and are not subject to public inspection or copying under chapter 42.56 RCW and are not subject to discovery or introduction into evidence in any civil or criminal action.

(b) Any person who was in attendance at a meeting of the maternal mortality review panel or who participated in the creation, collection, or maintenance of the panel's information, documents, proceedings, records, or opinions may not be permitted or required to testify in any civil or criminal action as to the content of such proceedings, or the panel's information, documents, records, or opinions. This subsection does not prevent a member of the panel from testifying in a civil or criminal action concerning facts which form the basis for the panel's proceedings of which the panel member had personal knowledge acquired independently of the panel or which is public information.

(c) Any person who, in substantial good faith, participates as a member of the maternal mortality review panel or provides information to further the purposes of the maternal mortality review panel may not be subject to an action for civil damages or other relief as a result of the activity or its consequences.

(d) All meetings, proceedings, and deliberations of the maternal mortality review panel may, at the discretion of the maternal mortality review panel, be confidential and may be conducted in executive session.

(e) The maternal mortality review panel and the secretary of the department of health may retain identifiable information regarding facilities where maternal deaths, or from which the patient was transferred, occur and geographic information on each case solely for the purposes of trending and analysis over time. All individually identifiable information must be removed before any case review by the panel.

(5) The department of health shall review department available data to identify maternal deaths. To aid in determining whether a maternal death was related to or aggravated by the pregnancy, and whether it was preventable, the department of health has the authority to:

(a) Request and receive data for specific maternal deaths including, but not limited to, all medical records, autopsy reports, medical examiner reports, coroner reports, and social service records; and

(b) Request and receive data as described in (a) of this subsection from health care providers, health care facilities, clinics, laboratories, medical examiners, coroners, professions and facilities licensed by the department of health, local health jurisdictions, the health care authority and its licensees and providers, and the department of social and health services and its licensees and providers.

(6) Upon request by the department of health, health care providers, health care facilities, clinics, laboratories, medical examiners, coroners, professions and facilities licensed by the department of health, local health jurisdictions, the health care authority and its licensees and providers, and the department of social and health services and its licensees and providers must provide all medical records, autopsy reports, medical examiner reports, coroner reports, social services records, information and records related to sexually transmitted diseases, and other data requested for specific maternal deaths as provided for in subsection (5) of this section to the department.

(7) By July 1, 2017, and biennially thereafter, the maternal mortality review panel must submit a report to the secretary of the department of health and the health care committees of the senate and house of representatives. The report must protect the confidentiality of all decedents and other participants involved in any incident. The report must be distributed to relevant stakeholder groups for performance improvement. Interim results may be shared at the Washington state hospital association coordinated quality improvement program. The report must include the following:

(a) A description of the maternal deaths reviewed by the panel during the preceding twenty-four months, including statistics and causes of maternal deaths presented in the aggregate, but the report must not disclose any identifying information of patients, decedents, providers, and organizations involved; and

(b) Evidence-based system changes and possible legislation to improve maternal outcomes and reduce preventable maternal deaths in Washington.

Sec. 2. RCW 42.56.360 and 2014 c 223 s 17 are each amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the pharmacy quality assurance commission as provided in RCW 69.45.090;

(b) Information obtained by the pharmacy quality assurance commission or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections under RCW 43.70.056, a notification of an incident under RCW 70.56.040(5), and reports regarding adverse events under RCW 70.56.020(2)(b), regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1);

(g) Information obtained by the department of health under chapter 70.225 RCW;

(h) Information collected by the department of health under chapter 70.245 RCW except as provided in RCW 70.245.150;

(i) Cardiac and stroke system performance data submitted to national, state, or local data collection systems under RCW 70.168.150(2)(b);

(j) All documents, including completed forms, received pursuant to a wellness program under RCW 41.04.362, but not statistical reports that do not identify an individual; and

(k) Data and information exempt from disclosure under RCW 43.371.040.

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

(3)(a) Documents related to infant mortality reviews conducted pursuant to RCW 70.05.170 are exempt from disclosure as provided for in RCW 70.05.170(3).

(b)(i) If an agency provides copies of public records to another agency that are exempt from public disclosure under this subsection (3), those records remain exempt to the same extent the records were exempt in the possession of the originating entity.

(ii) For notice purposes only, agencies providing exempt records under this subsection (3) to other agencies may

mark any exempt records as "exempt" so that the receiving agency is aware of the exemption, however whether or not a record is marked exempt does not affect whether the record is actually exempt from disclosure.

(4) Information and documents related to maternal mortality reviews conducted pursuant to section 1 of this act are confidential and exempt from public inspection and copying.

NEW SECTION. Sec. 3. This act expires June 30, 2020."

Correct the title.

Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Appropriations.

February 26, 2016  
SSB 6536 Prime Sponsor, Committee on Health Care: Addressing the filing and rating of group health benefit plans other than small group plans, all stand-alone dental plans, and stand-alone vision plans by disability insurers, health care service contractors, and health maintenance organizations. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 26, 2016  
SSB 6558 Prime Sponsor, Committee on Health Care: Allowing a hospital pharmacy license to include individual practitioner offices and multipractitioner clinics owned and operated by a hospital and ensuring such offices and clinics are inspected according to the level of service provided. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.64 RCW to read as follows:

The intent of this legislation is to make clear the legislature's directive to the commission to allow hospital pharmacy licenses to include individual practitioner offices and multipractitioner clinics owned, operated, or under common control with a hospital and that such offices and clinics are regulated, inspected, and

investigated according to the level of service provided. While legislation providing for such a system was enacted in 2015, it has yet to be implemented. The legislature wishes to specify a clear timeline for implementation.

Sec. 2. RCW 18.64.043 and 2015 c 234 s 4 are each amended to read as follows:

(1) The owner of each pharmacy shall pay an original license fee to be determined by the secretary, and annually thereafter, on or before a date to be determined by the secretary, a fee to be determined by the secretary, for which he or she shall receive a license of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the secretary may approve, for the period ending on a date to be determined by the secretary as provided in RCW 43.70.250 and 43.70.280, and each such owner shall at the time of filing proof of payment of such fee as provided in RCW 18.64.045 as now or hereafter amended, file with the ((department)) commission on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of ownership of the pharmacy mentioned therein.

(2)(a) For a hospital licensed under chapter 70.41 RCW, the license of location provided under this section may include any individual practitioner's office or multipractitioner clinic owned ((and)), operated ((by)), or under common control with a hospital, and identified by the hospital on the pharmacy application or renewal. ((A hospital that elects to include one or more offices or clinics under this subsection on its pharmacy application must maintain the office or clinic under its pharmacy license through at least one pharmacy inspection or twenty-four months. However, the department may, in its discretion, allow a change in licensure at an earlier time.)) The definition of "hospital" under RCW 70.41.020 to exclude "clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more," does not limit the ability of a hospital to include individual practitioner's offices or multipractitioner clinics owned, operated, or under common control with a hospital on the pharmacy application or renewal or otherwise prevent the implementation of this act. A hospital that elects to include one or more offices or clinics under this subsection on its hospital pharmacy application shall describe the type of services relevant to the practice of pharmacy provided at each such office or clinic as requested by the commission. Any updates to the application, renewal, or related forms that are necessary to accomplish the provision of this licensure option must be made no later than ninety days after the effective date of this section. Nothing in this section limits the ability of a hospital to transfer drugs to another location consistent with federal laws and RCW 70.41.490, regardless of whether or not an election has been made with respect to adding the receiving location to the hospital's pharmacy license under this section.

(b) This chapter must be interpreted in a manner that supports regulatory, inspection, and investigation

standards that are reasonable and appropriate based on the level of risk and the type of services provided in a pharmacy, including pharmacy services provided in a hospital and pharmacy services provided in an individual practitioner office or multipractitioner clinic owned, operated, or under common control with a hospital regardless of the office or clinic's physical address. The commission shall provide clear and specific information regarding the standards to which particular pharmacy services will be held, as appropriate, based on the type of pharmacy service provided at a particular location.

(c) The secretary may adopt rules to establish an additional reasonable fee for any such office or clinic.

((2)) (3) It shall be the duty of the owner to immediately notify the ((department)) commission of any change of location ((or)), ownership, or licensure and to keep the license of location or the renewal thereof properly exhibited in said pharmacy.

((3)) (4) Failure to comply with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense.

((4)) (5) In the event such license fee remains unpaid on the date due, no renewal or new license shall be issued except upon compliance with administrative procedures, administrative requirements, and fees determined as provided in RCW 43.70.250 and 43.70.280.

(6) If the commission determines that rules are necessary for the immediate implementation of the inspection standards described in this section, it must adopt rules under the emergency rule-making process in RCW 34.05.350, with such emergency rules effective not later than ninety days after the effective date of this section. The commission shall then begin the process to adopt any necessary permanent rules in accordance with chapter 34.05 RCW. The commission shall ensure that during the transition to the permanent rules adopted under this section, an emergency rule remains in effect without a break between the original emergency rule and any subsequent emergency rules that may be necessary. The commission shall ensure that during the transition to permanent rules there is no interruption in provision of the licensure option described under this section."

Correct the title.

Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 26, 2016

E2SSB 6564 Prime Sponsor, Committee on Ways & Means: Providing protections for persons with developmental disabilities. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that the prevalence of the abuse and neglect of individuals with developmental disabilities has become an issue that negatively affects the health and well-being of such individuals. In order to address this issue, the state seeks to increase visitation of clients who are classified at the highest risk of abuse and neglect based on the assessment of risk factors by developmental disabilities administration case managers, and to create an independent office of the developmental disabilities ombuds to monitor and report on services to persons with developmental disabilities.

NEW SECTION. Sec. 2. A new section is added to chapter 71A.12 RCW to read as follows:

At every developmental disabilities administration annual assessment, the case manager is required to meet with the client in an in-person setting. If the client is receiving personal care services or supported living services, the case manager must ask permission to view the client's living quarters and note his or her observations in the service episode record. If the case manager is unable to view the client's living quarters for any reason, the case manager must note this in his or her report along with the reason given for why this is not practicable at the current time.

NEW SECTION. Sec. 3. A new section is added to chapter 71A.12 RCW to read as follows:

(1) Within funds appropriated for this purpose, the developmental disabilities administration shall increase home visits for clients identified as having the highest risk of abuse and neglect.

(2)(a) The developmental disabilities administration must develop a process to determine which of its clients who receive an annual developmental disabilities assessment are at highest risk of abuse or neglect. The administration may consider factors such as:

(i) Whether the client lives with the client's caregiver and receives no other developmental disabilities administration services, or whether the client is largely or entirely dependent on a sole caregiver for assistance, and the caregiver is largely or entirely dependent on the client for his or her income;

(ii) Whether the client has limited ability to supervise the caregiver, to express himself or herself verbally, has few community contacts, or no independent person outside the home is identified to assist the client;

(iii) Whether the client has experienced a destabilizing event such as hospitalization, arrest, or victimization;

(iv) Whether the client has been the subject of an adult protective services or child protective services referral in the past year; or

(v) Whether the client lives in an environment that jeopardizes personal safety.

(b) The developmental disabilities administration must visit those clients identified as having the highest risk of abuse or neglect at least once every four months, including unannounced visits as needed. This unannounced visit may replace a scheduled visit; however if the case manager is unable to meet with the

client, a follow-up visit must be scheduled. A client may refuse to allow an unannounced visit to take place, but this fact must be noted.

(3) The developmental disabilities administration may develop rules to implement this section.

Sec. 4. RCW 74.34.300 and 2008 c 146 s 10 are each amended to read as follows:

(1) The department ((may)) shall conduct a vulnerable adult fatality review in the event of a death of a vulnerable adult when the department has reason to believe that the death of the vulnerable adult may be related to the abuse, abandonment, exploitation, or neglect of the vulnerable adult, or may be related to the vulnerable adult's self-neglect, and the vulnerable adult was:

(a) Receiving home and community-based services in his or her own home or licensed or certified settings, described under chapters 74.39 ((and)), 74.39A, 18.20, 70.128, and 71A.12 RCW, within sixty days preceding his or her death; or

(b) Living in his or her own home or licensed or certified settings described under chapters 74.39, 74.39A, 18.20, 70.128, and 71A.12 RCW and was the subject of a report under this chapter received by the department within twelve months preceding his or her death.

(2) When conducting a vulnerable adult fatality review of a person who had been receiving hospice care services before the person's death, the review shall provide particular consideration to the similarities between the signs and symptoms of abuse and those of many patients receiving hospice care services.

(3) All files, reports, records, communications, and working papers used or developed for purposes of a fatality review are confidential and not subject to disclosure pursuant to RCW 74.34.095.

(4) The department may adopt rules to implement this section.

NEW SECTION. Sec. 5. (1) There is created an office of the developmental disabilities ombuds. The department of commerce shall contract with a private, independent nonprofit organization to provide developmental disability ombuds services. The department of commerce shall designate, by a competitive bidding process, the nonprofit organization that will contract to operate the ombuds. The selection process must include consultation of stakeholders in the development of the request for proposals and evaluation of bids. The selected organization must have experience and the capacity to effectively communicate regarding developmental disabilities issues with policymakers, stakeholders, and the general public and must be prepared and able to provide all program and staff support necessary, directly or through subcontracts, to carry out all duties of the office.

(2) The contracting organization and its subcontractors, if any, are not state agencies or departments, but instead are private, independent entities operating under contract with the state.

(3) The governor or state may not revoke the designation of the organization contracted to provide the services of the ombuds except upon a showing of neglect of duty, misconduct, or inability to perform duties.

(4) The department of commerce shall ensure that the ombuds staff has access to sufficient training or experience with issues relating to persons with developmental disabilities and the program and staff support necessary to enable the ombuds to effectively protect the interests of persons with developmental disabilities. The office of the developmental disabilities ombuds shall have the powers and duties to do the following:

(a) Provide information as appropriate on the rights and responsibilities of persons receiving developmental disability administration services or other state services, and on the procedures for providing these services;

(b) Investigate, upon its own initiative or upon receipt of a complaint, an administrative act related to a person with developmental disabilities alleged to be contrary to law, rule, or policy, imposed without an adequate statement of reason, or based on irrelevant, immaterial, or erroneous grounds; however, the ombuds may decline to investigate any complaint;

(c) Monitor the procedures as established, implemented, and practiced by the department to carry out its responsibilities in the delivery of services to a person with developmental disabilities, with a view toward appropriate preservation of families and ensuring health and safety;

(d) Review periodically the facilities and procedures of state institutions which serve persons with developmental disabilities and state-licensed facilities or residences;

(e) Recommend changes in the procedures for addressing the needs of persons with developmental disabilities;

(f) Submit annually, by November 1st, to the governor and appropriate committees of the legislature a report analyzing the work of the office, including recommendations;

(g) Establish procedures to protect the confidentiality of records and sensitive information to ensure that the identity of any complainant or person with developmental disabilities will not be disclosed without the written consent of the complainant or person, or upon court order;

(h) Maintain independence and authority within the bounds of the duties prescribed by this chapter, insofar as this independence and authority is exercised in good faith and within the scope of contract; and

(i) Carry out such other activities as determined by the department of commerce within the scope of this chapter.

(5) The developmental disabilities ombuds must consult with stakeholders to develop a plan for future expansion of the ombuds into a model of individual ombuds services akin to the operations of the long-term care ombuds. The developmental disabilities ombuds shall report its progress and recommendations related to this subsection to the governor and appropriate committees of the legislature by November 1, 2019.

NEW SECTION. Sec. 6. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administration" means the developmental disabilities administration of the department of social and health services.

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

(3) "Ombuds" means the office of the developmental disabilities ombuds.

NEW SECTION. Sec. 7. The ombuds shall collaborate and have a memoranda of agreement with the office of the state long-term care ombuds, the office of the family and children's ombuds, Washington protection and advocacy system, the mental health ombuds, and the office of the education ombuds to clarify authority in those situations where their mandates overlap.

NEW SECTION. Sec. 8. (1) A developmental disabilities ombuds shall not have participated in the paid provision of services to any person with developmental disabilities within the past year.

(2) A developmental disabilities ombuds shall not have been employed in a governmental position with direct involvement in the licensing, certification, or regulation of a paid developmental disabilities service provider within the past year.

(3) No developmental disabilities ombuds or any member of his or her immediate family may have, or have had within the past year, any significant ownership or investment interest in a paid provider of services to persons with developmental disabilities.

(4) A developmental disabilities ombuds shall not be assigned to investigate a facility or provider of services which provides care or services to a member of that ombuds' immediate family.

NEW SECTION. Sec. 9. The ombuds shall treat all matters under investigation, including the identities of service recipients, complainants, and individuals from whom information is acquired, as confidential, except as far as disclosures may be necessary to enable the ombuds to perform the duties of the office and to support any recommendations resulting from an investigation. Upon receipt of information that by law is confidential or privileged, the ombuds shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable state or federal law. Investigative records of the office of the ombuds are confidential and are exempt from public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 10. (1) Identifying information about complainants or witnesses is not subject to any method of legal compulsion and may not be revealed to the legislature or the governor except under the following circumstances: (a) The complainant or witness waives confidentiality; (b) under a legislative subpoena when there is a legislative investigation for neglect of duty or misconduct by the ombuds or ombuds' office when the identifying information is necessary to the investigation of the ombuds' acts; or (c) under an investigation or inquiry by the governor as to neglect of duty or misconduct by the ombuds or ombuds' office when the identifying information is necessary to the investigation of the ombuds' acts. Consistently with this

section, the ombuds must act to protect sensitive client information.

(2) For the purposes of this section, "identifying information" includes the complainant's or witness's name, location, telephone number, likeness, social security number or other identification number, or identification of immediate family members.

NEW SECTION. Sec. 11. The privilege described in section 10 of this act does not apply when:

(1) The ombuds or ombuds' staff member has direct knowledge of an alleged crime, and the testimony, evidence, or discovery sought is relevant to that allegation;

(2) The ombuds or a member of the ombuds' staff has received a threat of, or becomes aware of a risk of, imminent serious harm to any person, and the testimony, evidence, or discovery sought is relevant to that threat or risk; or

(3) The ombuds has been asked to provide general information regarding the general operation of, or the general processes employed at, the ombuds' office.

NEW SECTION. Sec. 12. (1) An employee of the office of the developmental disabilities ombuds is not liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against an employee of the department, an employee of the department of commerce, an employee of a contracting agency of the department, a provider of developmental disabilities services, or a recipient of department services for any communication made, or information given or disclosed, to aid the office of the developmental disabilities ombuds in carrying out its responsibilities, unless the communication or information is made, given, or disclosed maliciously or without good faith. This subsection is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee for other reasons.

(3) All communications by an ombuds, if reasonably related to the requirements of that individual's responsibilities under this chapter and done in good faith, are privileged and that privilege serves as a defense in any action in libel or slander.

NEW SECTION. Sec. 13. When the ombuds or ombuds' staff member has reasonable cause to believe that any public official, employee, or other person has acted in a manner warranting criminal or disciplinary proceedings, the ombuds or ombuds' staff member shall report the matter, or cause a report to be made, to the appropriate authorities.

NEW SECTION. Sec. 14. The department and the department of health shall:

(1) Allow the ombuds or the ombuds' designee to communicate privately with any person receiving services from the department, or any person who is part of a fatality or near fatality investigation involving a person with developmental disabilities, for the purposes of carrying out its duties under this chapter;

(2) Permit the ombuds or the ombuds' designee physical access to state institutions serving persons with developmental disabilities and information in the possession of the department concerning state-licensed

facilities or residences for the purpose of carrying out its duties under this chapter;

(3) Upon the ombuds' request, grant the ombuds or the ombuds' designee the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the department or the department of health that the ombuds considers necessary in an investigation.

NEW SECTION. Sec. 15. Sections 5 through 14 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer and Walkinshaw.

Passed to Committee on Appropriations.

February 26, 2016

SSB 6569 Prime Sponsor, Committee on Health Care: Creating a task force on patient out-of-pocket costs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Riccelli, Vice Chair; Schmick, Ranking Minority Member; Harris, Assistant Ranking Minority Member; Caldier; Clibborn; DeBolt; Jinkins; Johnson; Moeller; Robinson; Short; Tharinger and Van De Wege.

Passed to Committee on Rules for second reading.

February 24, 2016

ESSB 6606 Prime Sponsor, Committee on Transportation: Concerning wholesale vehicle dealers. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

February 26, 2016

ESB 6631 Prime Sponsor, Senator Roach: Establishing a joint select committee to consider the political, economic, and security issues at Washington's largest ports. Reported by Committee on Technology & Economic Development

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A joint select committee on Washington's largest ports is established, with members as provided in this subsection.

(a) The president of the senate shall appoint as members the chair and ranking member of the committee on government operations and security and chair and ranking member of the committee on trade and economic development.

(b) The speaker of the house of representatives shall appoint as members the chair and ranking member of the committee on local government and the chair and ranking member of the committee on technology and economic development.

(2) The committee shall choose two cochair from among its membership, one from the house of representatives and one from the senate. If one cochair belongs to the largest caucus in the house of representatives, then the other cochair must belong to the largest caucus in the senate. If one cochair belongs to the second largest caucus in the house of representatives, then the other cochair must belong to the second largest caucus in the senate.

(3) The committee must develop recommendations that:

(a) Consider the political, economic, and security issues facing Washington's largest ports;

(b) Promote regulatory consistency and certainty in the areas of land use planning, permitting, and business development in a manner that supports Washington's largest ports;

(c) Encourage cooperation and partnerships between local, state, federal, and private sectors to foster increased use of Washington's largest ports; and

(d) Identify aspects of state policy that have an impact on Washington's largest ports.

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

(5) Members of the committee are reimbursed for travel expenses in accordance with RCW 44.04.120.

(6) The expenses of the committee must be paid jointly by the senate and the house of representatives. Committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) The committee shall report its findings and recommendations to the appropriate committees of the legislature, consistent with RCW 43.01.036, by December 1, 2016.

(8) For the purposes of this section, "Washington's largest ports" means the four port districts in the state that had the highest gross operating revenues in 2015.

(9) This section expires December 1, 2016."

Correct the title.

Signed by Representatives Morris, Chair; Tarleton, Vice Chair; Smith, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fey; Hudgins; Magendanz; Nealey; Rossetti and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Wylie.

Passed to Committee on Rules for second reading.

**SECOND SUPPLEMENTAL REPORTS OF  
STANDING COMMITTEES**

February 24, 2016  
SSB 6329 Prime Sponsor, Committee on Human Services, Mental Health & Housing: Creating the parent to parent program for individuals with developmental disabilities. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. For over thirty years, parent to parent programs for individuals with either developmental disabilities, or special health care needs, or both, have been providing emotional and informational support by matching parents seeking support with an experienced and trained support parent. The parent to parent program currently exists in thirty-one counties: Adams, Asotin, Benton, Chelan, Clallam, Clark, Columbia, Cowlitz, Douglas, Franklin, Garfield, Grant, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Lincoln, Mason, Pacific, Pierce, Skagit, Snohomish, Spokane, Thurston, Walla Walla, Whatcom, Whitman, and Yakima. It is the legislature's goal to continue, support, and enhance the programs in these counties and expand these programs statewide by 2021.

NEW SECTION. Sec. 2. A new section is added to chapter 71A.14 RCW to read as follows:

The goals of the parent to parent program are to:

- (1) Provide early outreach, support, and education to parents who have a child with special health care needs;
- (2) Match a trained volunteer support parent with a new parent who has a child with similar needs to the child of the support parent; and
- (3) Provide parents with tools and resources to be successful as they learn to understand the support and advocacy needs of their children.

NEW SECTION. Sec. 3. A new section is added to chapter 71A.14 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, activities of the parent to parent program may include:

- (1) Outreach and support to newly identified parents of children with special health care needs;
- (2) Trainings that educate parents in ways to support their child and navigate the complex health, educational, and social systems;
- (3) Ongoing peer support from a trained volunteer support parent; and
- (4) Regular communication with other local programs to ensure consistent practices.

NEW SECTION. Sec. 4. A new section is added to chapter 71A.14 RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the parent to parent program must be funded through the department and centrally administered through a pass-through to a Washington state lead organization that has extensive experience supporting and training support parents.

(2) Through the contract with the lead organization, each local program must be locally administered by an organization that shall serve as the host organization.

(3) Parents shall serve as advisors to the host organizations.

(4) A parent or grandparent of a child with developmental disabilities or special health care needs shall provide program coordination and local program information.

(5) The lead organization shall provide ongoing training to the host organizations and statewide program oversight and maintain statewide program information.

(6) For the purpose of this act, "special health care needs" means disabilities, chronic illnesses or conditions, health related educational or behavioral problems, or the risk of developing such disabilities, conditions, illnesses or problems."

Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; McCaslin; Ortiz-Self; Sawyer and Walkinshaw.

Passed to Committee on Appropriations.

February 24, 2016  
ESSB 6406 Prime Sponsor, Committee on Commerce & Labor: Concerning certified public accountant firm mobility. Reported by Committee on Business & Financial Services

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Stanford, Vice Chair; Vick, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Barkis; Blake; Dye; Hurst; Kochmar; Ryu and Santos.

Passed to Committee on Rules for second reading.

February 25, 2016  
2SSB 6408 Prime Sponsor, Committee on Ways & Means: Concerning paraeducators. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. PARAEDUCATOR PERFORMANCE STANDARDS. (1)(a) By September 1, 2016, the office of the superintendent of public instruction shall adopt performance standards for paraeducator professional development and credentialing as described in this section. The purpose of

the standards is to address the knowledge and skills competencies a paraeducator needs to possess and exhibit in order to meet the varied needs of the students served.

(b) The adopted standards must be based on the recommendations of the paraeducator work group established under section 2, chapter 136, Laws of 2014.

(2) The performance standards for paraeducator professional development and credentialing adopted under this section must clearly define the knowledge and skills competencies necessary for a paraeducator to, at a minimum:

- (a) Support educational outcomes;
- (b) Demonstrate professionalism and ethical practices;
- (c) Support a positive and safe learning environment; and
- (d) Communicate effectively and participate in the team process.

**NEW SECTION. Sec. 2. PARAEDUCATOR ADVISORY BOARD.** (1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall establish a paraeducator advisory board with eleven members as follows:

- (a) A paraeducator, a teacher, a principal, a parent, an administrator, a human resources director, a union representative, a representative of a community-based organization, and a representative of the office of the superintendent of public instruction, each appointed by the superintendent of public instruction;
- (b) A representative of the community and technical college system appointed by the state board for community and technical colleges; and
- (c) A representative of the professional educator standards board, appointed by the professional educator standards board.

(2) The purpose of the paraeducator advisory board is to provide guidance and leadership for the implementation of statewide performance standards for paraeducator professional development and credentialing described in section 1 of this act.

(3) Subject to the availability of amounts appropriated for this specific purpose, the paraeducator advisory board shall:

- (a) In time for school districts to begin piloting the program in the 2017-18 school year, develop a curriculum and design a professional development program for paraeducators that meets the paraeducator performance standards described in section 1 of this act;
- (b) In time for school districts to begin piloting the program in the 2017-18 school year, develop a curriculum and design a professional development program for teachers and principals that focuses on working with paraeducators, including how teachers can direct a paraeducator working within their classrooms, and how principals can supervise and evaluate paraeducators;
- (c) Oversee and monitor the implementation of the professional development programs developed under this section in school districts that volunteer to pilot these programs as described in section 3 of this act;

(d) Make recommendations to the legislature regarding statewide implementation of the professional development programs developed under this section, as required under section 3 of this act; and

(e) Collaborate with the state board for community and technical colleges on aligning the credentials offered by the community and technical colleges with the paraeducator performance standards described in section 1 of this act.

**NEW SECTION. Sec. 3. SCHOOL DISTRICT PILOTS.** (1)(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall select a diverse set of willing school districts to pilot the implementation of the professional development programs for paraeducators, teachers, and principals developed under section 2 of this act during the 2017-18 and 2018-19 school years.

(b) By October 31, 2018, the school districts shall report to the paraeducator advisory board and the professional educator standards board with the outcomes of year one of the pilot and any recommendations for implementation of the professional development programs statewide. The outcomes reported must include: An analysis of the costs to the district to implement the paraeducator performance standards, including professional development costs, any costs to paraeducators to meet the standards, and the impact on the size and assignment of the paraeducators in the district as a result of the pilot.

(2) Subject to the availability of amounts appropriated for this specific purpose, by December 15, 2018, the paraeducator advisory board shall submit a report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, that includes: The outcomes of the pilot; barriers to statewide implementation of the paraeducator performance standards, including estimated costs of statewide implementation to the state and to districts; recommended changes to state statutes necessary in order to implement the standards statewide; recommendations on a timeline for statewide implementation of the paraeducator performance standards; the effects of requiring paraeducators to obtain a paraeducator certificate; and any other recommendations or concerns developed by the paraeducator advisory board.

**NEW SECTION. Sec. 4. PROFESSIONAL PARAEDUCATOR CERTIFICATION SYSTEM.** (1) Subject to the availability of amounts appropriated for this specific purpose, the professional educator standards board shall design a uniform and externally administered professional-level certification assessment for paraeducators based on the paraeducator performance standards described in section 1 of this act.

(2) Subject to the availability of amounts appropriated for this specific purpose, by December 15, 2018, the professional educator standards board shall submit a report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, that summarizes its work in the development of the assessment required under this section and makes recommendations for statewide implementation.

Sec. 5. RCW 28A.150.203 and 2009 c 548 s 102 are each amended to read as follows:

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

(1) "Basic education goal" means the student learning goals and the student knowledge and skills described under RCW 28A.150.210.

(2) "Certificated administrative staff" means all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(3) "Certificated employee" as used in this chapter and RCW 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those persons who hold certificates as authorized by rule of the Washington professional educator standards board, but does not mean those persons working as paraeducators.

(4) "Certificated instructional staff" means those persons employed by a school district who are nonsupervisory certificated employees within the meaning of RCW 41.59.020(8).

(5) "Class size" means an instructional grouping of students where, on average, the ratio of students to teacher is the number specified.

(6) "Classified employee" means a person who does not hold a professional education certificate, including a paraeducator, or who is employed in a position that does not require such a certificate.

(7) "Classroom teacher" means a person who holds a professional education certificate and is employed in a position for which such certificate is required whose primary duty is the daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified employees shall not occur during a labor dispute, and such classified employees shall not be hired to replace certificated employees during a labor dispute.

(8) "Instructional program of basic education" means the minimum program required to be provided by school districts and includes instructional hour requirements and other components under RCW 28A.150.220.

(9) "Paraeducator" means a classified employee who works under the supervision of a certificated employee to support and assist in providing instructional and other services to children and youth and their families. The certificated employee remains responsible for the overall conduct and management of the classroom or program including the design, implementation, and evaluation of the instructional programs and student progress.

(10) "Program of basic education" means the overall program under RCW 28A.150.200 and deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

((10)) (11) "School day" means each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school.

((11)) (12) "School year" includes the minimum number of school days required under RCW 28A.150.220 and begins on the first day of September and ends with the last day of August, except that any school district may elect to commence the annual school term in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

((12)) (13) "Teacher planning period" means a period of a school day as determined by the administration and board of ((the)) directors of the district that may be used by teachers for instruction-related activities including but not limited to preparing instructional materials; reviewing student performance; recording student data; consulting with other teachers, instructional assistants, mentors, instructional coaches, administrators, and parents; or participating in professional development.

NEW SECTION. Sec. 6. Sections 1 through 3 of this act are each added to chapter 28A.400 RCW."

Correct the title.

Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Magendanz, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hargrove; Hayes; Kilduff; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

MINORITY recommendation: Without recommendation. Signed by Representative Harris.

Passed to Committee on Appropriations.

February 24, 2016  
SSB 6529 Prime Sponsor, Committee on Human Services, Mental Health & Housing: Strengthening opportunities for the rehabilitation and reintegration of juvenile offenders. Reported by Committee on Early Learning & Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.40.010 and 2004 c 120 s 1 are each amended to read as follows:

(1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders and their victims, as defined by this chapter, be established. It is the further intent of the legislature that

youth, in turn, be held accountable for their offenses and that communities, families, and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, the legislature declares the following to be equally important purposes of this chapter:

- (a) Protect the citizenry from criminal behavior;
- (b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;
- (c) Make the juvenile offender accountable for his or her criminal behavior;
- (d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;
- (e) Provide due process for juveniles alleged to have committed an offense;
- (f) Provide for the rehabilitation and reintegration of juvenile offenders;
- (g) Provide necessary treatment, supervision, and custody for juvenile offenders;
- ((g)) (h) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;
- ((h)) (i) Provide for restitution to victims of crime;
- ((i)) (j) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels;
- ((j)) (k) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services;
- ((k)) (l) Provide opportunities for victim participation in juvenile justice process, including court hearings on juvenile offender matters, and ensure that Article I, section 35 of the Washington state Constitution, the victim bill of rights, is fully observed; and
- ((l)) (m) Encourage the parents, guardian, or custodian of the juvenile to actively participate in the juvenile justice process.

Sec. 2. RCW 13.40.020 and 2014 c 110 s 1 are each amended to read as follows:

For the purposes of this chapter:

- (1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental health, substance abuse, or co-occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument;
- (2) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services including, when appropriate, restorative justice programs; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district.

Placement in community-based rehabilitation programs is subject to available funds;

(3) "Community-based sanctions" may include one or more of the following:

- (a) A fine, not to exceed five hundred dollars;
- (b) Community restitution not to exceed one hundred fifty hours of community restitution;
- (4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;
- (5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

- (a) Community-based sanctions;
- (b) Community-based rehabilitation;
- (c) Monitoring and reporting requirements;
- (d) Posting of a probation bond;
- (6) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;
- (7) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);
- (8) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:
  - (a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or
  - (b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was

entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(9) "Department" means the department of social and health services;

(10) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(11) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(12) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(14) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(15) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(16) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older

over whom jurisdiction has been extended under RCW 13.40.300;

(17) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

(18) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

(19) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(20) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(21) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(22) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another;

(23) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;

(24) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(25) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(26) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily

ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(27) "Restorative justice" means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members;

(28) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;

(29) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention, or more comprehensive assessment. A screening may be undertaken with or without the administration of a formal instrument;

(30) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(31) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(32) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(33) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(34) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(35) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;

(36) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(37) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(38) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 3. RCW 13.40.127 and 2015 c 265 s 26 are each amended to read as follows:

(1) A juvenile is eligible for deferred disposition unless he or she:

(a) Is charged with a sex or violent offense;

(b) Has a criminal history which includes any felony;

(c) Has a prior deferred disposition or deferred adjudication; or

(d) Has two or more adjudications.

(2) The juvenile court ((may)) shall, except as provided by subsection (3) of this section, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. ((The court shall consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition.)) The court may waive the fourteen-day period anytime before the commencement of trial for good cause.

(3) If a juvenile offender is charged with animal cruelty in the first degree, the juvenile court may deny granting a deferred disposition to the juvenile, even if the juvenile otherwise may qualify for a deferred disposition. The judge shall consider whether the community will benefit from granting a deferred disposition to the juvenile offender.

(4) Any juvenile who agrees to a deferral of disposition shall:

(a) Stipulate to the admissibility of the facts contained in the written police report;

(b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision;

(c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses; and

(d) Acknowledge the direct consequences of being found guilty and the direct consequences that will happen if an order of disposition is entered.

The adjudicatory hearing shall be limited to a reading of the court's record.

((4)) (5) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.

((5)) (6) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section.

The court may require a juvenile offender convicted of animal cruelty in the first degree to submit to a mental health evaluation to determine if the offender would benefit from treatment and such intervention would promote the safety of the community. After

consideration of the results of the evaluation, as a condition of community supervision, the court may order the offender to attend treatment to address issues pertinent to the offense.

The court may require the juvenile to undergo a mental health or substance abuse assessment, or both. If the assessment identifies a need for treatment, conditions of supervision may include treatment for the assessed need that has been demonstrated to improve behavioral health and reduce recidivism.

The court shall require a juvenile granted a deferral of disposition for unlawful possession of a firearm in violation of RCW 9A.10.040 to participate in a qualifying program as described in RCW 13.40.193(2)(b), when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

((6)) (7) A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove, by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision.

((7)) (8)(a) Anytime prior to the conclusion of the period of supervision, the prosecutor or the juvenile's juvenile court community supervision counselor may file a motion with the court requesting the court revoke the deferred disposition based on the juvenile's lack of compliance or treat the juvenile's lack of compliance as a violation pursuant to RCW 13.40.200.

(b) If the court finds the juvenile failed to comply with the terms of the deferred disposition, the court may:

(i) Revoke the deferred disposition and enter an order of disposition; or

(ii) Impose sanctions for the violation pursuant to RCW 13.40.200.

((8)) (9) At any time following deferral of disposition the court may, following a hearing, continue supervision for an additional one-year period for good cause.

((9)) (10)(a) At the conclusion of the period of supervision, the court shall determine whether the juvenile is entitled to dismissal of the deferred disposition only when the court finds:

(i) The deferred disposition has not been previously revoked;

(ii) The juvenile has completed the terms of supervision;

(iii) There are no pending motions concerning lack of compliance pursuant to subsection ((7)) (8) of this section; and

(iv) The juvenile has either paid the full amount of restitution, or, made a good faith effort to pay the full amount of restitution during the period of supervision.

(b) If the court finds the juvenile is entitled to dismissal of the deferred disposition pursuant to (a) of this subsection, the juvenile's conviction shall be vacated and the court shall dismiss the case with prejudice, except that a conviction under RCW 16.52.205 shall not be vacated. Whenever a case is dismissed with restitution

still owing, the court shall enter a restitution order pursuant to RCW 7.80.130 for any unpaid restitution. Jurisdiction to enforce payment and modify terms of the restitution order shall be the same as those set forth in RCW 7.80.130.

(c) If the court finds the juvenile is not entitled to dismissal of the deferred disposition pursuant to (a) of this subsection, the court shall revoke the deferred disposition and enter an order of disposition. A deferred disposition shall remain a conviction unless the case is dismissed and the conviction is vacated pursuant to (b) of this subsection or sealed pursuant to RCW 13.50.260. ((10)) (11)(a)(i) Any time the court vacates a conviction pursuant to subsection ((9)) (10) of this section, if the juvenile is eighteen years of age or older and the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW has been paid, the court shall enter a written order sealing the case.

(ii) Any time the court vacates a conviction pursuant to subsection ((9)) (10) of this section, if the juvenile is not eighteen years of age or older and full restitution ordered has been paid, the court shall schedule an administrative sealing hearing to take place no later than thirty days after the respondent's eighteenth birthday, at which time the court shall enter a written order sealing the case. The respondent's presence at the administrative sealing hearing is not required.

(iii) Any deferred disposition vacated prior to June 7, 2012, is not subject to sealing under this subsection.

(b) Nothing in this subsection shall preclude a juvenile from petitioning the court to have the records of his or her deferred dispositions sealed under RCW 13.50.260.

(c) Records sealed under this provision shall have the same legal status as records sealed under RCW 13.50.260.

Sec. 4. RCW 13.40.308 and 2009 c 454 s 4 are each amended to read as follows:

(1) If a respondent is adjudicated of taking a motor vehicle without permission in the first degree as defined in RCW 9A.56.070, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than three months of community supervision, forty five hours of community restitution, ((a two hundred dollar fine,)) and a requirement that the juvenile remain at home such that the juvenile is confined to a private residence for no less than five days. The juvenile may be subject to electronic monitoring where available. If the juvenile is enrolled in school, the confinement shall be served on nonschool days;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes six months of community supervision, no less than ten days of detention, and ninety hours of community restitution((, and a four hundred dollar fine)); and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks commitment to the juvenile rehabilitation administration, four months of parole supervision, and ninety hours of community restitution((, and a four hundred dollar fine)).

(2) If a respondent is adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, or possession of a stolen vehicle as defined under RCW 9A.56.068, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than three months of community supervision((, forty-five hours of community restitution, a two hundred dollar fine.)) and either ninety hours of community restitution or a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than five days. The juvenile may be subject to electronic monitoring where available, or a combination thereof that includes a minimum of three days home confinement and a minimum of forty hours of community restitution;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than six months of community supervision, no less than ten days of detention, and ninety hours of community restitution((, and a four hundred dollar fine)); and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks commitment to the juvenile rehabilitation administration, four months of parole supervision, and ninety hours of community restitution((, and a four hundred dollar fine)).

(3) If a respondent is adjudicated of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, the court shall impose a standard range as follows:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes three months of community supervision, fifteen hours of community restitution, and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than one day. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than one day of detention, three months of community supervision, thirty hours of community restitution, ((a one hundred fifty dollar fine.)) and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than two days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than three days of detention, six months of community supervision, forty five hours of community restitution, ((a one hundred fifty dollar fine.)) and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than seven days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available.

Sec. 5. RCW 10.99.030 and 1996 c 248 s 6 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by January 1, 1997, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission shall include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training shall be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum shall include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the likelihood of officer injury and that promote victim safety, investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with the domestic violence laws. The program shall include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section shall be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.

(5) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(6)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(7) When a peace officer responds to a domestic violence call, the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court. Information about shelters and alternatives to domestic violence is available from a statewide twenty-four-hour toll-free hot line at (include appropriate phone number). The battered women's shelter and other resources in your area are . . . . (include local information)"

(8) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(9) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation. Upon receiving the offense report, the prosecuting agency may, in its discretion, choose not to file the information as a domestic violence offense, if the offense was committed by a juvenile against a sibling, parent, stepparent, or grandparent. In determining whether to file the information as a domestic violence offense, the prosecuting agency may take into consideration whether the victim of the offense requests that the information not be filed as a domestic violence offense or does not

object to an information not being filed as a domestic violence offense.

(10) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidents of domestic violence reported to it.

(11) Records kept pursuant to subsections (6) and (10) of this section shall be made identifiable by means of a departmental code for domestic violence.

(12) Commencing January 1, 1994, records of incidents of domestic violence shall be submitted, in accordance with procedures described in this subsection, to the Washington association of sheriffs and police chiefs by all law enforcement agencies. The Washington criminal justice training commission shall amend its contract for collection of statewide crime data with the Washington association of sheriffs and police chiefs:

(a) To include a table, in the annual report of crime in Washington produced by the Washington association of sheriffs and police chiefs pursuant to the contract, showing the total number of actual offenses and the number and percent of the offenses that are domestic violence incidents for the following crimes: (i) Criminal homicide, with subtotals for murder and nonnegligent homicide and manslaughter by negligence; (ii) forcible rape, with subtotals for rape by force and attempted forcible rape; (iii) robbery, with subtotals for firearm, knife or cutting instrument, or other dangerous weapon, and strongarm robbery; (iv) assault, with subtotals for firearm, knife or cutting instrument, other dangerous weapon, hands, feet, aggravated, and other nonaggravated assaults; (v) burglary, with subtotals for forcible entry, nonforcible unlawful entry, and attempted forcible entry; (vi) larceny theft, except motor vehicle theft; (vii) motor vehicle theft, with subtotals for autos, trucks and buses, and other vehicles; (viii) arson; and (ix) violations of the provisions of a protection order or no-contact order restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, provided that specific appropriations are subsequently made for the collection and compilation of data regarding violations of protection orders or no-contact orders;

(b) To require that the table shall continue to be prepared and contained in the annual report of crime in Washington until that time as comparable or more detailed information about domestic violence incidents is available through the Washington state incident based reporting system and the information is prepared and contained in the annual report of crime in Washington; and

(c) To require that, in consultation with interested persons, the Washington association of sheriffs and police chiefs prepare and disseminate procedures to all law enforcement agencies in the state as to how the agencies shall code and report domestic violence incidents to the Washington association of sheriffs and police chiefs.

Sec. 6. RCW 13.40.265 and 2003 c 53 s 101 are each amended to read as follows:

(1)((a)) If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense while armed with a firearm or an offense that is a

violation of RCW 9.41.040(2)(a)((iii)) (iv) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense while armed with a firearm, first unlawful possession of a firearm offense, or first offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

((b)) (2) Except as otherwise provided in ((c) of this) subsection (3) of this section, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

((c) If the offense is the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later.) (3) If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

((2)(a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.)

Sec. 7. RCW 9.41.040 and 2014 c 111 s 1 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

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

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

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of

the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

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

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

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

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

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

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

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

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

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

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges

can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

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

(i) Under RCW 9.41.047; and/or

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

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

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

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

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

(5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first

offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

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

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

Sec. 8. RCW 46.20.265 and 2005 c 288 s 2 are each amended to read as follows:

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to RCW 9.41.040(5), 13.40.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, or a substantially similar municipal ordinance adopted by a local legislative authority, or from a diversion unit pursuant to RCW 13.40.265.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for two years or until the juvenile reaches eighteen years of age, whichever is longer.

(c) Each offense for which the department receives notice shall result in a separate period of revocation. All periods of revocation imposed under this section that could otherwise overlap shall run consecutively up to the juvenile's twenty-first birthday, and no period of revocation imposed under this section shall begin before the expiration of all other periods of revocation imposed under this section or other law. Periods of revocation imposed consecutively under this section shall not extend beyond the juvenile's twenty-first birthday.

(3)(a) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section if

the minimum term of revocation as specified in RCW 13.40.265((1)(c)) (3), 66.44.365(3), 69.41.065(3), 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and subject to subsection (2)(c) of this section.

(b) The juvenile may seek reinstatement of his or her driving privileges from the department when the juvenile reaches the age of twenty-one. A notice from the court reinstating the juvenile's driving privilege shall not be required if reinstatement is pursuant to this subsection.

((4)(a) If the department receives notice pursuant to RCW 13.40.265(2)(b) from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section as provided in (b) of this subsection, subject to subsection (2)(c) of this section.

(b) If the diversion agreement was for the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of ninety days after the date the juvenile turns sixteen or ninety days after the juvenile entered into a diversion agreement for the offense. If the diversion agreement was for the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of the date the juvenile turns seventeen or one year after the juvenile entered into the second or subsequent diversion agreement.))

Sec. 9. RCW 66.44.365 and 1989 c 271 s 118 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of eighteen is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense in violation of this chapter and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 69.41, 69.50, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, a juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 10. RCW 69.41.065 and 1989 c 271 s 119 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense in violation of this chapter and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.50, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 11. RCW 69.50.420 and 1989 c 271 s 120 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense in violation of this chapter and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 12. RCW 69.52.070 and 1989 c 271 s 121 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense in violation of this chapter and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, or 69.50 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered."

Correct the title.

Signed by Representatives Kagi, Chair; Senn, Vice Chair; Walsh, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Hawkins; Kilduff; Ortiz-Self; Sawyer and Walkinshaw.

MINORITY recommendation: Without recommendation. Signed by Representative McCaslin.

Passed to Committee on Transportation.

February 25, 2016  
ESB 6620 Prime Sponsor, Senator McAuliffe:  
 Concerning a statewide plan for funding  
 cost-effective methods for school safety.  
 (REVISED FOR ENGROSSED:  
 Concerning cost-effective methods for  
 maintaining and increasing school safety.)  
 Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"PART I

NEW SECTION. Sec. 1. The legislature recognizes that public schools are required to have safe school plans and procedures in place. The legislature acknowledges that there are costs associated with these plans and procedures. The legislature intends to review the funding of school safety and security programs and work toward a statewide plan for funding cost-effective methods for

school safety that meet the needs of local school districts.

NEW SECTION. Sec. 2. (1) The Washington state institute for public policy shall complete an evaluation of how Washington and other states have addressed the funding of school safety and security programs and submit a report to the appropriate committees of the legislature, the governor, and the office of the superintendent of public instruction by December 1, 2017.

(2) This section expires August 1, 2018.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction and the school safety advisory committee shall hold annual school safety summits. Each annual summit must focus on establishing and monitoring the progress of a statewide plan for funding cost-effective methods for school safety that meet local needs. Other areas of focus may include planning and implementation of school safety planning efforts, training of school safety professionals, and integrating mental health and security measures.

(2) Summit participants must be appointed no later than August 1, 2016.

(a) The majority and minority leaders of the senate shall appoint two members from each of the relevant caucuses of the senate.

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

(c) The governor shall appoint one representative.

(3) Other summit participants may include representatives from the office of the superintendent of public instruction, the department of health, educational service districts, educational associations, emergency management, law enforcement, fire departments, parent organizations, and student organizations.

(4) Staff support for the annual summit shall be provided by the office of the superintendent of public instruction and the school safety advisory committee.

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

PART II

NEW SECTION. Sec. 4. The legislature finds that school personnel are often the first responders when there is a violent threat or natural or man-made disaster at a school. The legislature further finds there is a need to develop training for school personnel to intervene and provide assistance during these emergency incidents. The legislature recognizes an educational service district has developed a model for a regional school safety and security center, which can provide this type of training.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.310 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, educational service districts may implement a regional school safety and security program modeled after the educational service district that has developed a regional school safety and security center.

(2) The programs should include the following components:

(a) Establishment of a network of school safety coordinators for the educational service districts, which shall focus on prevention planning, intervention, mitigation, crisis response, and community recovery regarding emergency incidents in schools;

(b) Collaboration with the educational service district that developed the model for a regional school safety and security center to adopt its model for a regional school safety and security center;

(c) Creation of technology-based systems that enable more efficient and effective communication between schools and emergency response entities, including local law enforcement, local fire department, and state and federal responders;

(d) Provision of technology support to improve communication and data management between schools and emergency response entities;

(e) Ongoing training of school personnel and emergency responders to establish a system for preventative identification, intervention strategies, and management of risk behaviors;

(f) Development of a professional development to train school personnel as first responders until the arrival of emergency responders; and

(g) Building collaborative relationships between other educational service districts, the office of the superintendent of public instruction, and the school safety advisory committee."

Correct the title.

Signed by Representatives Santos, Chair; Ortiz-Self, Vice Chair; Reykdal, Vice Chair; Muri, Assistant Ranking Minority Member; Stambaugh, Assistant Ranking Minority Member; Bergquist; Caldier; Griffey; Hayes; Kilduff; Klippert; Kuderer; McCaslin; Orwall; Pollet; Rossetti and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Magendanz, Ranking Minority Member; Hargrove and Harris.

Passed to Committee on Rules for second reading.

February 24, 2016

SB 6626

Prime Sponsor, Senator Bailey: Creating a work group on accelerated baccalaureate degree programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Hansen, Chair; Pollet, Vice Chair; Zeiger, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Bergquist; Frame; Hargrove; Holy; Reykdal; Sells; Stambaugh; Tarleton and Van Werven.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's first and second supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

**COMMITTEE APPOINTMENT**

The Speaker (Representative Stanford presiding) announced the following committee appointment:

Representative McCabe was appointed Assistant Ranking Minority Member of the Committee on Labor & Workplace Standards.

There being no objection, the House adjourned until 9:55 a.m., February 29, 2016, the 50th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## FIFTIETH DAY

House Chamber, Olympia, Monday, February 29, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Fitzgibbon presiding).

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

**MESSAGES FROM THE SENATE**

February 26, 2016

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6246, and the same is herewith transmitted.

Pablo G. Campos, Deputy Secretary

February 26, 2016

MR. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5105,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6201, and the same are herewith transmitted.

Pablo G. Campos, Deputy Secretary

**RESOLUTION**

**HOUSE RESOLUTION NO. 2016-4677**, by Representatives Hudgins, Haler, Bergquist, S. Hunt, Ryu, Sells, Kilduff, Pettigrew, Griffey, and Stanford

WHEREAS, National African American Parent Involvement Day was founded in 1995 in Michigan in response to a call-to-action for parents to help youth overcome obstacles they face in society; and

WHEREAS, National African American Parent Involvement Day serves to strengthen partnerships between schools, families, and communities to advance student success and address the educational opportunity gap; and

WHEREAS, The events of the day promote African American involvement in their child's education by providing strategies to create a more conducive learning environment and make best use of the educational process at all levels; and

WHEREAS, National African American Parent Involvement Day activities have the goal of broadening the social and racial narrative concerning Black men by exposing students to the diversity of Black male excellence and affirming the importance of educational equity by celebrating children and families of African descent; and

WHEREAS, South Shore PK-8 School in the Seattle Public Schools has participated in National African American Parent Involvement Day since 2007; and

WHEREAS, Participation in National African American Parent Involvement Day is growing, most recently to the Tukwila School District this year; and

WHEREAS, Although National African American Parent Involvement Day is centered on African American students, in Washington it is inclusive of students and families from our multicultural and diverse population;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate Seattle, Tukwila, and all participating Washington communities in their recognition of February 8, 2016, as National African American Parent Involvement Day; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Seattle Public Schools, the Tukwila School District, King County, the city of Seattle, and the city of Tukwila.

The Speaker (Representative Sullivan presiding) stated the question before the House to be adoption of House Resolution No. 4677.

HOUSE RESOLUTION NO. 4677 was adopted.

**RESOLUTION**

**HOUSE RESOLUTION NO. 2016-4678**, by Representatives Stambaugh, Johnson, Kilduff, Hudgins, McCabe, Wilcox, Appleton, Haler, Muri, Ryu, Griffey, Kochmar, and Barkis

WHEREAS, The annual Daffodil Festival is a cherished tradition for the people of Pierce County and the Northwest; and

WHEREAS, 2016 marks the 83rd annual Daffodil Festival, and the theme of this year's festival is "Fun in the Sun"; and

WHEREAS, The mission of the Daffodil Festival is to focus national and regional attention on our local area as a place to live and visit, to give citizens of Pierce County a civic endeavor where "Fun in the Sun" comes alive, to foster civic pride, to give young people and organizations of the local area an opportunity to display their talents and abilities, to give voice to citizens' enthusiasm through parades, pageantry, and events, and to stimulate the economy through expenditures by and for the Festival and by visitors attracted during Festival Week; and

WHEREAS, The Festival began in 1926 as a modest garden party in Sumner and grew steadily each year until 1934, when flowers, which previously had been

largely discarded in favor of daffodil bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The Festival's 2016 events include the 83rd Annual Grand Floral Street Parade on April 11, 2016--winding its way from downtown Tacoma through the communities of Puyallup, Sumner, and Orting, and consisting of approximately 150 entries, including bands, marching and mounted units, and floats that are decorated with fresh-cut Daffodils numbering in the thousands--and will culminate with the Marine parade on April 12, 2016; and

WHEREAS, This year's Festival royalty includes Chelsea Lopez, Lincoln High School; Emily Oliver, Spanaway Lake High School; Emmalee Ford, Cascade Christian High School; Esther Wamagata, Clover Park High School; Faviola Colmenares, Washington High School; Jaycee Jenkins, Graham-Kapowsin High School; Jessica Nguyen, Henry Foss High School; Kaitlin Nguyen, Rogers High School; Kallie Sherwood, Emerald High School; Kelty Pierce, Puyallup High School; Kimberly Agfalvi, Bethel High School; Laura Cronin, Curtis High School; Lillie Williams, Stadium High School; Lindsey McClellan, Mount Tahoma High School; Mackenzie Macoy, Franklin Pierce High School; Maddie Meyer, White River High School; Melissa Kinney, Lakes High School; Sammy Roberts, Eatonville High School; Shannon Dooley, Orting High School; Shayla Chandler, Fife High School; Skylar Miller, Sumner High School; Tabitha Reynolds, Bonney Lake High School; and Tiauna Bill, Chief Leschi High School;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the many contributions made to our state by the Daffodil Festival and its organizers for the past eighty-three years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the 2016 Daffodil Festival Officers and to the members of the 2016 Daffodil Festival Royalty.

The Speaker (Representative Sullivan presiding) stated the question before the House to be adoption of House Resolution No. 4678.

HOUSE RESOLUTION NO. 4678 was adopted.

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

#### INTRODUCTION & FIRST READING

HB 3001 by Representatives Reykdal, Young and Magendanz

AN ACT Relating to modifying high school graduation requirements by adding additional course-based alternatives for earning a certificate of academic achievement, eliminating the end-of-course biology assessment, and enhancing high school and beyond plans; and creating a new section.

Referred to Committee on Education.

HB 3002 by Representatives Springer and Magendanz

AN ACT Relating to charter schools.

Referred to Committee on Education.

E2SSB 5105 by Senate Committee on Ways & Means (originally sponsored by Senators Padden, Frockt, O'Ban, Fain, Fraser, Pearson, Roach and Darneille)

AN ACT Relating to making a fourth driving under the influence offense a felony; amending RCW 46.61.502, 46.61.504, 46.61.5055, and 46.61.5054; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Public Safety.

ESSB 6201 by Senate Committee on Ways & Means (originally sponsored by Senators Honeyford and Keiser)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 70.148.020; amending 2015 3rd sp.s. c 3 ss 1036, 1040, 1076, 1077, 1079, 1083, 1088, 1095, 1108, 1114, 2004, 2016, 2023, 2035, 3010, 3020, 3022, 3026, 3028, 3033, 3046, 3047, 3054, 3056, 3059, 3062, 3066, 3074, 3075, 3081, 3084, 3109, 3165, 3166, 3179, 3200, 3211, 3229, 3235, 3232, 4002, 5010, 5011, 5012, 5013, 5028, 5054, 5065, 5085, 5086, 5089, 5098, 5099, 7001, 7002, 7012, 7023, 7037, and 7038 (uncodified); adding a new section to chapter 43.79 RCW; adding new sections to 2015 3rd sp.s. c 3 (uncodified); creating a new section; repealing 2015 3rd sp.s. c 3 ss 1072 and 5074 (uncodified); making appropriations; and declaring an emergency.

ESSB 6246 by Senate Committee on Ways & Means (originally sponsored by Senators Hill and Hargrove)

AN ACT Relating to fiscal matters; amending RCW 18.20.430, 18.43.150, 18.85.061, 18.85.461, 19.02.210, 28B.115.130, 28B.122.050, 36.17.020, 38.52.105, 41.06.280, 41.16.050, 41.26.802, 41.45.035, 41.80.010, 41.80.140, 43.10.220, 43.43.839, 43.43.944, 43.70.320, 43.79.201, 43.79.445, 43.79.460, 43.83B.430, 43.101.200, 43.110.030, 43.350.070, 43.372.070, 50.16.010, 66.08.190, 66.24.065, 69.50.530, 69.50.540, 70.128.160, 72.09.090, 77.12.201, 82.08.170, 90.03.650, 90.56.335, and 90.76.100; amending 2015 3rd sp.s. c 4 ss 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 301, 302, 303,

304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 504, 505, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 601, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 701, 704, 705, 712, 725, 801, 802, 803, 805, 806, 932, 933, and 938 (uncodified); reenacting and amending RCW 70.105D.070; adding a new section to chapter 43.41 RCW; adding new sections to 2015 3rd sp.s. c 4 (uncodified); repealing 2015 c ... (E2SSB 6194) ss 302, 303, and 304; repealing 2015 3rd sp.s. c 4 s 715 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 6201 which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

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

#### REPORTS OF STANDING COMMITTEES

February 26, 2016

HB 2380 Prime Sponsor, Representative Tharinger: Concerning the supplemental capital budget. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson; Riccelli and Walsh.

Passed to Committee on Rules for second reading.

February 29, 2016

HB 2453 Prime Sponsor, Representative Jinkins: Improving oversight of the state hospitals. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Taylor; Tharinger; Van Werven and Walkinshaw.

Passed to Committee on Rules for second reading.

February 29, 2016

HB 2839 Prime Sponsor, Representative Springer: Providing a sales and use tax exemption for certain new building construction to be used by maintenance repair operators for airplane repair and maintenance. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Finance. Signed by Representatives Dunshee, Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Sawyer; Schmick; Springer; Stokesbary; Sullivan; Taylor; Tharinger and Van Werven.

MINORITY recommendation: Do not pass. Signed by Representatives Ormsby, Vice Chair; Kagi; Robinson; Senn and Walkinshaw.

Passed to Committee on Rules for second reading.

February 29, 2016

HB 2872 Prime Sponsor, Representative Fey: Concerning the recruitment and retention of Washington state patrol commissioned officers. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Transportation. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Passed to Committee on Rules for second reading.

February 29, 2016

HB 2942 Prime Sponsor, Representative Ryu: Concerning the issuance of nondomiciled commercial drivers' licenses and commercial learners' permits to nonresidents. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Bergquist; Gregerson; McBride; Moeller; Morris; Ortiz-Self; Riccelli; Rossetti; Sells and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Hayes; Hickel; Kochmar; Pike; Rodne; Shea; Stambaugh and Young.

Passed to Committee on Rules for second reading.

HB 2977 February 29, 2016  
Prime Sponsor, Representative Short: Encouraging job creation and retention in rural economies through the transparent and accountable provision of targeted tax relief for silicon smelters. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Frame; Manweller; Reykdal; Ryu; Springer; Stokesbary; Vick; Wilcox and Wylie.

MINORITY recommendation: Without recommendation. Signed by Representative Pollet.

Passed to Committee on Appropriations.

HB 2985 February 29, 2016  
Prime Sponsor, Representative Riccelli: Excluding certain school facilities from the inventory of educational space for determining eligibility for state assistance for common school construction. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tharinger, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson; Riccelli and Walsh.

Passed to Committee on Rules for second reading.

HB 2996 February 29, 2016  
Prime Sponsor, Representative Lytton: Investing in a well-qualified and sufficient K-12 public education workforce by narrowing or eliminating tax preferences. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Frame; Pollet; Reykdal; Ryu; Springer and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Manweller; Stokesbary; Vick and Wilcox.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

SB 5046 February 29, 2016  
Prime Sponsor, Senator Padden: Correcting a codification error concerning the governor's designee to the traffic safety commission. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

E2SSB 5109 February 29, 2016  
Prime Sponsor, Committee on Ways & Means: Concerning infrastructure financing for local governments. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Community Development, Housing & Tribal Affairs. Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Frame; Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary; Vick; Wilcox and Wylie.

Passed to Committee on Rules for second reading.

SB 5203 March 24, 2015  
Prime Sponsor, Senator Warnick: Modifying certain job order contracting requirements. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson; Riccelli and Walsh.

Passed to Committee on Rules for second reading.

February 29, 2016  
SSB 5206 Prime Sponsor, Committee on Ways & Means: Addressing state audit findings of noncompliance with state law. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 510. RCW 43.09.310 and 2005 c 387 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the state auditor shall annually audit the statewide combined financial statements prepared by the office of financial management and make post-audits of state agencies. Post-audits of state agencies shall be made at such periodic intervals as is determined by the state auditor. Audits of combined financial statements shall include determinations as to the validity and accuracy of accounting methods, procedures and standards utilized in their preparation, as well as the accuracy of the financial statements themselves. A report shall be made of each such audit and post-audit upon completion thereof, and one copy shall be transmitted to the governor, one to the director of financial management, one to the state agency audited, one to the joint legislative audit and review committee, one each to the standing committees on ways and means of the house and senate, one to the chief clerk of the house, one to the secretary of the senate, and at least one shall be kept on file in the office of the state auditor. A copy of any report containing findings of noncompliance with state law shall be transmitted to the attorney general and shall be subject to the process provided in section 2 of this act.

(2) Audits of the department of labor and industries must be coordinated with the audits required under RCW 51.44.115 to avoid duplication of audits.

NEW SECTION. Sec. 511. A new section is added to chapter 43.09 RCW to read as follows:

(1) Within ninety days of receipt of an audit under RCW 43.09.310 containing findings of noncompliance with state law, the subject state agency shall submit a response and a plan for remediation to the governor, the state auditor, the office of financial management, the joint legislative audit and review committee, and the relevant fiscal and policy committees of the senate and house of representatives.

(2) If, at the next succeeding audit of the subject state agency, the state auditor determines that the subject state agency has failed to make substantial progress in remediating the noncompliance with state law, the state auditor shall notify the entities specified in subsection (1) of this section.

(3) Upon receipt of a notification under subsection (2) of this section, a fiscal or policy committee of the senate or house of representatives may refer the matter to the senate committee on facilities and operations or the executive rules committee of the house of representatives.

(4) The obligation to prepare and submit a plan for remediation under this section applies only:

(a) If the agency's general fund-state biennial budget exceeds one billion dollars; and

(b) Subject to the availability of amounts appropriated for this specific purpose."

Correct the title.

Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 29, 2016  
2ESB 5251 Prime Sponsor, Senator Honeyford: Transferring public water system financial assistance activities from the public works board and the department of commerce to the department of health. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 29, 2016  
ESSB 5435 Prime Sponsor, Committee on Ways & Means: Expanding participation in the Washington state deferred compensation program. (REVISED FOR ENGROSSED: Addressing optional salary deferral programs. ) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 512. RCW 41.50.770 and 2014 c 172 s 1 are each amended to read as follows:

(1) "Employee" as used in this section and RCW 41.50.780 includes all full-time, part-time, and career seasonal employees of the state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of the government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and of the superior and district courts; and members of the state legislature or of the legislative authority of any county, city, or town.

(2) The state, through the department, and any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body is authorized to contract with an employee to defer a portion of that employee's income, which deferred portion shall in no event exceed the amount allowable under 26 U.S.C. Sec. 401(a) or 457, and deposit or invest such deferred portion in a credit union, savings and loan association, bank, or mutual savings bank or purchase life insurance, shares of an investment company, individual securities, or fixed and/or variable annuity contracts from any insurance company or any investment company licensed to contract business in this state.

(3) Employees participating in the state deferred compensation plan under 26 U.S.C. Sec. 457 or money-purchase retirement savings plan under 26 U.S.C. Sec. 401(a) administered by the department shall self-direct the investment of the deferred portion of their income through the selection of investment options as set forth in subsection (4) of this section.

(4) The department can provide such plans as it deems are in the interests of state employees. In addition to the types of investments described in this section, the state investment board, with respect to the state deferred compensation plan under 26 U.S.C. Sec. 457 or money-purchase retirement savings plan under 26 U.S.C. Sec. 401(a), shall invest the deferred portion of an employee's income, without limitation as to amount, in accordance with RCW 43.84.150, 43.33A.140, and 41.50.780, and pursuant to investment policy established by the state investment board for the state deferred compensation plan((s)) under 26 U.S.C. Sec. 457 or money-purchase retirement savings plan under 26 U.S.C. Sec. 401(a). The state investment board, after consultation with the director regarding any recommendations made pursuant to RCW 41.50.088(2), shall provide a set of options for participants to choose from for investment of the deferred portion of their income. Any income deferred under ((such a plan)) these plans shall continue to be included as regular compensation, for the purpose of computing the state or local retirement and pension benefits earned by any employee.

(5) Coverage of an employee under ((a deferred compensation plan)) optional salary deferral programs under this section shall not render such employee ineligible for simultaneous membership and participation in any pension system for public employees.

**Sec. 513.** RCW 41.50.780 and 2010 1st sp.s. c 7 s 30 are each amended to read as follows:

(1) The deferred compensation principal account is hereby created in the state treasury.

(2) The amount of compensation deferred under 26 U.S.C. Sec. 457 by employees under agreements entered into under the authority contained in RCW 41.50.770 shall be paid into the deferred compensation principal account and shall be sufficient to cover costs of administration and staffing in addition to such other amounts as determined by the department. The deferred compensation principal account shall be used to carry out the purposes of RCW 41.50.770. All eligible state employees shall be given the

opportunity to participate in agreements entered into by the department under RCW 41.50.770. State agencies shall cooperate with the department in providing employees with the opportunity to participate.

(3) Any county, municipality, or other subdivision of the state may elect to participate in any agreements entered into by the department under RCW 41.50.770, including the making of payments therefrom to the employees participating in a deferred compensation plan upon their separation from state or other qualifying service. Accordingly, the deferred compensation principal account shall be considered to be a public pension or retirement fund within the meaning of Article XXIX, section 1 of the state Constitution, for the purpose of determining eligible investments and deposits of the moneys therein.

(4) All moneys in the state deferred compensation principal account and the state deferred compensation administrative account, all property and rights purchased therewith, and all income attributable thereto, shall be held in trust by the state investment board, as set forth under RCW 43.33A.030, for the exclusive benefit of the state deferred compensation plan's participants and their beneficiaries. Neither the participant, nor the participant's beneficiary or beneficiaries, nor any other designee, has any right to commute, sell, assign, transfer, or otherwise convey the right to receive any payments under the plan. These payments and right thereto are nonassignable and nontransferable. Unpaid accumulated deferrals are not subject to attachment, garnishment, or execution and are not transferable by operation of law in event of bankruptcy or insolvency, except to the extent otherwise required by law.

(5) The state investment board has the full power to invest moneys in the state deferred compensation principal account and the state deferred compensation administrative account in accordance with RCW 43.84.150, 43.33A.140, and 41.50.770, and cumulative investment directions received pursuant to RCW 41.50.770. All investment and operating costs of the state investment board associated with the investment of the deferred compensation plan assets shall be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, one hundred percent of all earnings from these investments shall accrue directly to the deferred compensation principal account.

(6)(a) No state board or commission, agency, or any officer, employee, or member thereof is liable for any loss or deficiency resulting from participant investments selected pursuant to RCW 41.50.770(3).

(b) Neither the department, nor the director or any employee, nor the state investment board, nor any officer, employee, or member thereof is liable for any loss or deficiency resulting from reasonable efforts to implement investment directions pursuant to RCW 41.50.770(3).

(7) The deferred compensation administrative account is hereby created in the state treasury. All expenses of the department pertaining to the deferred compensation plan including staffing and administrative expenses shall be paid out of the deferred compensation administrative account. Any excess balances credited to this account over administrative expenses disbursed from this account shall be transferred to the deferred compensation principal

account at such time and in such amounts as may be determined by the department with the approval of the office of financial management. Any deficiency in the deferred compensation administrative account caused by an excess of administrative expenses disbursed from this account shall be transferred to this account from the deferred compensation principal account.

(8)(a)(i) The department shall keep or cause to be kept full and adequate accounts and records of the assets of each individual participant, obligations, transactions, and affairs of any deferred compensation plans created under RCW 41.50.770 and this section. The department shall account for and report on the investment of state deferred compensation plan assets or may enter into an agreement with the state investment board for such accounting and reporting.

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

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

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

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

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

(9) The department may adopt rules necessary to carry out its responsibilities under RCW 41.50.770 and this section.

**NEW SECTION. Sec. 514.** A new section is added to chapter 41.50 RCW to read as follows:

(1) The money-purchase retirement savings principal account is hereby created in the state treasury.

(2) The amount of compensation deferred under 26 U.S.C. Sec. 401(a) by employees under agreements entered into under the authority contained in RCW 41.50.770 shall be paid into the money-purchase retirement savings principal account and shall be sufficient to cover costs of administration and staffing in addition to such other amounts as determined by the department. The money-purchase retirement savings principal account shall be used to carry out the purposes of RCW 41.50.770. All eligible state employees shall be given the opportunity to participate in agreements entered into by the department under RCW 41.50.770. State agencies shall cooperate with the department in providing employees with the opportunity to participate.

(3) Any county, municipality, or other subdivision of the state may elect to participate in any agreements entered into by the department under RCW 41.50.770,

including the making of payments therefrom to the employees participating in a 26 U.S.C. Sec. 401(a) plan upon their separation from state or other qualifying service. Accordingly, the money-purchase retirement savings principal account shall be considered to be a public pension or retirement fund within the meaning of Article XXIX, section 1 of the state Constitution, for the purpose of determining eligible investments and deposits of the moneys therein.

(4) All moneys in the state money-purchase retirement savings principal account and the state money-purchase retirement savings administrative account, all property and rights purchased therewith, and all income attributable thereto, shall be held in trust by the state investment board, as set forth under RCW 43.33A.030, for the exclusive benefit of the state 26 U.S.C. Sec. 401(a) plan's participants and their beneficiaries. Neither the participant, nor the participant's beneficiary or beneficiaries, nor any other designee, has any right to commute, sell, assign, transfer, or otherwise convey the right to receive any payments under the plan. These payments and right thereto are nonassignable and nontransferable. Unpaid accumulated deferrals are not subject to attachment, garnishment, or execution and are not transferable by operation of law in event of bankruptcy or insolvency, except to the extent otherwise required by law.

(5) The state investment board has the full power to invest moneys in the state money-purchase retirement savings principal account and the state money-purchase retirement savings administrative account in accordance with RCW 43.84.150, 43.33A.140, and 41.50.770, and cumulative investment directions received pursuant to RCW 41.50.770. All investment and operating costs of the state investment board associated with the investment of the money-purchase retirement savings plan assets shall be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, one hundred percent of all earnings from these investments shall accrue directly to the money-purchase retirement savings principal account.

(6)(a) No state board or commission, agency, or any officer, employee, or member thereof is liable for any loss or deficiency resulting from participant investments selected pursuant to RCW 41.50.770(3).

(b) Neither the department, nor the director or any employee, nor the state investment board, nor any officer, employee, or member thereof is liable for any loss or deficiency resulting from reasonable efforts to implement investment directions pursuant to RCW 41.50.770(3).

(7) The money-purchase retirement savings administrative account is hereby created in the state treasury. All expenses of the department pertaining to the money-purchase retirement savings plan including staffing and administrative expenses shall be paid out of the money-purchase retirement savings administrative account. Any excess balances credited to this account over administrative expenses disbursed from this account shall be transferred to the money-purchase retirement savings principal account at such time and in such amounts as may be determined by the department with the approval of the office of financial management. Any deficiency in the money-purchase retirement savings administrative account caused by an

excess of administrative expenses disbursed from this account shall be transferred to this account from the money-purchase retirement savings principal account.

(8)(a)(i) The department shall keep or cause to be kept full and adequate accounts and records of the assets of each individual participant, obligations, transactions, and affairs of any deferred compensation plans created under RCW 41.50.770 and this section. The department shall account for and report on the investment of state money-purchase retirement savings plan assets or may enter into an agreement with the state investment board for such accounting and reporting.

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

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

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

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

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

(9) The department may adopt rules necessary to carry out its responsibilities under RCW 41.50.770 and this section.

**Sec. 515.** RCW 43.84.092 and 2015 3rd sp.s. c 44 s 107 and 2015 3rd sp.s. c 12 s 3 are each reenacted and amended to read as follows:

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

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

distributions of earnings set forth in subsection (4) of this section.

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

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

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement

principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the

Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

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

**NEW SECTION. Sec. 516.** If specific funding for purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Manweller.

Passed to Committee on Rules for second reading.

February 29, 2016  
**SSB 5670** Prime Sponsor, Committee on Energy, Environment & Telecommunications: Clarifying expenditures under the state universal communications services program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority

Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Schmick; Senn; Springer; Stokesbary; Sullivan; Taylor; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Ormsby, Vice Chair and Sawyer.

Passed to Committee on Rules for second reading.

February 29, 2016

SB 5689 Prime Sponsor, Senator Becker:  
Concerning the scope and costs of the  
diabetes epidemic in Washington.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 517.** The health care authority, department of social and health services, and department of health shall collaborate to identify goals and benchmarks while also developing individual agency plans to reduce the incidence of diabetes in Washington, improve diabetes care, and control complications associated with diabetes.

**NEW SECTION. Sec. 518.** The health care authority, department of social and health services, and department of health shall each submit a report to the governor and the legislature by December 31, 2019, and every second year thereafter, on the following:

(1) The financial impact and reach diabetes of all types is having on programs administered by each agency and individuals enrolled in those programs. Items included in this assessment must include the number of lives with diabetes impacted or covered by programs administered by the agency, the number of lives with diabetes and family members impacted by prevention and diabetes control programs implemented by the agency, the financial toll or impact diabetes and its complications places on these programs, and the financial toll or impact diabetes and its complications places on these programs in comparison to other chronic diseases and conditions;

(2) An assessment of the benefits of implemented programs and activities aimed at controlling diabetes and preventing the disease. This assessment must also document the amount and source for any funding directed to the agency for programs and activities aimed at reaching those with diabetes;

(3) A description of the level of coordination existing between the agencies on activities, programmatic

activities, and messaging on managing, treating, or preventing all forms of diabetes and its complications;

(4) A development or revision of detailed action plans for battling diabetes with a range of actionable items for consideration by the legislature. The plans must identify proposed action steps to reduce the impact of diabetes, prediabetes, and related diabetes complications. The plan must also identify expected outcomes of the action steps proposed in the following biennium while also establishing benchmarks for controlling and preventing relevant forms of diabetes; and

(5) An estimate of costs and resources required to implement the plan identified in subsection (4) of this section.

**NEW SECTION. Sec. 519.** Sections 1 and 2 of this act constitute a new chapter in Title 70 RCW.

**NEW SECTION. Sec. 520.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Manweller.

Passed to Committee on Rules for second reading.

February 29, 2016

SSB 5778 Prime Sponsor, Committee on Health Care:  
Concerning ambulatory surgical facilities.  
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"**Sec. 521.** RCW 43.70.250 and 2013 c 77 s 2 are each amended to read as follows:

(1) It shall be the policy of the state of Washington that the cost of each professional, occupational, or business

licensing program be fully borne by the members of that profession, occupation, or business.

(2) The secretary shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or regulation of professions, occupations, or businesses administered by the department. In fixing said fees, the secretary shall set the fees for each program at a sufficient level to defray the costs of administering that program and the cost of regulating licensed volunteer medical workers in accordance with RCW 18.130.360, except as provided in RCW 18.79.202. In no case may the secretary increase a licensing fee for an ambulatory surgical facility licensed under chapter 70.230 RCW prior to July 1, 2018, nor may he or she commence the adoption of rules to increase a licensing fee prior to July 1, 2018.

(3) All such fees shall be fixed by rule adopted by the secretary in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

**Sec. 522.** RCW 70.230.020 and 2007 c 273 s 2 are each amended to read as follows:

The secretary shall:

(1) Issue a license to any ambulatory surgical facility that:

(a) Submits payment of the fee established in ~~((section 7, chapter 273, Laws of 2007))~~ RCW 43.70.110 and 43.70.250;

(b) Submits a completed application that demonstrates the ability to comply with the standards established for operating and maintaining an ambulatory surgical facility in statute and rule. An ambulatory surgical facility shall be deemed to have met the standards if it submits proof of certification as a medicare ambulatory surgical facility or accreditation by an organization that the secretary has determined to have substantially equivalent standards to those of the department; and

(c) Successfully completes the survey requirements established in RCW 70.230.100;

(2) Develop an application form for applicants for a license to operate an ambulatory surgical facility;

(3) Initiate investigations and enforcement actions for complaints or other information regarding failure to comply with this chapter or the standards and rules adopted under this chapter;

(4) Conduct surveys of facilities, including reviews of medical records and documents required to be maintained under this chapter or rules adopted under this chapter;

(5) By March 1, 2008, determine which accreditation organizations have substantially equivalent standards for purposes of deeming specific licensing requirements required in statute and rule as having met the state's standards; and

(6) Adopt any rules necessary to implement this chapter.

**Sec. 523.** RCW 70.230.050 and 2007 c 273 s 5 are each amended to read as follows:

(1) An applicant for a license to operate an ambulatory surgical facility must demonstrate the ability to comply with the standards established for operating and maintaining an ambulatory surgical facility in statute and rule, including:

(a) Submitting a written application to the department providing all necessary information on a form provided by the department, including a list of surgical specialties offered;

(b) Submitting building plans for review and approval by the department for new construction, alterations other than minor alterations, and additions to existing facilities, prior to obtaining a license and occupying the building;

(c) Demonstrating the ability to comply with this chapter and any rules adopted under this chapter;

(d) Cooperating with the department during on-site surveys prior to obtaining an initial license or renewing an existing license;

(e) Providing such proof as the department may require concerning the ownership and management of the ambulatory surgical facility, including information about the organization and governance of the facility and the identity of the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets;

(f) Submitting proof of operation of a coordinated quality improvement program in accordance with RCW 70.230.080;

(g) Submitting a copy of the facility safety and emergency training program established under RCW 70.230.060;

(h) Paying any fees established by the secretary under ((section 7, chapter 273, Laws of 2007)) RCW 43.70.110 and 43.70.250; and

(i) Providing any other information that the department may reasonably require.

(2) A license is valid for three years, after which an ambulatory surgical facility must submit an application for renewal of license upon forms provided by the department and the renewal fee as established in ~~((section 7, chapter 273, Laws of 2007))~~ RCW 43.70.110 and 43.70.250. The applicant must demonstrate the ability to comply with the standards established for operating and maintaining an ambulatory surgical facility in statutes, standards, and rules. The applicant must submit the license renewal document no later than thirty days prior to the date of expiration of the license.

(3) The applicant may demonstrate compliance with any of the requirements of subsection (1) of this section by providing satisfactory documentation to the secretary that it has met the standards of an accreditation organization or federal agency that the secretary has determined to have substantially equivalent standards as the statutes and rules of this state.

**Sec. 524.** RCW 70.230.100 and 2007 c 273 s 11 are each amended to read as follows:

(1) The department shall make or cause to be made a survey of all ambulatory surgical facilities according to the following frequency:

(a) Except as provided in (b) of this subsection, an ambulatory surgical facility must be surveyed by the department no more than once every eighteen months.

(b) An ambulatory surgical facility must be surveyed by the department no more than once every thirty-six months if the ambulatory surgical facility:

(i) Has had, within eighteen months of a department survey, a survey in connection with its certification by the centers for medicare and medicaid services or accreditation by an accreditation organization approved by the department under RCW 70.230.020(5);

(ii) Has maintained certification by the centers for medicare and medicaid services or accreditation by an accreditation organization approved by the department under RCW 70.230.020(5) since the survey in connection with its certification or accreditation pursuant to (b)(i) of this subsection; and

(iii) As soon as practicable after a survey in connection with its certification or accreditation pursuant to (b)(i) of this subsection, provides the department with documentary evidence that the ambulatory surgical facility is certified or accredited and that the survey has occurred, including the date that the survey occurred.

(2) Every survey of an ambulatory surgical facility may include an inspection of every part of the surgical facility. The department may make an examination of all phases of the ambulatory surgical facility operation necessary to determine compliance with all applicable statutes, rules, and regulations. In the event that the department is unable to make a survey or cause a survey to be made during the three years of the term of the license, the license of the ambulatory surgical facility shall remain in effect until the state conducts a survey or a substitute survey is performed if the ambulatory surgical facility is in compliance with all other licensing requirements.

~~((2) An ambulatory surgical facility shall be deemed to have met the survey standards of this section if it submits proof of certification as a medicare ambulatory surgical facility or accreditation by an organization that the secretary has determined to have substantially equivalent survey standards to those of the department. A survey performed pursuant to medicare certification or by an approved accrediting organization may substitute for a survey by the department if:~~

~~(a) The ambulatory surgical facility has satisfactorily completed a survey by the department in the previous eighteen months; and~~

~~(b) Within thirty days of learning the result of a survey, the ambulatory surgical facility provides the department with documentary evidence that the ambulatory surgical facility has been certified or accredited as a result of a survey and the date of the survey.))~~

(3) Ambulatory surgical facilities shall make the written reports of surveys conducted pursuant to medicare certification procedures or by an approved accrediting organization available to department surveyors during any department surveys~~(s)~~ or upon request.

**NEW SECTION. Sec. 525.** A new section is added to chapter 48.39 RCW to read as follows:

If a payor that contracts with an ambulatory surgical facility licensed under chapter 70.230 RCW requires successful completion of a survey as part of the contract, the ambulatory surgical facility is deemed to have met survey requirements if it has successfully completed a survey performed pursuant to medicare certification or by an accrediting organization that has been determined by the secretary of the department of health to have substantially equivalent survey standards to those of the centers for medicare and medicaid services. The payor may not impose additional survey requirements on the ambulatory surgical facility.

**NEW SECTION. Sec. 526.** A new section is added to chapter 70.230 RCW to read as follows:

(1) The department shall report to the fiscal committees of the legislature by December 1, 2016, and December 1, 2017, if it anticipates that the amounts raised by ambulatory surgical facility licensing fees will not be sufficient to defray the costs of regulating ambulatory surgical facilities. The report shall identify the amount of state general fund money necessary to compensate for the insufficiency.

(2) The department shall conduct a benchmark survey to compare Washington's system for licensing ambulatory surgical facilities with the ambulatory surgical facility licensing systems of other states with a similar number of licensed ambulatory surgical facilities. The survey must review the licensing standards, staffing levels, training of surveyors and inspectors, and expenditures of the selected states. The survey must examine the total cost of the other states' regulatory structures and analyze the reasons for any differences in cost. The survey must assess the extent to which total program costs in other states are supported through licensing fees compared with state general fund money or other resources. The findings of the survey must be submitted to the committees of the legislature with jurisdiction over health care issues by December 1, 2016. The findings must include recommendations for statutory, regulatory, and administrative changes to reduce ambulatory surgical facility licensing fees.

(3) This section expires July 1, 2018.

**NEW SECTION. Sec. 527.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 528.** RCW 70.230.180 (Ambulatory surgical facility account) and 2007 c 273 s 19 are each repealed."

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris;

Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Taylor; Tharinger; Van Werven and Walkinshaw.

Passed to Committee on Rules for second reading.

February 29, 2016

5ESSB 5857 Prime Sponsor, Committee on Ways & Means: Addressing registration and regulation of pharmacy benefit managers. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass as amended by Committee on General Government & Information Technology and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"**Sec. 529.** RCW 19.340.030 and 2014 c 213 s 2 are each amended to read as follows:

(1) To conduct business in this state, a pharmacy benefit manager must register with the ~~((department of revenue's business licensing service))~~ office of the insurance commissioner and annually renew the registration.

(2) To register under this section, a pharmacy benefit manager must:

- (a) Submit an application requiring the following information:
- (i) The identity of the pharmacy benefit manager;
  - (ii) The name, business address, phone number, and contact person for the pharmacy benefit manager; and
  - (iii) Where applicable, the federal tax employer identification number for the entity; and
- (b) Pay a registration fee ~~((of two hundred dollars))~~ established in rule by the commissioner. The registration fee must be set to allow the registration and oversight activities to be self-supporting.

(3) To renew a registration under this section, a pharmacy benefit manager must pay a renewal fee ~~((of two hundred dollars))~~ established in rule by the commissioner. The renewal fee must be set to allow the renewal and oversight activities to be self-supporting.

(4) All receipts from registrations and renewals collected by the ~~((department))~~ commissioner must be deposited into the ~~((business license account created in RCW 19.02.210))~~ insurance commissioner's regulatory account created in RCW 48.02.190.

**NEW SECTION. Sec. 530.** A new section is added to chapter 19.340 RCW to read as follows:

(1) The commissioner shall have enforcement authority over this chapter and shall have authority to render a binding decision in any dispute between a pharmacy benefit manager, or third-party administrator of

prescription drug benefits, and a pharmacy arising out of an appeal regarding drug pricing and reimbursement.

(2) Any person, corporation, third-party administrator of prescription drug benefits, pharmacy benefit manager, or business entity which violates any provision of this chapter shall be subject to a civil penalty in the amount of one thousand dollars for each act in violation of this chapter or, if the violation was knowing and willful, a civil penalty of five thousand dollars for each violation of this chapter.

**Sec. 531.** RCW 19.340.010 and 2014 c 213 s 1 are each amended to read as follows:

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

(1) "Claim" means a request from a pharmacy or pharmacist to be reimbursed for the cost of filling or refilling a prescription for a drug or for providing a medical supply or service.

(2) "Commissioner" means the insurance commissioner established in chapter 48.02 RCW.

(3) "Insurer" has the same meaning as in RCW 48.01.050.

~~((3))~~ (4) "Pharmacist" has the same meaning as in RCW 18.64.011.

~~((4))~~ (5) "Pharmacy" has the same meaning as in RCW 18.64.011.

~~((5))~~ (6)(a) "Pharmacy benefit manager" means a person that contracts with pharmacies on behalf of an insurer, a third-party payor, or the prescription drug purchasing consortium established under RCW 70.14.060 to:

(i) Process claims for prescription drugs or medical supplies or provide retail network management for pharmacies or pharmacists;

(ii) Pay pharmacies or pharmacists for prescription drugs or medical supplies; or

(iii) Negotiate rebates with manufacturers for drugs paid for or procured as described in this subsection.

(b) "Pharmacy benefit manager" does not include a health care service contractor as defined in RCW 48.44.010.

~~((6))~~ (7) "Third-party payor" means a person licensed under RCW 48.39.005.

**Sec. 532.** RCW 19.340.100 and 2014 c 213 s 10 are each amended to read as follows:

(1) As used in this section:

(a) "List" means the list of drugs for which ~~((maximum allowable costs have been established.~~

~~((b))~~ "Maximum allowable cost" means the maximum amount that a pharmacy benefit manager will reimburse a pharmacy for the cost of a drug.

~~((c))~~ predetermined reimbursement costs have been established, such as a maximum allowable cost or maximum allowable cost list or any other benchmark prices utilized by the pharmacy benefit manager and must include the basis of the methodology and sources utilized to determine multisource generic drug reimbursement amounts.

(b) "Multiple source drug" means a therapeutically equivalent drug that is available from at least two manufacturers.

(c) "Multisource generic drug" means any covered outpatient prescription drug for which there is at least one other drug product that is rated as therapeutically equivalent under the food and drug administration's most recent publication of "Approved Drug Products with Therapeutic Equivalence Evaluations;" is pharmaceutically equivalent or bioequivalent, as determined by the food and drug administration; and is sold or marketed in the state during the period.

(d) "Network pharmacy" means a retail drug outlet licensed as a pharmacy under RCW 18.64.043 that contracts with a pharmacy benefit manager.

(e) "Therapeutically equivalent" has the same meaning as in RCW 69.41.110.

(2) A pharmacy benefit manager:

(a) May not place a drug on a list unless ~~((are is H:\DATA\2016 JOURNAL\Journal2016\LegDay050\there are doe))~~ there are at least two therapeutically equivalent multiple source drugs, or at least one generic drug available from only one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers;

(b) Shall ensure that all drugs on a list are ~~((generally))~~ readily available for purchase by pharmacies in this state from national or regional wholesalers that serve pharmacies in Washington;

(c) Shall ensure that all drugs on a list are not obsolete;

(d) Shall make available to each network pharmacy at the beginning of the term of a contract, and upon renewal of a contract, the sources utilized to determine the ~~((maximum allowable cost pricing))~~ predetermined reimbursement costs for multisource generic drugs of the pharmacy benefit manager;

(e) Shall make a list available to a network pharmacy upon request in a format that is readily accessible to and usable by the network pharmacy;

(f) Shall update each list maintained by the pharmacy benefit manager every seven business days and make the updated lists, including all changes in the price of drugs, available to network pharmacies in a readily accessible and usable format;

(g) Shall ensure that dispensing fees are not included in the calculation of ~~((maximum allowable cost))~~ the predetermined reimbursement costs for multisource generic drugs.

(3) A pharmacy benefit manager must establish a process by which a network pharmacy may appeal its reimbursement for a drug subject to ~~((maximum allowable cost pricing))~~ predetermined reimbursement costs for multisource generic drugs. A network pharmacy may appeal a ~~((maximum allowable cost))~~ predetermined reimbursement cost for a multisource generic drug if the reimbursement for the drug is less than the net amount that the network pharmacy paid to the supplier of the drug. ~~((An appeal requested under this section must be completed within thirty calendar days of the pharmacy making the claim for which an appeal has been requested.))~~ An appeal requested under this section must be completed within

thirty calendar days of the pharmacy submitting the appeal. If after thirty days the network pharmacy has not received the decision on the appeal from the pharmacy benefit manager, then the appeal is considered denied.

The pharmacy benefit manager shall uphold the appeal if the pharmacy or pharmacist can demonstrate that it is unable to purchase a therapeutically equivalent interchangeable product from a supplier doing business in Washington at the pharmacy benefit manager's list price.

(4) A pharmacy benefit manager must provide as part of the appeals process established under subsection (3) of this section:

(a) A telephone number at which a network pharmacy may contact the pharmacy benefit manager and speak with an individual who is responsible for processing appeals; and

~~(b) ((A final response to an appeal of a maximum allowable cost within seven business days; and~~

~~((c)))~~ If the appeal is denied, the reason for the denial and the national drug code of a drug that ~~((may be))~~ has been purchased by ((similarly situated)) other network pharmacies located in Washington at a price that is equal to or less than the ~~((maximum allowable cost))~~ predetermined reimbursement cost for the multisource generic drug.

(5)(a) If an appeal is upheld under this section, the pharmacy benefit manager shall make ~~((an))~~ a reasonable adjustment on a date no later than one day after the date of determination. ~~((The pharmacy benefit manager shall make the adjustment effective for all similarly situated pharmacies in this state that are within the network.))~~

(b) If the request for an adjustment has come from a critical access pharmacy, as defined by the state health care authority by rule for purposes related to the prescription drug purchasing consortium established under RCW 70.14.060, the adjustment approved under (a) of this subsection shall apply only to critical access pharmacies.

(6) Beginning July 1, 2017, if a network pharmacy appeal to the pharmacy benefit manager is denied, or if the network pharmacy is unsatisfied with the outcome of the appeal, the pharmacy or pharmacist may dispute the decision and request review by the commissioner within thirty calendar days of receiving the decision.

(a) All relevant information from the parties may be presented to the commissioner, and the commissioner may enter an order directing the pharmacy benefit manager to make an adjustment to the disputed claim, deny the pharmacy appeal, or take other actions deemed fair and equitable. An appeal requested under this section must be completed within thirty calendar days of the request.

(b) Upon resolution of the dispute, the commissioner shall provide a copy of the decision to both parties within seven calendar days.

(c) The commissioner may authorize the office of administrative hearings, as provided in chapter 34.12 RCW, to conduct appeals under this subsection (6).

(7) This section does not apply to the state medical assistance program.

(8) This section applies only to a retail licensed pharmacy with fewer than ten retail outlets, within the state of Washington, under its corporate umbrella.

**NEW SECTION. Sec. 533.** A new section is added to chapter 19.340 RCW to read as follows:

- (1) As used in this section:
- (a) "List" means the list of drugs for which maximum allowable costs have been established.
- (b) "Maximum allowable cost" means the maximum amount that a pharmacy benefit manager will reimburse a pharmacy for the cost of a drug.
- (c) "Multiple source drug" means a therapeutically equivalent drug that is available from at least two manufacturers.
- (d) "Network pharmacy" means a retail drug outlet licensed as a pharmacy under RCW 18.64.043 that contracts with a pharmacy benefit manager.
- (e) "Therapeutically equivalent" has the same meaning as in RCW 69.41.110.
- (2) A pharmacy benefit manager:
- (a) May not place a drug on a list unless there are at least two therapeutically equivalent multiple source drugs, or at least one generic drug available from only one manufacturer, generally available for purchase by network pharmacies from national or regional wholesalers;
- (b) Shall ensure that all drugs on a list are generally available for purchase by pharmacies in this state from national or regional wholesalers;
- (c) Shall ensure that all drugs on a list are not obsolete;
- (d) Shall make available to each network pharmacy at the beginning of the term of a contract, and upon renewal of a contract, the sources utilized to determine the maximum allowable cost pricing of the pharmacy benefit manager;
- (e) Shall make a list available to a network pharmacy upon request in a format that is readily accessible to and usable by the network pharmacy;
- (f) Shall update each list maintained by the pharmacy benefit manager every seven business days and make the updated lists, including all changes in the price of drugs, available to network pharmacies in a readily accessible and usable format;
- (g) Shall ensure that dispensing fees are not included in the calculation of maximum allowable cost.
- (3) A pharmacy benefit manager must establish a process by which a network pharmacy may appeal its reimbursement for a drug subject to maximum allowable cost pricing. A network pharmacy may appeal a maximum allowable cost if the reimbursement for the drug is less than the net amount that the network pharmacy paid to the supplier of the drug. An appeal requested under this section must be completed within thirty calendar days of the pharmacy making the claim for which an appeal has been requested.
- (4) A pharmacy benefit manager must provide as part of the appeals process established under subsection (3) of this section:
- (a) A telephone number at which a network pharmacy may contact the pharmacy benefit manager and speak with an individual who is responsible for processing appeals;
- (b) A final response to an appeal of a maximum allowable cost within seven business days; and

(c) If the appeal is denied, the reason for the denial and the national drug code of a drug that may be purchased by similarly situated pharmacies at a price that is equal to or less than the maximum allowable cost.

(5)(a) If an appeal is upheld under this section, the pharmacy benefit manager shall make an adjustment on a date no later than one day after the date of determination. The pharmacy benefit manager shall make the adjustment effective for all similarly situated pharmacies in this state that are within the network.

(b) If the request for an adjustment has come from a critical access pharmacy, as defined by the state health care authority by rule for purposes related to the prescription drug purchasing consortium established under RCW 70.14.060, the adjustment approved under (a) of this subsection shall apply only to critical access pharmacies.

(6) This section does not apply to the state medical assistance program.

(7) This section applies only to a retail licensed pharmacy with ten or more retail outlets, within the state of Washington, under its corporate umbrella.

**NEW SECTION. Sec. 534.** A new section is added to chapter 48.02 RCW to read as follows:

(1) The commissioner shall accept registration of pharmacy benefit managers as established in RCW 19.340.030 and receipts shall be deposited in the insurance commissioner's regulatory account.

(2) The commissioner shall have enforcement authority over chapter 19.340 RCW consistent with requirements established in section 2 of this act.

(3) The commissioner may adopt rules to implement chapter 19.340 RCW and to establish registration and renewal fees that ensure the registration, renewal, and oversight activities are self-supporting.

**NEW SECTION. Sec. 535.** The insurance commissioner, in collaboration with the department of health, must review the potential to use the independent review organizations, established in RCW 48.43.535, as an alternative to the appeal process for pharmacy and pharmacy benefit manager disputes. By December 1, 2016, the agencies must submit recommendations for use of the independent review organizations including detailed suggestions for modifications to the process, and the possible transition of the process from the department of health, established in RCW 43.70.235, to the office of the insurance commissioner.

**NEW SECTION. Sec. 536.** (1) The office of the insurance commissioner shall conduct a study of the pharmacy chain of supply. The commissioner or his or her designee may convene one or more stakeholder work groups to address the components of the study, which must include but are not limited to the following:

(a) Review the entire drug supply chain including plan and pharmacy benefit manager reimbursements to network pharmacies, wholesaler or pharmacy service

administrative organization prices to network pharmacies, and drug manufacturer prices to network pharmacies;

(b) Discuss suggestions that recognize the unique nature of small and rural pharmacies and possible options that support a viable business model that do not increase the cost of pharmacy products;

(c) Review the availability of all drugs on the maximum allowable cost list or any similar list for pharmacies;

(d) Review the telephone contacts and standards for response times and availability;

(e) Review the pharmacy acquisition cost from national or regional wholesalers that serve pharmacies in Washington, and consider when or whether to make an adjustment and under what standards. The review may assess the timing of pharmacy purchases of products and the relative risk of list price changes related to the timing of dispensing the products.

(2) The study must be delivered to the legislature by November 1, 2016.

**NEW SECTION. Sec. 537.** Section 1 of this act takes effect January 1, 2017."

Correct the title.

Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

ESB 5873

February 29, 2016  
 Prime Sponsor, Senator Conway:  
 Permitting persons retired from the law enforcement officers' and firefighters' retirement system plan 1 to select a survivor benefit option. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Dent and Manweller.

Passed to Committee on Rules for second reading.

February 29, 2016

ESB 6100

Prime Sponsor, Senator Chase:  
 Establishing an economic gardening pilot program. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass as amended by Committee on General Government & Information Technology and without amendment by Committee on Technology & Economic Development.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 538.** (1) The legislature finds that:

(a) Washington's unemployment rate during the recent recession created economic and social hardships for the people of the state;

(b) Local start-up companies and small businesses are likely, as they grow, to remain in their communities of origin, thereby creating local jobs and an economic multiplier effect with their payrolls and taxes while providing local economic stimuli, which increases the local tax base;

(c) Statewide economic prosperity and job creation are advanced significantly by creating, promoting, and retaining local start-up companies and small businesses with high growth potential;

(d) Entrepreneurs and small business owners of second-stage companies, which are those companies that are beyond the start-up stage but have not yet fully matured, with innovative products or services that satisfy market needs, have particular potential for expansion and job creation;

(e) Such entrepreneurs and owners can benefit from specialized business assistance to refine core strategies and from access to in-depth market research, competitor analyses, geographic information systems, search engine optimization, and other strategic information, as well as from relationships with mentors and advisers;

(f) The aspects of economic gardening that incorporate these principles have proven successful in improving the entrepreneurial process and promoting economically sustainable local businesses; and

(g) It is important to the overall health and growth of the state's economy to promote favorable conditions for those expanding Washington businesses that demonstrate the ability to grow.

(2) In recognition of the foregoing findings and principles, it is the intent of the legislature to create a Washington economic gardening pilot project in the department of commerce.

**NEW SECTION. Sec. 539.** A new section is added to chapter 43.31 RCW to read as follows:

(1) There is hereby created within the department the economic gardening pilot project. The purpose of the pilot project is to stimulate Washington's economy and create good-paying, sustainable jobs by providing

economic gardening strategic assistance services to second-stage companies in accordance with this section.

(2) The department must oversee and direct all resources for the execution of the pilot project. The department must work with chambers of commerce, associate development organizations, and other economic development organizations to implement the pilot project. The pilot project includes developing the processes for qualifying and selecting second-stage companies, identifying training components for economic development organizations implementing the pilot project, engaging private contractors as necessary to obtain strategic assistance from nationally recognized industry experts, and providing economic gardening strategic assistance to companies participating in the pilot project.

(3)(a) On or before January 1, 2017, the department must initiate a program to provide or obtain all necessary credentials for high-impact strategic assistance for the economic development organizations participating in the pilot project.

(b) Economic development organizations participating in the pilot project must be certified in economic gardening by an entity with relevant expertise in providing strategic assistance to second-stage companies.

(i) Prior to December 1, 2016, the department must issue a request for expression of interest in offering an economic gardening strategic assistance program. The department must compile a list of interested parties identified through the request for expression of interest process.

(ii) By December 1, 2016, the department must provide the list to the legislature. The department must select from the list of interested parties the entity it deems best able to deliver the training and strategic assistance services to second-stage companies described in this section and achieve the deliverables identified in subsection (6) of this section.

(c) The department or economic development organizations participating in the pilot project may, as necessary, contract with national specialists in the industries of the second-stage companies selected for the pilot program.

(d) The department must use the existing infrastructure of economic development organizations in the state to promote the pilot project to second-stage companies and to those clients and referrals that show growth potential in jobs, sales, or export potential.

(4)(a) On or before January 1, 2017, the department and participating economic development organizations must publish criteria for a second-stage company to be selected to participate in the pilot project. The criteria must include job growth potential, sustainability, export potential, and a workforce comprised of at least fifty percent Washington residents. Application criteria must also include requirements for data collection, as specified by the department, to show the impacts of services provided through the pilot project. The department and participating economic development organizations must utilize existing strategic infrastructure and consult with local and regional economic development partners, such as chambers of commerce, associate development organizations, and other local or regional economic

development entities, to identify eligible second-stage companies.

(b) In order to participate in the pilot project, a company selected for participation must pay a one-time fee of seven hundred fifty dollars, which moneys must be deposited into the economic gardening pilot project fund, created in subsection (5) of this section, for reinvestment in the pilot project.

(c) On or before March 1, 2017, the department and participating economic development organizations must select a minimum of twenty companies to participate in the pilot project.

(d) The department must oversee staff members certified pursuant to subsection (3)(b) of this section and private contractors selected pursuant to subsection (3)(c) of this section to deploy strategic assistance to all pilot project participants. The department and participating economic development organizations must acquire any tools necessary to provide the strategic assistance, including database licenses, permits, and economic gardening certification.

(e) A participating company has twelve months from the date that the department and participating economic development organizations select the company to participate in the pilot project to use the strategic assistance and other economic gardening services offered pursuant to the pilot project.

(5) There is hereby created in the state treasury the economic gardening pilot project fund, to be administered by the department. The fund consists of all fees received under subsection (4)(b) of this section and any moneys appropriated by the legislature for the purposes of this section. The legislature must make annual appropriations of the moneys in the fund to the department for administering the pilot project. Any moneys in the fund not appropriated must remain in the fund and may not be transferred or revert to the general fund at the end of any fiscal year.

(6) On or before November 1, 2017, and on or before November 1st each year thereafter through November 1, 2019, and in compliance with RCW 43.01.036 the department must submit a report to the economic development and workforce development committees of the legislature. The report must include, at a minimum:

(a) The services offered through the pilot project's strategic assistance;

(b) The department's expenditures on strategic assistance provided to pilot project participants;

(c) The number and types of jobs created as a result of the pilot project;

(d) The increased sales as a result of the pilot project; and

(e) The value of goods or services sold outside the company's local area or state.

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

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

(b) "Economic gardening" means an approach to economic growth and development that emphasizes

nurturing and cultivating local small businesses by providing strategic assistance to second-stage companies.

(c) "Key industry" means an industry critical to the Washington economy, as identified by the department.

(d) "Pilot project" means the economic gardening pilot project created in this section.

(e) "Second-stage company" means a privately held business that:

(i) Employs full-time at least six persons but not more than ninety-nine persons;

(ii) Has maintained its principal place of business and a majority of its employees in Washington for at least the previous two years;

(iii) Claims at least five hundred thousand dollars but not more than fifty million dollars as annual gross revenue or working capital; and

(iv) Has a product or service that is, or has the potential to be, sold outside the company's local area or state.

(f) "Strategic assistance" or "economic gardening strategic assistance" means performing high-level database research and analysis or deploying staff members certified under subsection (4) of this section or possessing national expertise in the relevant industry to perform market research, develop core strategies, conduct business modeling, identify qualified sales leads, provide growth financing referrals, perform search engine optimization, utilize geographic information systems, advise on new media marketing, or assist with network analyses and innovation strategies.

(8) The pilot project created in this section terminates July 1, 2019.

(9) This section expires July 1, 2020.

**NEW SECTION. Sec. 540.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 29, 2016  
**SSB 6120** Prime Sponsor, Committee on Transportation: Providing a registration exemption for certain vessels. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

On page 3, line 22, after "hour" insert "and is not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States"

On page 5, line 22, after "hour" insert "and is not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States"

Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

February 26, 2016  
**ESSB 6149** Prime Sponsor, Committee on Commerce & Labor: Providing reasonable accommodations in the workplace for pregnant women. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass as amended by Committee on General Government & Information Technology and without amendment by Committee on Labor & Workplace Standards.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 541.** A new section is added to chapter 43.10 RCW to read as follows:

(1) An employer must provide reasonable accommodations to an employee for a pregnancy-related or childbirth-related health condition if so requested, with written certification from a licensed health care provider, unless the employer demonstrates that the accommodation would impose an undue hardship on the operation of the employer's business. The employer must provide written notice to the employer stating that a health condition related to pregnancy or childbirth requires accommodation.

(2) Notwithstanding subsection (1) of this section, an employee who is pregnant or has a health condition related to pregnancy or childbirth shall not be required to obtain the advice of a licensed health care provider, nor may an employer claim undue hardship, for the following accommodations: (a) More frequent, longer, or flexible restroom, food, and water breaks; (b) seating; and (c) limits on lifting over twenty pounds.

(3) The employee and employer shall engage in an interactive process with respect to an employee's request for a reasonable accommodation.

(4) Notwithstanding any other provision of this section, an employer shall not be required to create a new or additional position in order to accommodate an employee pursuant to this section, and shall not be required to discharge any employee, transfer any other employee with greater seniority, or promote any employee.

(5) An employer shall not require an employee who has a pregnancy-related or childbirth-related health condition to accept an accommodation, if such accommodation is unnecessary to enable the employee to perform the job.

(6) An employer shall not:

(a) Take adverse action against an employee who requests or uses an accommodation under this section that affects the terms, conditions, or privileges of employment;

(b) Deny employment opportunities to an otherwise qualified employee if such denial is based on the employer's need to make reasonable accommodation required by this section; or

(c) Require an employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy-related or childbirth-related health condition.

(7) This section does not preempt, limit, diminish, or otherwise affect any other provision of law relating to sex discrimination or pregnancy, or in any way diminish or limit the coverage for pregnancy, childbirth, or a pregnancy-related health condition.

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

(a) "Employee" means an individual employed by an employer.

(b) "Employer" has the same meaning as RCW 49.60.040(11).

(c) "Reasonable accommodation" includes, but is not limited to:

(i) Making existing facilities used by employees readily accessible to and usable by employees who have a pregnancy-related or childbirth-related condition;

(ii) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, or appropriate adjustment or modifications of examinations;

(iii) Temporary transfer to a less strenuous or hazardous position;

(iv) Limits on heavy lifting;

(v) Scheduling flexibility for prenatal and postnatal visits.

(d) "Undue hardship" means an action requiring significant difficulty or expense.

(9) The attorney general shall investigate complaints and enforce this section. The attorney general may issue civil investigative demands for the inspection of documents, interrogatory responses, and oral testimony in the enforcement of this section. The attorney general may seek all appropriate relief in the superior courts for violations of this section, including costs and a reasonable attorneys' fee. In addition to the complaint process with the attorney general, any aggrieved person injured by any act in violation of this section has a civil cause of action in court to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by state or federal law."

Correct the title.

Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; Morris and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member and Johnson.

Passed to Committee on Rules for second reading.

February 29, 2016

SB 6150

Prime Sponsor, Senator Honeyford: Increasing the available term of water pollution control revolving fund program loans to reflect the 2014 amendments to the federal clean water act allowing such an increase. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson; Riccelli and Walsh.

Passed to Committee on Rules for second reading.

February 29, 2016

SB 6156

Prime Sponsor, Senator Rivers: Reauthorizing the medicaid fraud false claims act. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jenkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta; Schmick and Taylor.

Passed to Committee on Rules for second reading.

February 29, 2016

SSB 6160

Prime Sponsor, Committee on Law & Justice: Regulating the manufacture, sale, distribution, and installation of motor vehicle air bags. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass as amended by Committee on General Government & Information Technology and without amendment by Committee on Public Safety.

Strike everything after the enacting clause and insert the following:

"Sec. 542. RCW 46.37.640 and 2003 c 33 s 1 are each amended to read as follows:

(1) "Air bag" means an inflatable restraint system or portion of an inflatable restraint system (~~installed in a motor vehicle~~) including, but not limited to, the cushion material, cover, sensors, controllers, inflators, and wiring that (a) operates in the event of a crash and (b) is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.

(2) "Previously deployed air bag" means an inflatable restraint system or portion of the system that has been activated or inflated as a result of a collision or other incident involving the vehicle.

(3) "Nondeployed salvage air bag" means an inflatable restraint system or portion of an inflatable restraint system that has not been previously activated or inflated as a result of a collision or other incident involving the vehicle.

(4) "Counterfeit air bag" means a replacement motor vehicle inflatable occupant restraint system, including all component parts including, but not limited to, the cushion material, cover, sensors, controllers, inflators, and wiring, displaying a mark identical or similar to the genuine mark of a motor vehicle manufacturer without authorization from the manufacturer.

(5) "Nonfunctional air bag" means a replacement motor vehicle inflatable occupant restraint system, including all component parts including, but not limited to, the cushion material, cover, sensors, controllers, inflators, and wiring, which: (a) Was previously deployed or damaged; (b) has an electric fault that is detected by the vehicle air bag diagnostic system after the installation procedure is completed; or (c) includes any part or object including, but not limited to, a counterfeit or repaired air bag cover, installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional air bag has been installed.

Sec. 543. RCW 46.37.650 and 2011 c 96 s 33 are each amended to read as follows:

(1)(a) ~~It is unlawful for a person ((is guilty of a gross misdemeanor if he or she knew or reasonably should have known that an air bag he or she installs or reinstalls in a vehicle for compensation, or distributes as an auto part)), with criminal negligence, to manufacture or import a motor vehicle air bag, that: (i) Is a counterfeit air bag, (ii) is a nonfunctional air bag, (iii) is a previously deployed or damaged air bag that is part of an inflatable restraint system, or (iv) otherwise does not meet all applicable federal safety standards for an air bag. This subsection does not apply to nondeployed salvage air bags that meet the requirements of RCW 46.37.660(1).~~

~~((2)) (b) A person ((found guilty under subsection (1) of this section shall be punished by a fine of not more than five thousand dollars or by confinement in the county jail for up to three hundred sixty four days, or both)) in~~

violation of this subsection is guilty of a class C felony if the criminal negligence caused bodily injury as defined in RCW 9A.04.110 or death to another person.

(c) A person in violation of this subsection is guilty of a class C felony, regardless if the criminal negligence caused harm to another.

(2)(a) It is unlawful for a person, in a reckless manner, to sell, offer for sale, install, or reinstall a device in a vehicle for compensation, or distribute as an auto part, or replace a motor vehicle air bag, that: (i) Is a counterfeit air bag, (ii) is a nonfunctional air bag, (iii) is a previously deployed or damaged air bag that is part of an inflatable restraint system, or (iv) otherwise does not meet all applicable federal safety standards for an air bag. This subsection does not apply to nondeployed salvage air bags that meet the requirements of RCW 46.37.660(1).

(b) A person in violation of this subsection is guilty of a class C felony if the reckless manner caused bodily injury as defined in RCW 9A.04.110 or death to another person.

(c) A person in violation of this subsection is guilty of a class C felony, regardless if the reckless manner caused harm to another.

Sec. 544. RCW 46.37.660 and 2003 c 33 s 3 are each amended to read as follows:

(1)(a) Whenever an air bag that is part of a previously deployed inflatable restraint system is replaced by either a new air bag that is part of an inflatable restraint system or a nondeployed salvage air bag that is part of an inflatable restraint system, the air bag must conform to the original equipment manufacturer requirements and the installer must verify that the self-diagnostic system for the inflatable restraint system indicates that the entire inflatable restraint system is operating properly.

(b) A person in violation of this subsection (1) is guilty of a class C felony if the violation caused bodily injury as defined in RCW 9A.04.110 or death to another person.

(c) A person in violation of this subsection (1) is guilty of a class C felony, regardless if the violation caused harm to another.

(2)(a) No person may sell, install, or reinstall in any motor vehicle any device that causes the vehicle's diagnostic system to inaccurately indicate that the vehicle is equipped with a functional air bag when a counterfeit air bag, a nonfunctional air bag, or no air bag is installed. This subsection does not apply to nondeployed salvage air bags that meet the requirements of subsection (1) of this section.

(b) A person in violation of this subsection (2) is guilty of a class C felony if the violation caused bodily injury as defined in RCW 9A.04.110 or death to another person.

(c) A person in violation of this subsection (2) is guilty of a class C felony, regardless if the violation caused harm to another.

Sec. 545. RCW 46.63.020 and 2014 c 124 s 9 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.457(1)(b)(i) relating to a false statement regarding the inspection of and installation of equipment on wheeled all-terrain vehicles;
- (2) RCW 46.09.470(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (3) RCW 46.09.480 relating to operation of nonhighway vehicles;
- (4) RCW 46.10.490(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (5) RCW 46.10.495 relating to the operation of snowmobiles;
- (6) Chapter 46.12 RCW relating to certificates of title, registration certificates, and markings indicating that a vehicle has been destroyed or declared a total loss;
- (7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;
- (8) RCW 46.16A.520 relating to permitting unauthorized persons to drive;
- (9) RCW 46.16A.320 relating to vehicle trip permits;
- (10) RCW 46.19.050(1) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;
- (11) RCW 46.19.050(8) relating to illegally obtaining a parking placard, special license plate, special year tab, or identification card;
- (12) RCW 46.19.050(9) relating to sale of a parking placard, special license plate, special year tab, or identification card;
- (13) RCW 46.20.005 relating to driving without a valid driver's license;
- (14) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;
- (15) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;
- (16) RCW 46.20.342 relating to driving with a suspended or revoked license or status;
- (17) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;
- (18) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;
- (19) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

- (20) RCW 46.20.750 relating to circumventing an ignition interlock device;
- (21) RCW 46.25.170 relating to commercial driver's licenses;
- (22) Chapter 46.29 RCW relating to financial responsibility;
- (23) RCW 46.30.040 relating to providing false evidence of financial responsibility;
- (24) RCW 46.35.030 relating to recording device information;
- (25) RCW 46.37.435 relating to wrongful installation of suncreening material;
- (26) RCW 46.37.650 relating to the manufacture, importation, sale, ((resale,)) distribution, or installation of a counterfeit air bag, nonfunctional air bag, or previously deployed or damaged air bag;
- (27) RCW 46.37.660 relating to the sale or installation of a device that causes a vehicle's diagnostic system to inaccurately indicate that the vehicle has a functional air bag when a counterfeit air bag, nonfunctional air bag, or no air bag is installed;
- ~~(28)~~ (29) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;
- ~~((28))~~ (29) RCW 46.37.685 relating to switching or flipping license plates, utilizing technology to flip or change the appearance of a license plate, selling a license plate flipping device or technology used to change the appearance of a license plate, or falsifying a vehicle registration;
- ~~((29))~~ (30) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- ~~((30))~~ (31) RCW 46.48.175 relating to the transportation of dangerous articles;
- ~~((31))~~ (32) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- ~~((32))~~ (33) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- ~~((33))~~ (34) RCW 46.52.090 relating to reports by repairers, storage persons, and appraisers;
- ~~((34))~~ (35) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;
- ~~((35))~~ (36) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- ~~((36))~~ (37) RCW 46.55.035 relating to prohibited practices by tow truck operators;
- ~~((37))~~ (38) RCW 46.55.300 relating to vehicle immobilization;
- ~~((38))~~ (39) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;
- ~~((39))~~ (40) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- ~~((40))~~ (41) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- ~~((41))~~ (42) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- ~~((42))~~ (43) RCW 46.61.212(4) relating to reckless endangerment of emergency zone workers;

~~((43))~~ (44) RCW 46.61.500 relating to reckless driving;  
~~((44))~~ (45) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;  
~~((45))~~ (46) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;  
~~((46))~~ (47) RCW 46.61.520 relating to vehicular homicide by motor vehicle;  
~~((47))~~ (48) RCW 46.61.522 relating to vehicular assault;  
~~((48))~~ (49) RCW 46.61.5249 relating to first degree negligent driving;  
~~((49))~~ (50) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;  
~~((50))~~ (51) RCW 46.61.530 relating to racing of vehicles on highways;  
~~((51))~~ (52) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;  
~~((52))~~ (53) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;  
~~((53))~~ (54) RCW 46.61.740 relating to theft of motor vehicle fuel;  
~~((54))~~ (55) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;  
~~((55))~~ (56) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;  
~~((56))~~ (57) Chapter 46.65 RCW relating to habitual traffic offenders;  
~~((57))~~ (58) RCW 46.68.010 relating to false statements made to obtain a refund;  
~~((58))~~ (59) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;  
~~((59))~~ (60) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;  
~~((60))~~ (61) RCW 46.72A.060 relating to limousine carrier insurance;  
~~((61))~~ (62) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;  
~~((62))~~ (63) RCW 46.72A.080 relating to false advertising by a limousine carrier;  
~~((63))~~ (64) Chapter 46.80 RCW relating to motor vehicle wreckers;  
~~((64))~~ (65) Chapter 46.82 RCW relating to driver's training schools;  
~~((65))~~ (66) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;  
~~((66))~~ (67) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 546. RCW 9.94A.515 and 2015 c 261 s 11 are each amended to read as follows:

TABLE 2  
 CRIMES INCLUDED WITHIN  
 EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)  
 XV Homicide by abuse (RCW 9A.32.055)  
 Malicious explosion 1 (RCW 70.74.280(1))  
 Murder 1 (RCW 9A.32.030)  
 XIV Murder 2 (RCW 9A.32.050)  
 Trafficking 1 (RCW 9A.40.100(1))  
 XIII Malicious explosion 2 (RCW 70.74.280(2))  
 Malicious placement of an explosive 1 (RCW 70.74.270(1))  
 XII Assault 1 (RCW 9A.36.011)  
 Assault of a Child 1 (RCW 9A.36.120)  
 Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))  
 Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)  
 Rape 1 (RCW 9A.44.040)  
 Rape of a Child 1 (RCW 9A.44.073)  
 Trafficking 2 (RCW 9A.40.100(3))  
 XI Manslaughter 1 (RCW 9A.32.060)  
 Rape 2 (RCW 9A.44.050)  
 Rape of a Child 2 (RCW 9A.44.076)  
 Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)  
 X Child Molestation 1 (RCW 9A.44.083)  
 Criminal Mistreatment 1 (RCW 9A.42.020)  
 Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))  
 Kidnapping 1 (RCW 9A.40.020)  
 Leading Organized Crime (RCW 9A.82.060(1)(a))  
 Malicious explosion 3 (RCW 70.74.280(3))  
 Sexually Violent Predator Escape (RCW 9A.76.115)  
 IX Abandonment of Dependent Person 1 (RCW 9A.42.060)  
 Assault of a Child 2 (RCW 9A.36.130)  
 Explosive devices prohibited (RCW 70.74.180)  
 Hit and Run—Death (RCW 46.52.020(4)(a))  
 Homicide by Watercraft, by being under the influence of

- intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- VIII Arson 1 (RCW 9A.48.020)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660(2)(b))
- Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660(1)(b))
- Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650(1)(b))
- Sale, install, reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(b))
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Air bag diagnostic systems (RCW 46.37.660(2)(c))
- Air bag replacement requirements (RCW 46.37.660(1)(c))
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)

- Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650(1)(c))
- Sale, install, reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650(2)(c))
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run—Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))

- Unlicensed practice as an insurance professional (RCW 48.17.063(2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful Misbranding of Food Fish or Shellfish 1 (RCW 69.04.938(3))
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))
- Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))
- Unlawful Use of a Nondesigned Vessel (RCW 77.15.530(4))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))

Computer Trespass 1 (RCW 9A.52.110)	Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))
Counterfeiting (RCW 9.16.035(3))	Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))	Voyeurism (RCW 9A.44.115)
Escape from Community Custody (RCW 72.09.310)	I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)	False Verification for Welfare (RCW 74.08.055)
Health Care False Claims (RCW 48.80.030)	Forgery (RCW 9A.60.020)
Identity Theft 2 (RCW 9.35.020(3))	Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
Improperly Obtaining Financial Information (RCW 9.35.010)	Malicious Mischief 2 (RCW 9A.48.080)
Malicious Mischief 1 (RCW 9A.48.070)	Mineral Trespass (RCW 78.44.330)
Organized Retail Theft 2 (RCW 9A.56.350(3))	Possession of Stolen Property 2 (RCW 9A.56.160)
Possession of Stolen Property 1 (RCW 9A.56.150)	Reckless Burning 1 (RCW 9A.48.040)
Possession of a Stolen Vehicle (RCW 9A.56.068)	Spotlighting Big Game 1 (RCW 77.15.450(3)(b))
Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))	Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))
Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)	Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
Theft 1 (RCW 9A.56.030)	Theft 2 (RCW 9A.56.040)
Theft of a Motor Vehicle (RCW 9A.56.065)	Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))	Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)
Theft with the Intent to Resell 2 (RCW 9A.56.340(3))	Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))
Trafficking in Insurance Claims (RCW 48.30A.015)	Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))	Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))	Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
Unlawful Practice of Law (RCW 2.48.180)	Unlawful Possession of Payment Instruments (RCW 9A.56.320)
Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))	

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)  
 Unlawful Production of Payment Instruments (RCW 9A.56.320)  
 Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))  
 Unlawful Trafficking in Food Stamps (RCW 9.91.142)  
 Unlawful Use of Food Stamps (RCW 9.91.144)  
 Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))  
 Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))  
 Vehicle Prowl 1 (RCW 9A.52.095)  
 Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

**NEW SECTION. Sec. 547.** The legislature finds that the practices covered by this act are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this act is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

**NEW SECTION. Sec. 548.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the supplemental omnibus operating appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 29, 2016  
ESB 6166 Prime Sponsor, Senator Takko: Allowing incremental electricity produced as a result of certain capital investment projects to qualify as an eligible renewable resource under the energy independence act. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair and Senn.

Passed to Committee on Rules for second reading.

February 29, 2016  
SB 6180 Prime Sponsor, Senator King: Creating a disadvantaged business enterprise advisory committee within the transportation commission. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 549.** The legislature recognizes the importance of supporting the development of and providing opportunities for disadvantaged business enterprises in state contracting with the Washington state department of transportation. With the recent passage of an historic sixteen-year investment in the state's transportation system creating new opportunities for minority contracting, it is critical that existing programs and processes at the department of transportation are strengthened and better positioned to ensure greater participation among disadvantaged business enterprises. Many of these business enterprises have historically experienced discrimination in the contracting process and are justly worried about whether these new projects will bring about an equal share of prosperity. The legislature finds that the department of transportation could improve its efforts to engage disadvantaged business enterprises in a manner that would increase trust in the contracting community. As such, it is the intent of the legislature to create a disadvantaged business enterprise advisory committee that will provide leadership in advancing opportunities for minority and disadvantaged contractors in state transportation projects, and provide recommendations for improvements to the legislature. The legislature also intends to consider advisory committee recommendations to increase the number of disadvantaged business enterprise firms, to increase minority workers in construction trades, and to create economic opportunities for minority communities. Furthermore, the legislature intends for the department of transportation to develop goals specific to disadvantaged business enterprises and to the connecting Washington account projects funded in the 2015 transportation revenue package with input from the advisory committee.

**NEW SECTION. Sec. 550.** A new section is added to chapter 47.01 RCW to read as follows:

(1) The disadvantaged business enterprise advisory committee is created within the commission with the intent to advise the commission on issues and concerns from the disadvantaged business enterprise community and to increase the level of accountability and transparency regarding disadvantaged business enterprise inclusion spending levels, goal setting, and overall participation on both state-only funded transportation projects and procurement services and transportation projects and procurement services that include federal funds. The advisory committee must create a mission and vision and must provide the following data, analysis, and recommendations to the transportation committees of the legislature:

(a) A review of the department's nonminority women's business waiver request to the federal highway administration and the United States department of transportation, including identification of key issues, an analysis of the impact of the waiver on nonminority women's businesses, and recommended solutions that would lead to waiver approval;

(b) An analysis of the impact, if any, chapter 3, Laws of 1999 (Initiative Measure No. 200) has had on disadvantaged business enterprise participation in transportation projects and procurement services and recommendations on improvements;

(c) An analysis of the implementation of the results of existing disparity studies conducted by the department and recommendations on how the department can build on the existing studies to achieve better results in disadvantaged business enterprise inclusion;

(d) An outreach to the existing minority contracting community to collect information and gather feedback from the community on the perceptions of the current disadvantaged business enterprise contracting process, procedures, and results;

(e) An analysis of current disadvantaged business enterprise support services and the certification process overseen by the office of minority and women's business enterprises and provide recommendations on how the office and the department can increase the pool of eligible businesses, improve support services, respond to contractor needs, and increase overall participation in transportation projects. Any resulting recommendations from this subsection must also be reported to the technology and economic development committee in the house of representatives and the trade and economic development committee in the senate;

(f) A review of the types and manners of oversight the department provides to prime contractors to ensure that established disadvantaged business enterprise goals on federally funded projects are met, including the means, methods, and results of such oversight, and recommend improvements to the oversight process; and

(g) Any other recommendations or issues identified that will provide improved access to transportation projects and procurement services by disadvantaged business enterprises and increase transparency and accountability of the department's efforts to the legislature.

(2) The advisory committee must provide a progress report to the joint transportation committee by December 2016 and provide recommendations for the

items listed in subsection (1) of this section to the joint transportation committee and the house of representatives and senate transportation committees by July 1, 2017. The advisory committee must continually monitor the department's efforts and provide an evaluative report on the department's efforts, identify any gaps or continuing issues, and provide further recommendations to the transportation committees of the legislature by December 1, 2018.

(3) The department, office of minority and women's business enterprises, department of labor and industries, department of enterprise services, and other relevant state agencies must be available to assist in supplying necessary data and information to fulfill the advisory committee's purposes. The department must provide the past three years of contract awards, total funding available to contractors and awarded contracts, support services programmatic funding, work plans, and end-of-year reports. This data and information must be provided to the advisory committee before the first meeting, and the department must continually work with the advisory committee to respond to ongoing data requests.

(4) To the extent possible, the advisory committee must coordinate with the governor's subcabinet on business diversity.

(5)(a) The advisory committee must consist of seventeen members, which must meet at least two times in the 2015-2017 fiscal biennium and regularly thereafter or as needed. The advisory committee members must be jointly appointed by the speaker of the house of representatives and the president of the senate who must appoint:

(i) Representatives from the commission on Hispanic affairs, commission on African-American affairs, commission on Asian Pacific American affairs, and office of Indian affairs, with at least two representatives from each commission or office being appointed, a representative from the civil rights coalition, and a representative from Tabor 100; and

(ii) One member from each of the two largest caucuses in the house of representatives and the senate.

(b) Additionally, the advisory committee must include two disadvantaged business enterprise representatives selected by the office of minority and women's business enterprises and one representative from the department of transportation's office of equal opportunity.

(c) The advisory committee must elect from its membership a chair and vice chair.

(6) Advisory committee members are eligible for travel and per diem reimbursement.

(7) The commission must, to the extent possible, hire a consultant experienced with supporting, managing, and improving disadvantaged business enterprise goals in a public sector setting to organize and facilitate the advisory committee's work.

(8) The advisory committee terminates December 31, 2018.

**Sec. 551.** RCW 47.01.071 and 2007 c 516 s 4 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate, the policies shall provide for the use of integrated, intermodal transportation systems. The policies must be aligned with the goals established in RCW 47.04.280. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature; and

(d) Integrate the statewide transportation plan with the needs of the elderly and persons with disabilities, and coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(3) In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(4) By December 2010, to prepare a comprehensive and balanced statewide transportation plan consistent with the state's growth management goals and based on the transportation policy goals provided under RCW 47.04.280 and applicable state and federal laws. The plan must reflect the priorities of government developed by the office of financial management and address regional needs, including multimodal transportation planning. The plan must, at a minimum: (a) Establish a vision for the development of the statewide transportation system; (b) identify significant statewide transportation policy issues; and (c) recommend statewide transportation policies and strategies to the legislature to fulfill the requirements of subsection (1) of this section. The plan must be the product of an ongoing process that involves representatives of significant transportation interests and the general public from across the state. Every four years, the plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(5) By December 2007, the office of financial management shall submit a baseline report on the progress toward attaining the policy goals under RCW 47.04.280 in the 2005-2007 fiscal biennium. By October 1, 2008, beginning with the development of the 2009-2011 biennial transportation budget, and by October 1st biennially thereafter, the office of financial management shall submit to the legislature and the governor a report on the progress toward the attainment by state transportation agencies of the state transportation policy goals and objectives prescribed by statute, appropriation, and governor directive. The report must, at a minimum, include the degree to which state transportation programs have progressed toward the attainment of the policy goals established under RCW 47.04.280, as measured by the objectives and performance measures established by the office of financial management under RCW 47.04.280;

(6) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

(7) To adopt such rules as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

(8) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;

(9) To conduct transportation-related studies and policy analysis to the extent directed by the legislature or governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose; (~~and~~)

(10) To administer the disadvantaged business enterprise advisory committee created in section 2 of this act; and

(11) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law."

Correct the title.

Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Stambaugh and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Assistant Ranking Minority Member; Shea and Young.

Passed to Committee on Rules for second reading.

February 29, 2016

SB 6200

Prime Sponsor, Senator Hewitt: Providing funding for steelhead conservation through the issuance of Washington's fish license

plate collection. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

February 29, 2016

SSB 6210 Prime Sponsor, Committee on Health Care: Creating the Washington achieving a better life experience program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 552.** A new section is added to chapter 43.330 RCW to read as follows:

The definitions in this section apply throughout sections 2 through 6 of this act unless the context clearly indicates otherwise.

(1) "Eligible individual" means an individual eligible for the Washington achieving a better life experience program pursuant to section 529A of the federal internal revenue code of 1986, as amended.

(2) "Governing board" means the Washington achieving a better life experience program governing board in section 4 of this act.

(3) "Individual Washington achieving a better life experience program account" means an account established by or for an eligible individual and owned by the eligible individual pursuant to the Washington achieving a better life experience program. Any moneys placed in these accounts or achieving a better life experience program accounts established in other states shall not be counted as assets for purposes of state or local means tested program eligibility or levels of state means tested program eligibility.

(4) "Washington achieving a better life experience program" means a savings or investment program that establishes individual Washington achieving a better life experience program accounts pursuant to section 529A of the federal internal revenue code of 1986, as amended.

**NEW SECTION. Sec. 553.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington achieving a better life experience program account is created in the custody of the state treasurer. Expenditures from the account may be used only for the purposes of the Washington achieving a better

life experience program established under this chapter, except for expenses of the state investment board and the state treasurer as specified in this section. The account must be a discrete nontreasury account retaining its interest earnings in accordance with RCW 43.79A.040.

(2) The account must be self-sustaining and consist of payments received from contributors to individual Washington achieving a better life experience program accounts. All payments contributed to the Washington achieving a better life experience program are held in trust and must be deposited in the account. With the exception of investment and operating costs associated with the investment of money paid under RCW 43.08.190, 43.33A.160, and 43.84.160, the account must be credited with all investment income earned by the account. Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. An appropriation is not required for expenditures.

(3) The assets of the account may be spent without appropriation for the purpose of making payments to individual Washington achieving a better life experience program account holders. Only the Washington achieving a better life experience governing board or the board's designee may authorize expenditures from the account.

(4) With regard to the assets of the account, the state acts in a fiduciary, not ownership, capacity. Therefore, the assets of the account are not considered state money, common cash, or revenue to the state.

**NEW SECTION. Sec. 554.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The governing board may elect to have the state investment board invest the money in the Washington achieving a better life experience program account. If the governing board so elects, the state investment board created in RCW 43.33A.020 has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the Washington achieving a better life experience program account. All investment and operating costs associated with the investment of money by the state investment board must be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, the earnings from the investment of the money must be retained by the account.

(2)(a) After consultation with the governing board, the state investment board may elect to invest any self-directed accounts associated with the Washington achieving a better life experience program. The state investment board has full authority to invest all self-directed investment moneys in accordance with this section and RCW 43.84.150. In carrying out this authority the state investment board, after consultation with the governing board regarding any recommendations, shall provide a set of options for eligible individuals to choose from for self-directed investment. Any self-directed investment options provided must comply with section 529A of the federal internal revenue code of 1986, as amended.

(b) All investment and operating costs of the state investment board associated with making self-directed investments must be paid by eligible individuals and

recovered under procedures agreed to by the governing board and the state investment board pursuant to the principles set forth in RCW 43.33A.160. All other expenses caused by self-directed investments must be paid by the eligible individual in accordance with rules established by the governing board. With the exception of these expenses, all earnings from self-directed investments shall accrue to the eligible individual's Washington achieving a better life experience program account.

(c)(i) The governing board shall keep or cause to be kept full and adequate accounts and records of each eligible individual Washington achieving a better life experience program account.

(ii) The governing board shall account for and report on the investment of self-directed assets or may enter into an agreement with the state investment board for such accounting and reporting under this chapter.

(iii) The governing board's duties related to eligible individual Washington achieving a better life experience program accounts include conducting the activities of trade instruction, settlement activities, and direction of cash movement and related wire transfers with the custodian bank and outside investment firms.

(iv) The governing board has sole responsibility for contracting with any recordkeepers for individual Washington achieving a better life experience program accounts and shall manage the performance of recordkeepers under those contracts.

(v) If selected by the governing board to invest the money in the Washington achieving a better life experience program account, the state investment board will have sole responsibility for contracting with outside investment firms to provide investment management for the individual Washington achieving a better life experience program accounts and shall manage the performance of investment managers under those contracts.

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

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

(3) All investments made by the state investment board must be made with the exercise of that degree of judgment and care pursuant to RCW 43.33A.140 and the investment policy established by the state investment board.

(4) As deemed appropriate by the state investment board, money in the account may be commingled for investment with other funds subject to investment by the state investment board.

(5) The authority to establish all policies relating to the account, other than the investment policies, resides with the governing board acting to implement, design, and manage the Washington achieving a better life experience savings program that allows eligible individuals to create and maintain savings accounts. The moneys in the account may be spent only for the purposes of the Washington achieving a better life experience program.

(6) The state investment board shall routinely consult and communicate with the governing board on the

investment policy, earnings of the account, and related needs of the program.

**NEW SECTION. Sec. 555.** A new section is added to chapter 43.330 RCW to read as follows:

The Washington achieving a better life experience program is established and the governing board is authorized to design and administer the Washington achieving a better life experience program in the best interests of eligible individuals. To the extent funds are appropriated for this purpose, the director of the department shall provide staff and administrative support to the governing board. The department shall consult with the governing board regarding the staffing and administrative support needs before selecting any staff pursuant to this section. To the extent practicable, the Washington achieving a better life experience program must be collocated with the developmental disabilities endowment governing board established under this chapter.

(1) The governing board shall consist of seven members as follows:

(a) The state treasurer or his or her designee;

(b) The program director for the committee on advanced tuition payment established in RCW 28B.95.020;

(c) The director of the office of financial management or his or her designee; and

(d) Four members with demonstrated financial, legal, or disability program experience, appointed by the governor.

(2) The board shall select the chair of the board from among the seven board members identified in subsection (1) of this section.

(3) Members of the board who are appointed by the governor shall serve four-year terms and may be appointed for successive four-year terms at the discretion of the governor. The governor may stagger the terms of the appointed members.

(4) Members of the board must be compensated for their service under RCW 43.03.240 and must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The board shall meet periodically as specified by the chair, or a majority of the board, and may allow members to participate in meetings remotely.

(6) The board may appoint advisory committees to support the design or administration of the Washington achieving a better life experience program. Individuals serving on advisory committees must serve staggered terms and may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, but may not be compensated for their service.

(7) The board may execute interagency agreements that authorize other state agencies such as the committee on advanced tuition payment established in RCW 28B.95.020 to perform administrative functions necessary to carry out the Washington achieving a better life experience program.

(8) Members of the governing board and the state investment board shall not be considered an insurer of the funds or assets of the Washington achieving a better life experience program account or the individual program

accounts. Neither of these two boards are liable for the action or inaction of the other.

(9) Members of the governing board and the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The department and the state investment board may purchase liability insurance for members.

(10) If the governing board establishes a web site or develops any promotional materials for the Washington achieving a better life experience program, it must include on that web site or promotional materials the notice permitted by federal law which allows Washington residents to enroll in the Washington achieving a better life experience program or any achieving a better life experience program offered by another state.

**NEW SECTION. Sec. 556.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The Washington achieving a better life experience program governing board is authorized to design, administer, manage, promote, and market the Washington achieving a better life experience program. The governing board is further authorized to contract with other organizations to administer, manage, promote, or market the Washington achieving a better life experience program. This program must allow for the creation of savings or investment accounts for eligible individuals with disabilities and the funds must be invested.

(2) The governing board may consult with the office of the state treasurer, the department of social and health services, and the state investment board in implementing the Washington achieving a better life experience program. The governing board is authorized to formulate and adopt any policies and rules necessary to implement and operate the Washington achieving a better life experience program consistent with this act. The governing board is further authorized to establish a reasonable fee structure for Washington achieving a better life experience program account holders.

(3) The governing board shall take any action required to keep the program in compliance with requirements of this chapter and as required to qualify as a "qualified ABLE program" as defined in section 529A of the federal internal revenue code of 1986, as amended, or any rules and regulations adopted by the secretary of the United States treasury pursuant to that act.

**NEW SECTION. Sec. 557.** A new section is added to chapter 43.330 RCW to read as follows:

(1) The governing board shall implement the Washington achieving a better life experience program by July 1, 2017. The governing board must submit a semiannual report to the appropriate committees of the legislature describing the progress toward program implementation. These reports must also include any recommendations regarding legislative changes that are necessary to implement the program and an estimate regarding the timeline for implementing the program.

(2) This section expires July 1, 2018.

**Sec. 558.** RCW 43.79A.040 and 2013 c 251 s 5 and 2013 c 88 s 1 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

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

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the Washington advanced college tuition payment program account, the accessible communities account, the Washington achieving a better life experience program account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility

account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

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

**Sec. 559.** RCW 43.33A.190 and 2000 c 247 s 701 are each amended to read as follows:

Pursuant to RCW 41.34.130 and section 3 of this act, the state investment board shall invest all self-directed investment moneys under teachers' retirement system plan 3, the school employees' retirement system plan 3, (~~and~~) the public employees' retirement system plan 3, and the Washington achieving a better life experience program with full power to establish investment policy, develop investment options, and manage self-directed investment funds.

**NEW SECTION. Sec. 560.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick;

Senn; Springer; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Stokesbary.

Passed to Committee on Rules for second reading.

February 29, 2016

SSB 6211 Prime Sponsor, Committee on Ways & Means: Concerning the exemption of property taxes for nonprofit homeownership development. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 561.** (1) This section is the tax preference performance statement for the tax preference contained in this act. This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(3) It is the legislature's specific public policy objective to encourage and expand the ability of nonprofit low-income housing developers to provide homeownership opportunities for low-income households. It is the legislature's intent to exempt from taxation real property owned by a nonprofit entity for the purpose of building residences to be sold to low-income households in order to enhance the ability of nonprofit low-income housing developers to purchase and hold land for future affordable housing development.

(4)(a) To measure the effectiveness of the tax preference provided in section 2 of this act in achieving the specific public policy objectives described in subsection (3) of this section, the joint legislative audit and review committee must evaluate, two years prior to the expiration of the tax preference: (i) The annual growth in the percentage of revenues dedicated to the development of affordable housing, for each nonprofit claiming the preference, for the period that the preference has been claimed; and (ii) the annual changes in both the total number of parcels qualifying for the exemption and the total number of parcels for which owner occupancy notifications have been submitted to the department of revenue, from the effective date of this section through the most recent year of available data prior to the committee's review.

(b) If the review by the joint legislative audit and review committee finds that for most of the nonprofits

claiming the exemption, program spending, program expenses, or another ratio representing the percentage of the nonprofit entity's revenues dedicated to the development of affordable housing has increased for the period during which the exemption was claimed, then the legislature intends to extend the expiration date of the tax preference.

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

(a) Initial applications and annual renewal declarations for the preference as approved by the department of revenue under RCW 84.36.815;

(b) Owner occupancy notices reported to the department of revenue under section 2 of this act;

(c) Annual financial statements for a nonprofit entity claiming this tax preference, as defined in section 2 of this act, and provided by nonprofit entities claiming this preference; and

(d) Any other data necessary for the evaluation under subsection (4) of this section.

**NEW SECTION. Sec. 562.** A new section is added to chapter 84.36 RCW to read as follows:

(1) All real property owned by a nonprofit entity for the purpose of developing or redeveloping on the real property one or more residences to be sold to low-income households is exempt from state and local property taxes.

(2) The exemption provided in this section expires on or at the earlier of:

(a) The date on which the nonprofit entity transfers title to the real property;

(b) The end of the seventh consecutive property tax year for which the property is granted an exemption under this section or, if the nonprofit entity has claimed an extension under subsection (3) of this section, the end of the tenth consecutive property tax year for which the property is granted an exemption under this section; or

(c) The property is no longer held for the purpose for which the exemption was granted.

(3) If the nonprofit entity believes that title to the real property will not be transferred by the end of the sixth consecutive property tax year, the nonprofit entity may claim a three-year extension of the exemption period by:

(a) Filing a notice of extension with the department on or before March 31st of the sixth consecutive property tax year; and

(b) Providing a filing fee equal to the greater of two hundred dollars or one-tenth of one percent of the real market value of the property as of the most recent assessment date with the notice of extension. The filing fee must be deposited into the state general fund.

(4)(a) If the nonprofit entity has not transferred title to the real property to a low-income household within the applicable period described in subsection (2) of this section, or if the nonprofit entity has converted the property to a purpose other than the purpose for which the exemption was granted, the property is disqualified from the exemption.

(b) Upon disqualification, the county treasurer must collect an additional tax equal to all taxes that would have

been paid on the property but for the existence of the exemption, plus interest at the same rate and computed in the same way as that upon delinquent property taxes.

(c) The additional tax must be distributed by the county treasurer in the same manner in which current property taxes applicable to the subject property are distributed. The additional taxes and interest are due in full thirty days following the date on which the treasurer's statement of additional tax due is issued.

(d) The additional tax and interest is a lien on the property. The lien for additional tax and interest has priority to and must be fully paid and satisfied before any recognition, mortgage, judgment, debt, obligation, or responsibility to or with which the property may become charged or liable. If a nonprofit entity sells or transfers real property subject to a lien for additional taxes under this subsection, such unpaid additional taxes must be paid by the nonprofit entity at the time of sale or transfer. The county auditor may not accept an instrument of conveyance unless the additional tax has been paid. The nonprofit entity or the new owner may appeal the assessed values upon which the additional tax is based to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(5) Nonprofit entities receiving an exemption under this section must immediately notify the department when the exempt real property becomes occupied. The notice of occupancy made to the department must include a certification by the nonprofit entity that the occupants are a low-income household and a date when the title to the real property was or is anticipated to be transferred. The department of revenue must make the notices of occupancy available to the joint legislative audit and review committee, upon request by the committee, in order for the committee to complete its review of the tax preference in this section.

(6) Upon cessation of the exemption, the value of new construction and improvements to the property, not previously considered as new construction, must be considered as new construction for purposes of calculating levies under chapter 84.55 RCW.

(7) Nonprofit entities receiving an exemption under this section must provide annual financial statements to the joint legislative audit and review committee, upon request by the committee, for the years that the exemption has been claimed. The nonprofit entity must identify the line or lines on the financial statements that comprise the percentage of revenues dedicated to the development of affordable housing.

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

(a) "Financial statements" means an audited annual financial statement and a completed United States treasury internal revenue service return form 990 for organizations exempt from income tax.

(b) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for family size as most recently determined by the federal department of housing and urban

development for the county in which the property is located.

(c) "Nonprofit entity" means a nonprofit as defined in RCW 84.36.800 that is exempt from federal income taxation under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended.

(d) "Residence" means a single-family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands.

**Sec. 563.** RCW 84.36.805 and 2014 c 99 s 13 are each amended to read as follows:

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

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

Notwithstanding anything to the contrary in this section:

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

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

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

(b) The use of the property for fund-raising events does not subject the property to tax if the fund-raising events are consistent with the purposes for which the exemption is granted or are conducted by a nonprofit organization. If the property is loaned or rented to conduct a fund-raising event, the requirements of (a) of this subsection (2) apply;

(c) An inadvertent use of the property in a manner inconsistent with the purpose for which exemption is granted does not subject the property to tax, if the inadvertent use is not part of a pattern of use. A pattern of use is presumed when an inadvertent use is repeated in the same assessment year or in two or more successive assessment years.

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

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

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

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

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

(c) A housing authority created under RCW 35.82.030;

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

(e) A housing authority established under RCW 35.82.300.

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

(7) This section does not apply to exemptions granted under RCW 84.36.020, 84.36.032, 84.36.250, section 2 of this act, and 84.36.480(2).

(8)(a) The use of property exempt under this chapter, other than as specifically authorized by this chapter, nullifies the exemption otherwise available for the property for the assessment year. However, the exemption is not nullified by the use of the property by any individual, group, or entity, where such use is not otherwise authorized by this chapter, for not more than fifty days in each calendar year, and the property is not used for pecuniary gain or to promote business activities for more than fifteen of the fifty days in each calendar year. The fifty and fifteen-day limitations provided in this subsection (8)(a) do not include days during which setup and takedown activities take place immediately preceding or following a meeting or other event by an individual, group, or entity using the property as provided in this subsection (8)(a).

(b) If uses of the exempt property exceed the fifty and fifteen-day limitations provided in (a) of this subsection (8) during an assessment year, the exemption is removed for the affected portion of the property for that assessment year.

**Sec. 564.** RCW 84.36.815 and 2007 c 111 s 301 are each amended to read as follows:

(1) In order to qualify for exempt status for any real or personal property under this chapter except personal property under RCW 84.36.600, all foreign national governments; cemeteries; nongovernmental nonprofit corporations, organizations, and associations; hospitals owned and operated by a public hospital district for purposes of exemption under RCW 84.36.040(2); and soil and water conservation districts (~~shall~~) must file an initial application on or before March 31st with the state department of revenue. However, the initial application deadline for the exemption provided in section 2 of this act is July 1st for 2016 and March 31st for 2017 and thereafter. All applications (~~shall~~) must be filed on forms prescribed by the department and (~~shall~~) must be signed by an authorized agent of the applicant.

(2) In order to requalify for exempt status, all applicants except nonprofit cemeteries (~~shall~~) and nonprofits receiving the exemption under section 2 of this act must file an annual renewal declaration on or before March 31st each year. The renewal declaration (~~shall~~) must be on forms prescribed by the department of revenue and (~~shall~~) must contain a statement certifying the exempt status of the real or personal property owned by the exempt organization. This renewal declaration may be submitted electronically in a format provided or approved by the department. Information may also be required with the

renewal declaration to assist the department in determining whether the property tax exemption should continue.

(3) When an organization acquires real property qualified for exemption or converts real property to exempt status, the organization ~~((shall))~~ must file an initial application for the property within sixty days following the acquisition or conversion in accordance with all applicable provisions of subsection (1) of this section. If the application is filed after the expiration of the sixty-day period, a late filing penalty ~~((shall be))~~ is imposed under RCW 84.36.825.

(4) When organizations acquire real property qualified for exemption or convert real property to an exempt use, the property, upon approval of the application for exemption, is entitled to a property tax exemption for property taxes due and payable the following year. If the owner has paid taxes for the year following the year the property qualified for exemption, the owner is entitled to a refund of the amount paid on the property so acquired or converted.

(5) The department must share approved initial applications and annual renewal declarations for the tax preference provided in section 2 of this act with the joint legislative audit and review committee, upon request by the committee, in order for the committee to complete its review of the tax preference provided in section 2 of this act.

**Sec. 565.** RCW 84.36.820 and 2007 c 111 s 302 are each amended to read as follows:

On or before January 1st of each year, the department of revenue ~~((shall))~~ must notify the owners of record of property exempted from property taxation at their last known address about the obligation to file an annual renewal declaration for continued exemption. When a continued exemption is not approved, the department ~~((shall))~~ must notify the assessor of the county in which the property is located who, in turn, ~~((shall))~~ must remove the tax exemption from the property. The failure to file an annual renewal declaration for continued exemption and subsequent removal of the exemption ~~((shall))~~ is not ~~((be))~~ subject to review as provided in RCW 84.36.850. The department of revenue ~~((shall))~~ must review applications received after the ~~((March 31st))~~ due date required under RCW 84.36.815, but these applications ~~((shall be))~~ are subject to late filing penalties provided in RCW 84.36.825.

**Sec. 566.** RCW 84.36.840 and 2007 c 111 s 305 are each amended to read as follows:

(1) In order to determine whether organizations, associations, corporations, or institutions, except those exempted under RCW 84.36.020, section 2 of this act, and 84.36.030, are exempt from property taxes, and before the exemption ~~((shall be))~~ is allowed for any year, the superintendent or manager or other proper officer of the organization, association, corporation, or institution claiming exemption from taxation ~~((shall))~~ must file with the department of revenue a statement certifying that the income and the receipts thereof, including donations to it, have been applied to the actual expenses of operating and

maintaining it, or for its capital expenditures, and to no other purpose. This report ~~((shall))~~ must also include a statement of the receipts and disbursements of the exempt organization, association, corporation, or institution.

(2) Educational institutions claiming exemption under RCW 84.36.050 ~~((shall))~~ must also file a list of all property claimed to be exempt, the purpose for which it is used, the revenue derived from it for the preceding year, the use to which the revenue was applied, the number of students who attended the school or college, the total revenues of the institution with the source from which they were derived, and the purposes to which the revenues were applied, listing the items of such revenues and expenditures in detail.

(3) The reports required under subsections (1) and (2) of this section may be submitted electronically, in a format provided or approved by the department, or mailed to the department. The reports ~~((shall))~~ must be submitted on or before March 31st of each year. The department ~~((shall))~~ must remove the tax exemption from the property of any organization, association, corporation, or institution that does not file the required report with the department on or before the due date. However, the department ~~((shall))~~ must allow a reasonable extension of time for filing upon receipt of a written request on or before the required filing date and for good cause shown therein.

**Sec. 567.** RCW 84.36.845 and 1973 2nd ex.s. c 40 s 15 are each amended to read as follows:

If subsequent to the time that the exemption of any property is initially approved or renewed, it ~~((shall be))~~ is determined that such exemption was approved or renewed as the result of inaccurate information provided by the authorized agent of the applicant, the exemption ~~((shall))~~ must be revoked and taxes ~~((shall))~~ must be levied against such property pursuant to the provisions of RCW 84.36.810 or section 2(4) of this act for exemptions granted under section 2 of this act.

**Sec. 568.** RCW 84.36.855 and 1973 2nd ex.s. c 40 s 17 are each amended to read as follows:

Except as otherwise provided by law, property ~~((which))~~ that changes from exempt to taxable status ~~((shall be))~~ is subject to the provisions of RCW 84.36.810 and 84.40.350 through 84.40.390, and the assessor ~~((shall))~~ must also place the property on the assessment roll for taxes due and payable in the following year.

**NEW SECTION. Sec. 569.** This act applies to taxes levied in 2016 for collection in 2017 and thereafter." Correct the title.

Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Frame; Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary; Wilcox and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta and Vick.

Passed to Committee on Appropriations.

February 29, 2016  
**SSB 6219** Prime Sponsor, Committee on Ways & Means: Concerning vehicular homicide sentencing. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 29, 2016  
**SSB 6227** Prime Sponsor, Committee on Natural Resources & Parks: Implementing the recommendations of the 2015 review of the Washington wildlife and recreation program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 570.** In section 3163, chapter 3, Laws of 2015 3rd sp. sess., the legislature directed the recreation and conservation office to review and make recommendations for changes to the Washington wildlife and recreation program. The recreation and conservation office conducted the review and this act details the proposed recommendations for statutory revisions to chapter 79A.15 RCW that will promote habitat conservation, outdoor recreation, working lands preservation, property rights, coordination between the state and local governments, and ensure continued success of the program for future generations.

**Sec. 571.** RCW 79A.15.010 and 2015 c 225 s 126 are each amended to read as follows:

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

(1) "Acquisition" means the purchase on a willing seller basis of fee or less than fee interests in real property. These interests include, but are not limited to, options, rights of first refusal, conservation easements, leases, and mineral rights.

(2) "Board" means the recreation and conservation funding board.

(3) "Critical habitat" means lands important for the protection, management, or public enjoyment of certain wildlife species or groups of species, including, but not

limited to, wintering range for deer, elk, and other species, waterfowl and upland bird habitat, fish habitat, and habitat for endangered, threatened, or sensitive species.

(4) "Farmlands" means any land defined as: (a) "Farm and agricultural land" in RCW 84.34.020(2); and (b) "farm and agricultural conservation land" in RCW 84.34.020(8).

(5) "Local agencies" means a city, county, town, federally recognized Indian tribe, special purpose district, port district, or other political subdivision of the state providing services to less than the entire state.

(6) "Natural areas" means areas that have, to a significant degree, retained their natural character and are important in preserving rare or vanishing flora, fauna, geological, natural historical, or similar features of scientific or educational value.

(7) "Nonprofit nature (~~(conservancy corporation or association)~~) conservancies means ~~((an))~~ organizations as defined in RCW 84.34.250.

(8) "Riparian habitat" means land adjacent to water bodies, as well as submerged land such as streambeds, which can provide functional habitat for salmonids and other fish and wildlife species. Riparian habitat includes, but is not limited to, shorelines and near-shore marine habitat, estuaries, lakes, wetlands, streams, and rivers.

(9) "Special needs populations" means physically restricted people or people of limited means.

(10) "State agencies" means the state parks and recreation commission, the department of natural resources, the department of enterprise services, and the department of fish and wildlife.

(11) "Trails" means public ways constructed for and open to pedestrians, equestrians, or bicyclists, or any combination thereof, other than a sidewalk constructed as a part of a city street or county road for exclusive use of pedestrians.

(12) "Urban wildlife habitat" means lands that provide habitat important to wildlife in proximity to a metropolitan area.

(13) "Water access" means boat or foot access to marine waters, lakes, rivers, or streams.

(14) "Confer" means a dialogue between project sponsors and local county and city officials with the purpose of early review of potential projects. The dialogue may include any matter relevant to a particular project, which may include but need not be limited to: Project purpose and scope; project elements; estimated project cost; costs and benefits to the community; plans for project management and maintenance; and public access.

(15) "Forest lands" means any land defined as "timberland" in RCW 84.34.020(3).

(16) "Multiple benefits" means recreational uses that are compatible with habitat conservation or resources uses or management practices that are compatible with and provide the ability to achieve additional conservation benefits.

**Sec. 572.** RCW 79A.15.030 and 2015 c 183 s 1 are each amended to read as follows:

(1) Moneys appropriated prior to July 1, 2016, for this chapter shall be divided as follows:

(a) Appropriations for a biennium of forty million dollars or less must be allocated equally between the habitat conservation account and the outdoor recreation account.

(b) If appropriations for a biennium total more than forty million dollars, the money must be allocated as follows: (i) Twenty million dollars to the habitat conservation account and twenty million dollars to the outdoor recreation account; (ii) any amount over forty million dollars up to fifty million dollars shall be allocated as follows: (A) Ten percent to the habitat conservation account; (B) ten percent to the outdoor recreation account; (C) forty percent to the riparian protection account; and (D) forty percent to the farmlands preservation account; and (iii) any amounts over fifty million dollars must be allocated as follows: (A) Thirty percent to the habitat conservation account; (B) thirty percent to the outdoor recreation account; (C) thirty percent to the riparian protection account; and (D) ten percent to the farmlands preservation account.

(2) ~~(Except as otherwise provided in chapter 303, Laws of 2005,)~~ Beginning July 1, 2016, moneys appropriated for this chapter must be allocated as follows: (a) Forty-five percent to the habitat conservation account; (b) forty-five percent to the outdoor recreation account; and (c) ten percent to the farm and forest account.

(3) Moneys deposited in these accounts shall be invested as authorized for other state funds, and any earnings on them shall be credited to the respective account.

~~((3))~~ (4) All moneys deposited in the habitat conservation, outdoor recreation, ~~((riparian protection, and farmlands preservation))~~ and farm and forest accounts shall be allocated as provided under RCW 79A.15.040, 79A.15.050, ~~((79A.15.120,))~~ and 79A.15.130 as grants to state or local agencies or nonprofit nature ~~((conservancy organizations or associations))~~ conservancies for acquisition, development, and renovation within the jurisdiction of those agencies, subject to legislative appropriation. The board may use or permit the use of any funds appropriated for this chapter as matching funds where federal, local, or other funds are made available for projects within the purposes of this chapter. Moneys appropriated to these accounts that are not obligated to a specific project may be used to fund projects from lists of alternate projects from the same account in biennia succeeding the biennium in which the moneys were originally appropriated.

~~((4))~~ (5) Projects receiving grants ((under this chapter that are developed or otherwise accessible for public recreational uses shall be available to the public)) for development, recreational access, or fee simple acquisition of land under this chapter must be accessible for public recreation and outdoor education unless the board specifically approves limiting public access in order to protect sensitive species, water quality, or public safety.

~~((5))~~ (6) The board may make grants to an eligible project from the habitat conservation, outdoor recreation, ~~((riparian protection, and farmlands preservation))~~ and farm and forest accounts and any one or more of the applicable categories under such accounts described in RCW 79A.15.040, 79A.15.050, ~~((79A.15.120,))~~ and 79A.15.130.

~~((6))~~ (7) The board may accept private donations to the habitat conservation account, the outdoor recreation account, ~~((the riparian protection account,))~~ and the ~~((farmlands preservation))~~ farm and forest account for the purposes specified in this chapter.

~~((7))~~ (8) The board may retain a portion of the funds appropriated for this chapter for its office for the administration of the programs and purposes specified in this chapter. The portion of the funds retained for administration may not exceed: (a) The actual administration costs averaged over the previous five biennia as a percentage of the legislature's new appropriation for this chapter; or (b) the amount specified in the appropriation, if any. Each biennium the percentage specified under (a) of this subsection must be approved by the office of financial management and submitted along with the prioritized lists of projects to be funded in RCW 79A.15.060~~((6))~~, 79A.15.070~~((7))~~, ~~((79A.15.120(10,))~~ and 79A.15.130~~((11))~~.

~~((8))~~ (9) Habitat and recreation land and facilities acquired or developed with moneys appropriated for this chapter may not, without prior approval of the board, be converted to a use other than that for which funds were originally approved. The board shall adopt rules and procedures governing the approval of such a conversion.

**Sec. 573.** RCW 79A.15.040 and 2008 c 299 s 29 are each amended to read as follows:

(1) Moneys appropriated for this chapter prior to July 1, 2016, to the habitat conservation account shall be distributed in the following way:

(a) Not less than forty percent through June 30, 2011, at which time the amount shall become forty-five percent, for the acquisition and development of critical habitat;

(b) Not less than thirty percent for the acquisition and development of natural areas;

(c) Not less than twenty percent for the acquisition and development of urban wildlife habitat; and

(d) Not less than ten percent through June 30, 2011, at which time the amount shall become five percent, shall be used by the board to fund restoration and enhancement projects on state lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on existing habitat and natural area lands.

(2) Moneys appropriated beginning July 1, 2016, for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than thirty-five percent for the acquisition and development of critical habitat;

(b) Not less than twenty-five percent for the acquisition and development of natural areas;

(c) Not less than fifteen percent for the acquisition or enhancement or restoration of riparian habitat;

(d) Not less than fifteen percent for the acquisition and development of urban wildlife habitat; and

(e) Not less than ten percent or three million dollars, whichever is less, for the board to fund restoration and enhancement projects on state lands. Any amount

above three million dollars must be distributed for the purposes of (c) of this subsection.

~~(3)~~(a) In distributing these funds, the board retains discretion to meet the most pressing needs for critical habitat, natural areas, riparian protection, and urban wildlife habitat, and is not required to meet the percentages described in subsections (1) and (2) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the habitat conservation account to meet the percentages described in subsections (1) and (2) of this section in any biennium, the board retains discretion to distribute any remaining funds to the other categories within the account.

~~((3) Only)~~ (4) State agencies and nonprofit nature conservancies may apply for acquisition and development funds for natural areas projects under subsection (1)(b) of this section.

~~((4))~~ (5) State and local agencies and nonprofit nature conservancies may apply for acquisition and development funds for critical habitat ~~(and)~~, urban wildlife habitat, and riparian protection projects under ~~(subsection (1)(a) and (e) of)~~ this section. Other state agencies not defined in RCW 79A.15.010, such as the department of transportation and the department of corrections, may enter into interagency agreements with state agencies to apply in partnership for riparian protection funds under this section.

(6) The department of natural resources, the department of fish and wildlife, and the state parks and recreation commission may apply for restoration and enhancement funds to be used on existing state-owned lands.

~~((5))~~ (7)(a) Any lands that have been acquired with grants under this section by the department of fish and wildlife are subject to an amount in lieu of real property taxes and an additional amount for control of noxious weeds as determined by RCW 77.12.203.

(b) Any lands that have been acquired with grants under this section by the department of natural resources are subject to payments in the amounts required under the provisions of RCW 79.70.130 and 79.71.130.

~~((6))~~ (8) Except as otherwise conditioned by RCW 79A.15.140 or 79A.15.150, the board in its evaluating process shall consider the following in determining distribution priority:

(a) Whether the entity applying for funding is a Puget Sound partner, as defined in RCW 90.71.010;

(b) Effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the entity receiving assistance has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030; and

(c) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

~~((7))~~ (9) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in

conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**Sec. 574.** RCW 79A.15.050 and 2007 c 241 s 30 are each amended to read as follows:

(1) Moneys appropriated prior to July 1, 2016, for this chapter to the outdoor recreation account shall be distributed in the following way:

(a) Not less than thirty percent to the state parks and recreation commission for the acquisition and development of state parks, with at least fifty percent of the money for acquisition costs;

(b) Not less than thirty percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(c) Not less than twenty percent for the acquisition, renovation, or development of trails;

(d) Not less than fifteen percent for the acquisition, renovation, or development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) Not less than five percent for development and renovation projects on state recreation lands. Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on their existing recreation lands.

(2) Moneys appropriated beginning July 1, 2016, for this chapter to the outdoor recreation account shall be distributed in the following way:

(a) Not less than thirty percent to the state parks and recreation commission for the acquisition and development of state parks, with at least forty percent but no more than fifty percent of the money for acquisition costs;

(b) Not less than thirty percent for the acquisition, development, and renovation of local parks, with at least forty percent but no more than fifty percent of this money for acquisition costs;

(c) Not less than twenty percent for the acquisition, renovation, or development of trails;

(d) Not less than ten percent for the acquisition, renovation, or development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) Not less than ten percent or three million dollars, whichever is less, for development and renovation projects on state recreation lands. Any amount above three million dollars must be distributed for the purposes of (d) of this subsection.

(3)(a) In distributing these funds, the board retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsections (1) and (2) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the outdoor recreation account to meet the percentages described in subsections (1) and (2) of this section in any biennium, the board retains discretion to distribute any remaining funds to the other categories within the account.

~~((3))~~ (4) Only the state parks and recreation commission may apply for acquisition and development funds for state parks under subsections (1)(a) and (2)(a) of this section.

(5) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsections (1)(b) and (2)(b) of this section.

~~((4))~~ (6) Only state and local agencies may apply for funds for trails under subsections (1)(c) and (2)(c) of this section.

~~((5))~~ (7) Only state and local agencies may apply for funds for water access sites under subsections (1)(d) and (2)(d) of this section.

(8) Only the department of natural resources and the department of fish and wildlife may apply for funds for development and renovation projects on existing state recreation lands under subsections (1)(e) and (2)(e) of this section.

**Sec. 575.** RCW 79A.15.060 and 2009 c 341 s 3 and 2009 c 16 s 1 are each reenacted and amended to read as follows:

(1) The board may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(2) Except as provided in RCW 79A.15.030~~((7))~~ (8), moneys appropriated for this chapter may not be used by the board to fund staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation or maintenance of areas acquired under this chapter.

(3) Moneys appropriated for this chapter may be used by grant recipients for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, noxious weed control, and signing.

(4) The board may not approve a local project where the local agency share is less than the amount to be awarded from the habitat conservation account.

(5) In determining acquisition priorities with respect to the habitat conservation account, the board shall consider, at a minimum, the following criteria:

(a) For critical habitat and natural areas proposals:

(i) Multiple benefits for the project;

(ii) Whether, and the extent to which, a conservation easement can be used to meet the purposes for the project;

(iii) Community support for the project based on input from, but not limited to, local citizens, local organizations, and local elected officials;

~~((ii))~~ (iv) The project proposal's ongoing stewardship program that includes estimated costs of maintaining and operating the project including, but not limited to, control of noxious weeds~~((7))~~ and detrimental invasive species, and that identifies the source of the funds from which the stewardship program will be funded;

~~((iii))~~ (v) Recommendations as part of a watershed plan or habitat conservation plan, or a coordinated regionwide prioritization effort, and for projects primarily intended to benefit salmon, limiting factors, or critical pathways analysis;

~~((iv))~~ (vi) Immediacy of threat to the site;

~~((v))~~ (vii) Uniqueness of the site;

~~((vi))~~ (viii) Diversity of species using the site;

~~((vii))~~ (ix) Quality of the habitat;

~~((viii))~~ (x) Long-term viability of the site;

~~((ix))~~ (xi) Presence of endangered, threatened, or sensitive species;

~~((x))~~ (xii) Enhancement of existing public property;

~~((xi))~~ (xiii) Consistency with a local land use plan, or a regional or statewide recreational or resource plan, including projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130;

~~((xii))~~ (xiv) Educational and scientific value of the site;

~~((xiii))~~ (xv) Integration with recovery efforts for endangered, threatened, or sensitive species;

~~((xiv))~~ For critical habitat proposals by local agencies, (xvi) The statewide significance of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

(i) Population of, and distance from, the nearest urban area;

(ii) Proximity to other wildlife habitat;

(iii) Potential for public use; and

(iv) Potential for use by special needs populations.

(c) For riparian protection proposals, the board must consider, at a minimum, the following criteria:

(i) Whether the project continues the conservation reserve enhancement program. Applications that extend the duration of leases of riparian areas that are currently enrolled in the conservation reserve enhancement program are eligible. These applications are eligible for a conservation lease extension of at least twenty-five years of duration;

(ii) Whether the projects are identified or recommended in a watershed plan, salmon recovery plan, or other local plans, such as habitat conservation plans, and these must be highly considered in the process;

(iii) Whether there is community support for the project;

(iv) Whether the proposal includes an ongoing stewardship program that includes control of noxious weeds, detrimental invasive species, and that identifies the source of the funds from which the stewardship program will be funded;

(v) Whether there is an immediate threat to the site;

(vi) Whether the quality of the habitat is improved or, for projects including restoration or enhancement, the potential for restoring quality habitat including linkage of the site to other high quality habitat;

(vii) Whether the project is consistent with a local land use plan or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;

(viii) Whether the site has educational or scientific value; and

(ix) Whether the site has passive recreational values for walking trails, wildlife viewing, the observation of natural settings, or other multiple benefits.

(d) Moneys appropriated for this chapter to riparian protection projects must be distributed for the acquisition or enhancement or restoration of riparian habitat. All enhancement or restoration projects, except those qualifying under (c)(i) of this subsection, must include the acquisition of a real property interest in order to be eligible.

(6) Before November 1st of each even-numbered year, the board shall recommend to the governor a prioritized list of all ~~((state agency and local))~~ projects to be funded under RCW 79A.15.040~~((1) (a), (b), and (c)))~~. The governor may remove projects from the list recommended by the board and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

**Sec. 576.** RCW 79A.15.070 and 2007 c 241 s 33 are each amended to read as follows:

(1) In determining which state parks proposals and local parks proposals to fund, the board shall use existing policies and priorities.

(2) Except as provided in RCW 79A.15.030~~((7))~~ (8), moneys appropriated for this chapter may not be used by the board to fund staff or other overhead expenses, or by a state, regional, or local agency to fund operation or maintenance of areas acquired under this chapter.

(3) Moneys appropriated for this chapter may be used by grant recipients for costs incidental to acquisition and development, including, but not limited to, surveying expenses, fencing, and signing.

(4) The board may not approve a project of a local agency where the share contributed by the local agency is less than the amount to be awarded from the outdoor recreation account. The local agency's share may be reduced or waived if the project meets the needs of an underserved population or a community in need, as defined by the board.

(5) The board may adopt rules establishing acquisition policies and priorities for the acquisition and development of trails and water access sites to be financed from moneys in the outdoor recreation account.

(6) In determining the acquisition and development priorities, the board shall consider, at a minimum, the following criteria:

(a) For trails proposals:

(i) Community support for the project;

(ii) Immediacy of threat to the site;

(iii) Linkage between communities;

(iv) Linkage between trails;

(v) Existing or potential usage;

(vi) Consistency with a local land use plan, or a regional or statewide recreational or resource plan, including projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130;

(vii) Availability of water access or views;

(viii) Enhancement of wildlife habitat; and

(ix) Scenic values of the site.

(b) For water access proposals:

(i) Community support for the project;

(ii) Distance from similar water access opportunities;

(iii) Immediacy of threat to the site;

(iv) Diversity of possible recreational uses;

(v) Public demand in the area; and

(vi) Consistency with a local land use plan, or a regional or statewide recreational or resource plan, including projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130.

(7) Before November 1st of each even-numbered year, the board shall recommend to the governor a prioritized list of all ~~((state agency and local))~~ projects to be funded under RCW 79A.15.050~~((1) (a), (b), (c), and (d)))~~. The governor may remove projects from the list recommended by the board and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

**Sec. 577.** RCW 79A.15.080 and 2007 c 241 s 34 are each amended to read as follows:

The board shall not sign contracts or otherwise financially obligate funds from the habitat conservation account, the outdoor recreation account, ~~((the riparian protection account))~~ or the ~~((farmlands preservation))~~ farm and forest account as provided in this chapter before the legislature has appropriated funds for a specific list of projects. The legislature may remove projects from the list recommended by the governor.

**Sec. 578.** RCW 79A.15.110 and 2007 c 241 s 36 are each amended to read as follows:

~~((A))~~ State or local ((agency)) agencies or nonprofit nature conservancies shall review the proposed project application and confer with the county or city with jurisdiction over the project area prior to applying for funds for the acquisition of property under this chapter. The appropriate county or city legislative authority may, at its discretion, submit a letter to the board identifying the authority's position with regard to the acquisition project. The board shall make the letters received under this section available to the governor and the legislature when the prioritized project list is submitted under ~~((RCW 79A.15.120, 79A.15.060, and 79A.15.070))~~ this chapter.

**Sec. 579.** RCW 79A.15.130 and 2009 c 341 s 5 are each amended to read as follows:

(1) The ~~((farmlands preservation))~~ farm and forest account is established in the state treasury. The board will administer the account in accordance with chapter 79A.25

RCW and this chapter, and hold it separate and apart from all other money, funds, and accounts of the board. Moneys appropriated for this chapter to the ~~((farmlands preservation))~~ farm and forest account must be distributed for the acquisition and preservation of farmlands and forest lands in order to maintain the opportunity for agricultural and forest management activity upon these lands.

~~(2)((a) Moneys appropriated for this chapter to the farmlands preservation account may be distributed for (i) the fee simple or less than fee simple acquisition of farmlands; (ii) the enhancement or restoration of ecological functions on those properties; or (iii) both))~~ Moneys appropriated beginning July 1, 2016, for this chapter shall be divided as follows:

(a) Not less than ninety percent for the acquisition and preservation of farmlands.

(b) Not less than ten percent for the acquisition and preservation of forest lands.

(3) Moneys appropriated for this chapter to the farm and forest account may be distributed for: (a) The acquisition of a less than fee simple interest in farmlands or forest land, such as a conservation easement or lease; (b) the enhancement or restoration of ecological functions on those properties; or (c) both. In order for a farmland or forest land preservation grant to provide for an environmental enhancement or restoration project, the project must include the acquisition of a real property interest.

~~((b) If a city, county, nonprofit nature conservancy organization or association, or the conservation commission acquires a property through this program in fee simple, the city, county, nonprofit nature conservancy organization or association, or the conservation commission shall endeavor to secure preservation of the property through placing a conservation easement, or other form of deed restriction, on the property which dedicates the land to agricultural use and retains one or more property rights in perpetuity. Once an easement or other form of deed restriction is placed on the property, the city, county, nonprofit nature conservancy organization or association, or the conservation commission shall seek to sell the property, at fair market value, to a person or persons who will maintain the property in agricultural production. Any moneys from the sale of the property shall either be used to purchase interests in additional properties which meet the criteria in subsection (9) of this section, or to repay the grant from the state which was originally used to purchase the property.~~

~~((3))~~ (4) Cities, counties, nonprofit nature (conservancy organizations or associations) conservancies, and the conservation commission may apply for acquisition and enhancement or restoration funds for farmland or forest land preservation projects within their jurisdictions under subsection (1) of this section.

~~((4))~~ (5) The board may adopt rules establishing acquisition and enhancement or restoration policies and priorities for distributions from the ((farmlands preservation)) farm and forest account.

~~((5))~~ (6) The acquisition of a property ((right) interest in a project under this section ((by a county, city, nonprofit nature conservancy organization or association, or the conservation commission)) does not provide a right

of access to the property by the public unless explicitly provided for in a conservation easement or other form of deed restriction.

~~((6))~~ (7) Except as provided in RCW 79A.15.030((7)) (8), moneys appropriated for this section may not be used by the board to fund staff positions or other overhead expenses, or by ((a city, county, nonprofit nature conservancy organization or association)) cities, counties, nonprofit nature conservancies, or the conservation commission to fund operation or maintenance of areas acquired under this chapter.

~~((7))~~ (8) Moneys appropriated for this section may be used by grant recipients for costs incidental to restoration and acquisition, including, but not limited to, surveying expenses, fencing, noxious weed control, and signing.

~~((8))~~ (9) The board may not approve a local project where the local agency's or nonprofit nature (conservancy organization's or association's) conservancies' share is less than the amount to be awarded from the ((farmlands preservation)) farm and forest account. In-kind contributions, including contributions of a real property interest in land, may be used to satisfy the local agency's or nonprofit nature ((conservancy organization's or association's)) conservancies' share.

~~((9))~~ (10) In determining the acquisition priorities for farmland projects, the board must consider, at a minimum, the following criteria:

- (a) Community support for the project;
- (b) A recommendation as part of a limiting factors or critical pathways analysis, a watershed plan or habitat conservation plan, or a coordinated regionwide prioritization effort;
- (c) The likelihood of the conversion of the site to nonagricultural or more highly developed usage;
- (d) Consistency with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;
- (e) Benefits to salmonids;
- (f) Benefits to other fish and wildlife habitat;
- (g) Integration with recovery efforts for endangered, threatened, or sensitive species;
- (h) The viability of the site for continued agricultural production, including, but not limited to:
  - (i) Soil types;
  - (ii) On-site production and support facilities such as barns, irrigation systems, crop processing and storage facilities, wells, housing, livestock sheds, and other farming infrastructure;
  - (iii) Suitability for producing different types or varieties of crops;
  - (iv) Farm-to-market access;
  - (v) Water availability; and
- (i) Other community values provided by the property when used as agricultural land, including, but not limited to:
  - (i) Viewshed;
  - (ii) Aquifer recharge;

(iii) Occasional or periodic collector for storm water runoff;

(iv) Agricultural sector job creation;

(v) Migratory bird habitat and forage area; and

(vi) Educational and curriculum potential.

~~((10))~~ (11) In allotting funds for environmental enhancement or restoration projects, the board will require the projects to meet the following criteria:

(a) Enhancement or restoration projects must further the ecological functions of the farmlands;

(b) The projects, such as fencing, bridging watercourses, replanting native vegetation, replacing culverts, clearing of waterways, etc., must be less than fifty percent of the acquisition cost of the project including any in-kind contribution by any party;

(c) The projects should be based on accepted methods of achieving beneficial enhancement or restoration results; and

(d) The projects should enhance the viability of the preserved farmland to provide agricultural production while conforming to any legal requirements for habitat protection.

~~((14))~~ (12) In determining the acquisition priorities for forest land projects, the board must consider, at a minimum, the following criteria:

(a) Community support for the project;

(b) A recommendation as part of a limiting factors or critical pathways analysis, a watershed plan or habitat conservation plan, or a coordinated regionwide prioritization effort;

(c) The likelihood of conversion of the site to nontimber or more highly developed use;

(d) Consistency with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;

(e) Multiple benefits of the project;

(f) Project attributes, including but not limited to:

(i) Clean air and water;

(ii) Storm water management;

(iii) Wildlife habitat; and

(iv) Potential for carbon sequestration.

(13) In allotting funds for environmental enhancement or restoration projects, the board must require the projects to meet the following criteria:

(a) Enhancement or restoration projects must further the ecological functions of the forest lands;

(b) The projects, such as fencing, bridging watercourses, replanting native vegetation, replacing culverts, etc., must be less than fifty percent of the acquisition cost of the project including any in-kind contribution by any party;

(c) The projects should be based on accepted methods of achieving beneficial enhancement or restoration results;

(d) The projects should enhance the viability of the preserved forest land to provide timber production while conforming to any legal requirements for habitat protection.

(14) Before November 1st of each even-numbered year, the board will recommend to the governor a prioritized list of all projects to be funded under this

section. The governor may remove projects from the list recommended by the board and must submit this amended list in the capital budget request to the legislature. The list must include, but not be limited to, a description of each project and any particular match requirement.

NEW SECTION. Sec. 580. The allocations in sections 3, 4, and 5 of this act apply to the prioritized list of all projects submitted by November 1, 2016. The eligibility provisions in sections 4 and 5 of this act for nonprofit nature conservancies, as defined in RCW 84.34.250, and eligibility provisions in section 10 of this act are effective for projects submitted in 2016. The recreation and conservation funding board shall provide a prioritized list of projects to be funded under RCW 79A.15.130(2)(b) by November 1, 2017. All other provisions of this act apply to subsequent grant cycles.

NEW SECTION. Sec. 581. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Tharinger, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson; Riccelli and Walsh.

Passed to Committee on Rules for second reading.

February 29, 2016  
2SSB 6239 Prime Sponsor, Committee on Ways & Means: Providing local governments with options to preserve affordable housing in their communities. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Finance and without amendment by Committee on Community Development, Housing & Tribal Affairs.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 582. The legislature finds that:

(1) Families, senior citizens, and workers with fewer financial resources are more likely to experience unhealthy and unsafe housing conditions;

(2) Healthy homes promote good physical and mental health. When adequate housing protects individuals and families from harmful exposures and provides them with a sense of privacy, security, stability, and control, it can make important contributions to health and well-being;

(3) Affordable housing is a necessary component of strong, thriving neighborhoods with healthy physical and social environments;

(4) Very low-income household renters should have the opportunity to live in homes in neighborhoods close to major infrastructure investments like transit, quality schools for children, and vital services like health care, grocery shopping, and employment;

(5) Community members with critical occupations, senior citizens, and families are struggling to afford rent around the state;

(6) Rising rents are causing the displacement of very low-income household renters and long-time community members, risking the loss of cultural communities;

(7) Nonprofit property owners require additional resources to make health, safety, and quality improvements to buildings without raising rents to pay for repairs; and

(8) Communities need a wide range of local tools to create healthy, affordable homes and address affordable housing needs.

**NEW SECTION. Sec. 583.** It is the purpose of this chapter to give communities a local option to preserve and increase healthy, high-quality affordable rental housing opportunities for very low-income households for which the governing authority has found that there are insufficient healthy affordable housing opportunities. It is also the purpose of this chapter to ensure that housing opportunities are affordable to renters at below-market rent levels, as determined by the governing authority, with consideration of community needs, market rental costs, and income levels of renters.

**NEW SECTION. Sec. 584.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Energy and water efficiency standards" means housing that meets standards substantially equivalent to evergreen sustainable development standards, as established by the Washington state department of commerce.

(2) "Governing authority" means the local legislative authority of a city or county having jurisdiction over the property for which an exemption may be applied under this chapter.

(3) "Health and quality standards" means standards substantially equivalent to uniform physical condition standards, as established by the United States department of housing and urban development, or the national healthy housing standard, as established by the national center for healthy housing and the American public health association. Governing authority may use a residential housing inspection program within the jurisdiction that has established the tax exemption, as long as the standards are substantially equivalent to uniform physical condition standards or the national healthy housing standard.

(4) "High-cost area" means a county where the third quarter median house price for the previous year as reported by the Runstad center for real estate studies at the University of Washington is equal to or greater than one hundred thirty percent of the statewide median house price published during the same time period.

(5) "Household" means a single person, family, or unrelated persons living together.

(6) "Low-income households" means a single person, family, or unrelated persons living together whose adjusted income is at or below sixty percent of the median family income adjusted for family size, for the county in which the project is located, as reported by the United States department of housing and urban development.

(7) "Multifamily dwelling" means a building consisting of more than one dwelling unit, as further defined by the governing authority.

(8) "Nonprofit" or "nonprofit entity" has the same meaning as provided for "nonprofit entity" in RCW 84.36.560(7).

(9) "Owner" means the property owner of record.

(10) "Permanent residential occupancy" means housing that provides rental occupancy on a nontransient basis. "Permanent residential occupancy" includes rental accommodation that is leased for a period of at least one month. "Permanent residential occupancy" excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

(11) "Property" means a multifamily dwelling not designed as transient accommodations, and the land upon which the dwelling is located. "Property" excludes hotels or motels. "Property" may also include a single-family dwelling and the land upon which the dwelling is located if the governing authority adopts a program for such property as provided in section 9(1)(e) of this act.

(12) "Rehabilitation improvements" means modifications to existing property made to achieve substantial compliance with health and quality standards or energy and water efficiency standards.

(13) "Single-family dwelling unit" means an individual detached dwelling, as further defined by the governing authority.

(14) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median family income adjusted for family size, for the county in which the project is located, as reported by the United States department of housing and urban development. For cities located in high-cost areas, "very low-income household" means a household that has an income at or below sixty percent of the median family income adjusted for family size, for the county in which the project is located.

**NEW SECTION. Sec. 585.** A city governing authority may adopt a property tax exemption program to preserve affordable housing that meets health and quality standards for very low-income households at risk of displacement or that cannot afford market-rate housing. A county governing authority may adopt a property tax exemption program for unincorporated areas of the county to preserve affordable housing that meets health and quality standards for very low-income households at risk of displacement or that cannot afford market-rate housing.

**NEW SECTION. Sec. 586.** (1) Only properties owned by a nonprofit entity may qualify for a property tax exemption program under this chapter.

(2) Upon adoption of a property tax exemption program, the governing authority must establish standards for very low-income household rental housing under this chapter, including rent limits and income guidelines consistent with local housing needs, to assist very low-income households that cannot afford market-rate housing. Affordable housing units must be:

(a) Below market rent levels as determined by the governing authority; and

(b) Affordable to households with an income of fifty percent or less of the county median family income, adjusted for family size.

(3)(a) The governing authority, after holding a public hearing, may also establish lower income levels or lower rent levels adjusted to serve very low-income household renters in the community.

(b) The governing authority of a high-cost area, after holding a public hearing, may also establish higher income levels. The higher income level may not exceed sixty percent of the county area median family income, adjusted for family size.

(4) Rent levels for affordable housing units may not exceed thirty percent of the income limit for the very low-income housing unit, as established by the governing authority, and must include tenant-paid utilities other than telephone and any mandatory fees required as a condition of tenancy.

**NEW SECTION. Sec. 587.** (1) The value of residential real property qualifying under this chapter is exempt from ad valorem property taxation, except taxes levied by the state, for a period of fifteen successive years beginning January 1st of the calendar year immediately following the calendar year in which a certificate of tax exemption is filed with the county assessor in accordance with section 12 of this act.

(2) The governing authority may extend the duration of the exemption period by three years for properties meeting energy and water efficiency standards.

(3) The incentive provided under this chapter is in addition to any tax credits, grants, or other incentives provided by law.

(4) This chapter neither applies to increases in assessed valuation made by the assessor on nonqualifying portions of building or land nor to increases made by lawful order of a county board of equalization, the department of revenue, or a county, to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

(5) The exemption does not apply to any county property tax unless the legislative authority of the county adopts a resolution and notifies the governing authority of the jurisdiction within the county that has established a tax exempt program of its intent to allow the property to be exempt.

(6) The governing authority must notify local taxing districts in the designated exemption area when a tax exemption program is established under this chapter.

**NEW SECTION. Sec. 588.** To be eligible for the exemption from property taxation under this chapter, in addition to other requirements set forth in this chapter, the property must be in compliance with the following applicable requirements for the entire exemption period:

(1) The property must be owned by a nonprofit entity;

(2)(a) A minimum of twenty-five percent of units in a multiple-unit property subject to tax exemption must be affordable as described in section 5 of this act. A governing authority may require more than twenty-five percent affordable units in multiple-unit housing buildings subject to tax exemption to address local market conditions. Affordable units must be comparable in terms of quality and living conditions to market rate units in the building.

(b) If a nonprofit entity acquires a property that meets the requirements under (a) of this subsection, and which also had within the previous twelve-month period at least an additional twenty-five percent of its units affordable to low-income households, then the property must continue to provide no less than the same number of additional units affordable to low-income households or very low-income households;

(3) At least ninety percent of the units of multiple-unit property must be occupied by tenants at the time of application;

(4) The property must be part of a residential or mixed-use (residential and nonresidential) project;

(5) The property must provide for a minimum of fifty percent of the space in each building for permanent residential occupancy;

(6) The property must meet guidelines as adopted by the governing authority that may include height, density, public benefit features, number and size of proposed development, parking, income limits for occupancy, limits on rents, health and quality standards, and other adopted requirements indicated as necessary by the governing authority. The required amenities should be relative to the size of the project and tax benefit to be obtained; and

(7) The nonprofit property owner must enter into a contract with the city or county approved by the governing authority, or an administrative official or commission authorized by the governing authority, under which the nonprofit property owner has agreed to terms and conditions satisfactory to the governing authority.

**NEW SECTION. Sec. 589.** (1) To be eligible for the exemption from taxation under this chapter, the property must also comply with all applicable land use regulations, zoning requirements, and building and housing code requirements, including space and occupancy, structural, mechanical, fire, safety, and security standards, and health and quality standards. The governing authority may establish additional standards to meet local needs.

(2)(a) The governing authority may waive certain health and quality standards for up to two years if the owner of the nonprofit property submits a rehabilitation plan to comply with health and quality standards. The nonprofit owner must notify the governing authority at the time of completion of rehabilitation. The waiver of certain health and quality standards only applies to rehabilitation

improvements specifically included in the rehabilitation plan.

(b) The governing authority must establish minimum health and quality standards for properties to qualify for a waiver under (a) of this subsection. The governing authority may not waive health and quality standards that endanger or impair the health and safety of any tenant.

(c) Nothing in this subsection may exempt or waive any obligations under federal, state, and local laws.

(3) The property must be inspected for compliance with subsections (1) and (2) of this section at the time of application for tax exemption and, thereafter, as established by the governing authority at least once every three years.

(4) If the governing authority grants a waiver of certain health and quality standards under subsection (2) of this section, the property must be inspected when the nonprofit owner notifies the governing authority that rehabilitation has been completed or at the end of the waiver period, whichever occurs first.

(5) The governing authority or its duly authorized representative may deny an application for tax exemption or revoke an existing exemption under this chapter for failure to comply with health and quality standards.

**NEW SECTION. Sec. 590.** (1) The governing authority may establish additional requirements for tax exemption eligibility or program rules under this chapter including, but not limited to:

(a) A limit on the total number of affordable housing units subject to exemption under this chapter;

(b) The designation of targeted residential areas for property to align with community needs, including to prevent displacement, preserve cultural communities, and provide affordable housing options near community infrastructure such as transportation or public schools;

(c) Standards for property size, unit size, unit type, mix of unit types, or mix of unit sizes;

(d) An exemption extension for property meeting minimum energy and water efficiency standards substantially equivalent to evergreen sustainable development building performance standards;

(e) A program for single-family dwelling rental units occupied by tenants complying with affordability requirements under this chapter as adopted by the governing authority;

(f) Any additional requirements to reduce displacement of very low-income household tenants.

(2) The governing authority must adopt and implement standards and guidelines to be utilized in considering applications and making the determinations required under this chapter. The standards and guidelines must establish basic requirements to include:

(a) An application process and procedures;

(b) Guidelines that may include height, density, public benefit features, number and size of proposed development, parking, income limits for occupancy, limits on rents, health and quality standards, and other adopted requirements indicated as necessary by the governing authority. The required amenities should be relative to the size of the project and tax benefit to be obtained;

(c) An inspection policy and procedures to ensure the property complies with housing and health and quality standards;

(d) Income and rent limits as required under section 5 of this act; and

(e) Documentation necessary to establish income eligibility of households in affordable housing units.

(3) Standards may apply to part or all of a jurisdiction and different standards may be applied to different areas within a jurisdiction or to different types of development. Programs authorized under this section may be modified to meet local needs and may include provisions not expressly provided in this section.

**NEW SECTION. Sec. 591.** A nonprofit property owner making an application under this chapter must apply by August 1st of the year prior to the first calendar year in which the taxes for collection are to be considered for exemption and meet the following requirements:

(1) The applicant must apply to the city or county on forms adopted by the governing authority. The application must contain the following:

(a) Information setting forth the grounds supporting the requested exemption, including information indicated on the application form or in the guidelines;

(b) A description of the project and site plan, including the floor plan of units and other information requested;

(c) A statement that the applicant is aware of the potential tax liability involved when the property ceases to be eligible for the incentive provided under this chapter;

(d) When the governing authority finds that rehabilitation is required to meet health and quality standards or evergreen sustainable development building performance standards, a rehabilitation plan outlining rehabilitation improvements, budget, and proposed schedule for repairs; and

(e) A certification of family size and annual income in a form acceptable to the governing authority for designated affordable housing units;

(2) The applicant must verify the application by oath or affirmation; and

(3) The applicant must submit a fee, if any, with the application as required under this chapter. The governing authority may permit the applicant to revise an application before final action by the governing authority.

**NEW SECTION. Sec. 592.** (1) Upon receipt of an application meeting the requirements of section 10 of this act, the governing authority must inspect the property to certify compliance with health and quality standards or to grant a waiver upon submission of a rehabilitation plan by the nonprofit owner of the property.

(2) The duly authorized administrative official or committee of the governing authority may approve the application if it finds that:

(a) The property meets affordable housing requirements as described in section 5 of this act;

(b) The property meets health and quality standards, or a waiver is granted upon submission of a rehabilitation plan by the nonprofit property owner;

(c) The property rehabilitation plan is of appropriate scope to be completed within the designated time frame of waiver and will result in property compliance with health and quality standards, as outlined in section 8 of this act; and

(d) The nonprofit owner has complied with all standards and guidelines adopted by the governing authority under this chapter.

**NEW SECTION. Sec. 593.** (1) The governing authority, or an administrative official or commission authorized by the governing authority, must approve or deny an application filed under this chapter within one hundred twenty days. The governing authority may adopt standards to extend the period to approve or deny an application filed under this chapter for a property that does not meet health and quality standards.

(2)(a) If the application is approved, the governing authority must issue the nonprofit property owner a certificate of tax exemption and file the certificate of exemption with the county assessor no later than December 1st of the year prior to the first calendar year in which the taxes for collection are to be exempt. If the certificate of exemption is filed after December 1st and before January 1st, the certificate of exemption is deemed filed in the next calendar year. The certificate must contain a statement by a duly authorized administrative official of the governing authority that the property has complied with the required findings indicated in this chapter.

(b) The governing authority may issue a conditional certificate of acceptance of tax exemption if a property must complete a rehabilitation plan in order to comply with health and quality standards. The rehabilitation must be completed within two years of the date of application for a tax exemption.

(3)(a) If the application is denied by the authorized administrative official or commission authorized by the governing authority, the deciding administrative official or commission must state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within ten days of the denial.

(b) Upon denial by the authorized administrative official or commission, an applicant may appeal the denial to the governing authority within thirty days after receipt of the denial. The appeal before the governing authority must be based upon the record made before the administrative official or commission with the burden of proof on the applicant to show that there was no substantial evidence to support the administrative official or commission's decision. The decision of the governing body in denying or approving the application is final.

**NEW SECTION. Sec. 594.** The governing authority may establish an application fee or other fees to not exceed an amount determined to be required to cover the cost to be incurred by the governing authority and the assessor in administering this chapter. The application fee,

if established, must be paid at the time the application is submitted. If the application is approved, the governing authority must pay the application fee to the county assessor for deposit in the county current expense fund, after first deducting that portion of the fee attributable to its own administrative costs in processing the application. If the application is denied, the governing authority may retain that portion of the application fee attributable to its own administrative costs and refund the balance to the applicant.

**NEW SECTION. Sec. 595.** The authorized representative of the governing authority must notify the applicant that a certificate of tax exemption will be denied or canceled if the authorized representative determines that:

(1) The affordable housing requirements as described in section 5 of this act were not met;

(2) The property did not meet health and quality standards; or

(3) The nonprofit owner's property is otherwise not qualified for limited exemption under this chapter.

**NEW SECTION. Sec. 596.** (1) The nonprofit owner of property receiving a tax exemption under this chapter must obtain from each tenant living in designated affordable housing units, no less than annually, a certification of family size and annual income in a form acceptable to the governing authority.

(2) The nonprofit property owner must file a report at least annually by a date established by the governing authority indicating the following:

(a) Family size and annual income for each tenant living in designated affordable housing rental units and a statement that the property is in compliance with affordable housing requirements described in section 5 of this act;

(b) A statement of occupancy and vacancy;

(c) A schedule of rents charged in market-rate units;

(d) A certification that the property has not changed use;

(e) A description of changes or improvements;

(f) When rehabilitation is required to meet health and quality standards or evergreen sustainable development building performance standards, a progress report on compliance with the rehabilitation plan, budget, and proposed schedule for repairs; and

(g) Any other information required to determine compliance with program requirements or to measure program performance.

(3) A governing authority that issues certificates of tax exemption for property that conform to the requirements of this chapter must report annually by July 1st to the department of commerce the following information:

(a) The number of tax exemption certificates granted;

(b) The number and type of units in building properties receiving a tax exemption;

(c) The number and type of units meeting affordable housing requirements;

- (d) The total monthly rent amount for each affordable and market-rate unit; and
- (e) The value of the tax exemption for each project receiving a tax exemption and the total value of tax exemptions granted.

**NEW SECTION. Sec. 597.** (1) After a certificate of exemption has been filed with the county assessor, the tax exemption must be canceled by the authorized representative of the governing authority under the following circumstances:

- (a) The owner intends to convert the property to another use that is not residential or the owner intends to discontinue compliance with affordable housing requirements;
- (b) The owner fails to file annual reports;
- (c) The owner fails to maintain the property in substantial compliance with all applicable local building, safety, and health code requirements;
- (d) The owner fails to complete rehabilitation improvements as outlined in the rehabilitation plan;
- (e) The owner fails to meet affordable housing requirements; or
- (f) The property is transferred to an owner who is not a nonprofit entity.

(2)(a) Notification of a canceled certificate of exemption must be made by the governing authority or authorized representative of the governing authority to the county assessor within thirty days of the cancellation. Upon notice of a canceled tax exemption certificate, additional real property tax must be imposed upon the value of the improvements and land that no longer qualify for exemption under this chapter in the amount that would have been imposed had the property not been exempt under this act, plus a penalty of twenty percent of the additional tax. This additional tax is calculated from January 1st of the year the certificate of tax exemption first became effective.

(b) Interest must be included upon the amounts of the additional tax at the same rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the property had been assessed at a value without regard to this chapter.

(c) The additional tax, penalty, and interest must be collected by the county treasurer. The additional tax must be distributed by the county treasurer in the same manner in which current property taxes applicable to the subject property are distributed. The additional taxes, penalty, and interest must be payable in full thirty days following the date on which the treasurer's statement of additional tax due is issued.

(d) The additional tax owed together with the interest and penalty becomes a lien on the land and attaches at the time the property or portion of the property is removed from use as affordable housing or the amenities no longer meet applicable requirements, and has priority to and must be fully paid and satisfied before a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon the expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property

taxes. An additional tax unpaid on its due date is delinquent.

(e) The county auditor may not accept an instrument of conveyance unless the additional tax, interest, and penalty has been paid or the governing authority or authorized representative has determined that the property is not subject to the additional tax, interest, or penalty.

(f) A certificate of exemption may be continued for the remainder of the exemption period upon sale or transfer of all or a portion of the exempt property to a new nonprofit owner, if the new nonprofit owner has signed a notice of exemption continuance. The notice of exemption continuance must be in a form approved by the governing authority or its authorized representative. If the notice of continuance is not signed by the new nonprofit owner and attached to the real estate excise tax affidavit, all additional tax, penalty, and interest calculated in accordance with this section become due and payable by the owner, including the seller or transferor, at time of sale.

(3) Upon a determination that a property tax exemption is to be canceled for any reason stated in this section, the governing authority or authorized representative of the governing authority must notify the record nonprofit owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to cancel the exemption. The nonprofit owner may appeal the determination to the governing authority or authorized representative within thirty days by filing a notice of appeal with the clerk of the governing authority, which must specify the factual and legal basis on which the determination of cancellation is alleged to be erroneous. The governing authority or a hearing examiner or other official authorized by the governing authority may hear the appeal. At the hearing, all affected parties may be heard and all competent evidence received. After the hearing, the deciding body or officer must either affirm, modify, or repeal the decision of cancellation of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court under RCW 34.05.510 through 34.05.598.

(4) Upon the expiration of the exemption period or upon cancellation of the exemption, the value of new construction or improvements to the property, not previously considered as new construction during the exemption period, must be considered as new construction for purposes of calculating levies under chapter 84.55 RCW.

**NEW SECTION. Sec. 598.** Tenant identifying information and income data obtained by the governing authority and the assessor may be used only to administer this affordable housing exemption. Notwithstanding any provision of law to the contrary, absent written consent by the person about whom the information or facts have been obtained, the tenant identifying information and income data may not be disclosed by the jurisdiction or assessor or their agents or employees to anyone other than their agents or employees except in an administrative or judicial proceeding pertaining to the taxpayer's entitlement to the tax exemption.

NEW SECTION. Sec. 599. The exemption in this chapter applies to taxes levied for collection in 2017 and thereafter.

NEW SECTION. Sec. 600. Sections 1 through 18 of this act constitute a new chapter in Title 84 RCW." Correct the title.

Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Frame; Pollet; Reykdal; Ryu; Springer; Wilcox and Wylie.

MINORITY recommendation: Do not pass. Signed by Representatives Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Stokesbary and Vick.

Passed to Committee on Rules for second reading.

February 26, 2016  
E2SSB 6242 Prime Sponsor, Committee on Ways & Means: Requiring the indeterminate sentence review board to provide certain notices upon receiving a petition for early release. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 29, 2016  
ESSB 6248 Prime Sponsor, Committee on Energy, Environment & Telecommunications: Concerning risk mitigation plans to promote the transition of eligible coal units. (REVISED FOR ENGROSSED: Regarding a pathway for a transition of eligible coal units. ) Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 29, 2016  
SSB 6254 Prime Sponsor, Committee on Transportation: Authorizing the issuance of Purple Heart license plates for more than one motor vehicle. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

February 29, 2016  
SB 6263 Prime Sponsor, Senator Warnick: Providing benefits for certain retirement system members who die or become disabled in the course of providing emergency management services. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta; Magendanz; Schmick and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Manweller.

Passed to Committee on Rules for second reading.

February 29, 2016  
SSB 6264 Prime Sponsor, Committee on Ways & Means: Allowing certain Washington state patrol retirement system and law enforcement officers' and firefighters' members to purchase annuities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 601. A new section is added to chapter 43.43 RCW to read as follows, but because of its temporary nature is not codified:

(1) A retiree whose retirement was effective before July 24, 2015, may purchase an annuity under subsection (2) of this section between January 1, 2017, and June 1, 2017.

(2) Retirees who meet the requirements of subsection (1) of this section may purchase an optional actuarially equivalent life annuity benefit from the Washington state patrol retirement fund established in RCW 43.43.130. A minimum payment of twenty-five thousand dollars is required.

(a) Subject to rules adopted by the department, a member purchasing an annuity under this section must pay all of the cost with an eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan.

(b) The department shall adopt rules to ensure that all eligible rollovers and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(c) "Eligible retirement plan" means a tax qualified plan offered by a governmental employer.

**NEW SECTION. Sec. 602.** A new section is added to chapter 41.26 RCW under the subchapter heading "plan 1" to read as follows:

(1) At the time of retirement, plan 1 members may purchase an optional actuarially equivalent life annuity benefit from the Washington law enforcement officers' and firefighters' retirement system plan 1 retirement fund established in RCW 41.50.075. A minimum payment of twenty-five thousand dollars is required.

(2) Subject to rules adopted by the department, a member purchasing an annuity under this section must pay all of the cost with an eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan.

(a) The department shall adopt rules to ensure that all eligible rollovers and transfers comply with the requirements of the internal revenue code and regulations adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(b) "Eligible retirement plan" means a tax qualified plan offered by a governmental employer.

(3) Plan 1 members whose retirement was effective prior to the effective date of this section may purchase an annuity under this section between January 1, 2017, and June 1, 2017.

**NEW SECTION. Sec. 603.** A new section is added to chapter 41.26 RCW under the subchapter heading "plan 2" to read as follows, but because of its temporary nature is not codified:

(1) A plan 2 retiree whose retirement was effective before June 1, 2014, may purchase an annuity under this section between January 1, 2017, and June 1, 2017.

(2) Plan 2 retirees who meet the requirements of subsection (1) of this section may purchase an optional actuarially equivalent life annuity benefit from the Washington law enforcement officers' and firefighters' retirement system plan 2 retirement fund established in RCW 41.50.075. A minimum payment of twenty-five thousand dollars is required.

(a) Subject to rules adopted by the department, a retiree purchasing an annuity under this section must pay all of the cost with an eligible rollover, direct rollover, or trustee-to-trustee transfer from an eligible retirement plan.

(b) The department shall adopt rules to ensure that all eligible rollovers and transfers comply with the requirements of the internal revenue code and regulations adopted by the internal revenue service. The rules adopted by the department may condition the acceptance of a rollover or transfer from another plan on the receipt of information necessary to enable the department to determine the eligibility of any transferred funds for tax-free rollover treatment or other treatment under federal income tax law.

(c) "Eligible retirement plan" means a tax qualified plan offered by a governmental employer.

**NEW SECTION. Sec. 604.** If specific funding for purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jenkins; Kagi; Lytton; MacEwen; Magendanz; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta; Schmick and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Manweller.

Passed to Committee on Rules for second reading.

February 29, 2016  
**SB 6274** Prime Sponsor, Senator Parlette:  
Concerning the Columbia river recreational salmon and steelhead endorsement program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Cody; Condotta; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jenkins; Kagi; Lytton; MacEwen; Magendanz;

Pettigrew; Robinson; Sawyer; Senn; Springer; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Schmick; Stokesbary and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Wilcox, Assistant Ranking Minority Member; Buys; Dent; Manweller and Van Werven.

Passed to Committee on Rules for second reading.

February 29, 2016

SSB 6285 Prime Sponsor, Committee on Ways & Means: Concerning the operating and reserve accounts of the horse racing commission. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris; Hunt, S.; Jinkins; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Ormsby, Vice Chair; Condotta; Hudgins; Kagi and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Senn.

Passed to Committee on Rules for second reading.

February 26, 2016

SSB 6286 Prime Sponsor, Committee on Law & Justice: Concerning reimbursement of correctional employees for offender assaults. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 29, 2016

SB 6299 Prime Sponsor, Senator King: Correcting certain manifest drafting errors in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue). Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Stambaugh; Tarleton and Young.

MINORITY recommendation: Do not pass. Signed by Representative Shea.

Passed to Committee on Rules for second reading.

February 29, 2016

SSB 6329 Prime Sponsor, Committee on Human Services, Mental Health & Housing: Creating the parent to parent program for individuals with developmental disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Early Learning & Human Services.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 605. For over thirty years, parent to parent programs for individuals with either developmental disabilities, or special health care needs, or both, have been providing emotional and informational support by matching parents seeking support with an experienced and trained support parent.

The parent to parent program currently exists in thirty-one counties: Adams, Asotin, Benton, Chelan, Clallam, Clark, Columbia, Cowlitz, Douglas, Franklin, Garfield, Grant, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Lincoln, Mason, Pacific, Pierce, Skagit, Snohomish, Spokane, Thurston, Walla Walla, Whatcom, Whitman, and Yakima. It is the legislature's goal to continue, support, and enhance the programs in these counties and expand these programs statewide by 2021.

NEW SECTION. Sec. 606. A new section is added to chapter 71A.14 RCW to read as follows:

The goals of the parent to parent program are to:

- (1) Provide early outreach, support, and education to parents who have a child with special health care needs;
- (2) Match a trained volunteer support parent with a new parent who has a child with similar needs to the child of the support parent; and
- (3) Provide parents with tools and resources to be successful as they learn to understand the support and advocacy needs of their children.

**NEW SECTION. Sec. 607.** A new section is added to chapter 71A.14 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, activities of the parent to parent program may include:

- (1) Outreach and support to newly identified parents of children with special health care needs;
- (2) Trainings that educate parents in ways to support their child and navigate the complex health, educational, and social systems;
- (3) Ongoing peer support from a trained volunteer support parent; and
- (4) Regular communication with other local programs to ensure consistent practices.

**NEW SECTION. Sec. 608.** A new section is added to chapter 71A.14 RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the parent to parent program must be funded through the department and centrally administered through a pass-through to a Washington state lead organization that has extensive experience supporting and training support parents.

(2) Through the contract with the lead organization, each local program must be locally administered by an organization that shall serve as the host organization.

(3) Parents shall serve as advisors to the host organizations.

(4) A parent or grandparent of a child with developmental disabilities or special health care needs shall provide program coordination and local program information.

(5) The lead organization shall provide ongoing training to the host organizations and statewide program oversight and maintain statewide program information.

(6) For the purpose of this act, "special health care needs" means disabilities, chronic illnesses or conditions, health related educational or behavioral problems, or the risk of developing such disabilities, conditions, illnesses or problems.

**NEW SECTION. Sec. 609.** If specific funding for the purposes of this act, referencing the act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Passed to Committee on Rules for second reading.

February 29, 2016

**SSB 6358** Prime Sponsor, Committee on Transportation: Concerning rail fixed guideway public transportation system safety and security oversight. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

February 29, 2016

**SSB 6363** Prime Sponsor, Committee on Transportation: Concerning the design and construction of certain transportation facilities adjacent to or across a river or waterway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Orcutt, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 29, 2016

**2SSB 6408** Prime Sponsor, Committee on Ways & Means: Concerning paraeducators. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 610. PARAEDUCATOR PERFORMANCE STANDARDS.** (1)(a) By September 1, 2016, the office of the superintendent of public instruction shall adopt performance standards for paraeducator professional development and credentialing as described in

this section. The purpose of the standards is to address the knowledge and skills competencies a paraeducator needs to possess and exhibit in order to meet the varied needs of the students served.

(b) The adopted standards must be based on the recommendations of the paraeducator work group established under section 2, chapter 136, Laws of 2014.

(2) The performance standards for paraeducator professional development and credentialing adopted under this section must clearly define the knowledge and skills competencies necessary for a paraeducator to, at a minimum:

- (a) Support educational outcomes;
- (b) Demonstrate professionalism and ethical practices;
- (c) Support a positive and safe learning environment; and
- (d) Communicate effectively and participate in the team process.

**NEW SECTION. Sec. 611. PARAEDUCATOR ADVISORY BOARD.** (1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall establish a paraeducator advisory board with eleven members as follows:

(a) A paraeducator, a teacher, a principal, a parent, an administrator, a human resources director, a union representative, a representative of a community-based organization, and a representative of the office of the superintendent of public instruction, each appointed by the superintendent of public instruction;

(b) A representative of the community and technical college system appointed by the state board for community and technical colleges; and

(c) A representative of the professional educator standards board, appointed by the professional educator standards board.

(2) The purpose of the paraeducator advisory board is to provide guidance and leadership for the implementation of statewide performance standards for paraeducator professional development and credentialing described in section 1 of this act.

(3) Subject to the availability of amounts appropriated for this specific purpose, the paraeducator advisory board shall:

(a) In time for school districts to begin piloting the program in the 2017-18 school year, develop a curriculum and design a professional development program for paraeducators that meets the paraeducator performance standards described in section 1 of this act;

(b) In time for school districts to begin piloting the program in the 2017-18 school year, develop a curriculum and design a professional development program for teachers and principals that focuses on working with paraeducators, including how teachers can direct a paraeducator working within their classrooms, and how principals can supervise and evaluate paraeducators;

(c) Oversee and monitor the implementation of the professional development programs developed under this

section in school districts that volunteer to pilot these programs as described in section 3 of this act;

(d) Make recommendations to the legislature regarding statewide implementation of the professional development programs developed under this section, as required under section 3 of this act; and

(e) Collaborate with the state board for community and technical colleges on aligning the credentials offered by the community and technical colleges with the paraeducator performance standards described in section 1 of this act.

**NEW SECTION. Sec. 612. SCHOOL DISTRICT PILOTS.** (1)(a) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall select a diverse set of willing school districts to pilot the implementation of the professional development programs for paraeducators, teachers, and principals developed under section 2 of this act during the 2017-18 and 2018-19 school years.

(b) By October 31, 2018, the school districts shall report to the paraeducator advisory board and the professional educator standards board with the outcomes of year one of the pilot and any recommendations for implementation of the professional development programs statewide. The outcomes reported must include: An analysis of the costs to the district to implement the paraeducator performance standards, including professional development costs, any costs to paraeducators to meet the standards, and the impact on the size and assignment of the paraeducators in the district as a result of the pilot.

(2) Subject to the availability of amounts appropriated for this specific purpose, by December 15, 2018, the paraeducator advisory board shall submit a report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, that includes: The outcomes of the pilot; barriers to statewide implementation of the paraeducator performance standards, including estimated costs of statewide implementation to the state and to districts; recommended changes to state statutes necessary in order to implement the standards statewide; recommendations on a timeline for statewide implementation of the paraeducator performance standards; the effects of requiring paraeducators to obtain a paraeducator certificate; and any other recommendations or concerns developed by the paraeducator advisory board.

**NEW SECTION. Sec. 613. PROFESSIONAL PARAEDUCATOR CERTIFICATION SYSTEM.** (1) Subject to the availability of amounts appropriated for this specific purpose, the professional educator standards board shall design a uniform and externally administered professional-level certification assessment for paraeducators based on the paraeducator performance standards described in section 1 of this act.

(2) Subject to the availability of amounts appropriated for this specific purpose, by December 15, 2018, the professional educator standards board shall submit a report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, that

summarizes its work in the development of the assessment required under this section and makes recommendations for statewide implementation.

**Sec. 614.** RCW 28A.150.203 and 2009 c 548 s 102 are each amended to read as follows:

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

(1) "Basic education goal" means the student learning goals and the student knowledge and skills described under RCW 28A.150.210.

(2) "Certificated administrative staff" means all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(3) "Certificated employee" as used in this chapter and RCW 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those persons who hold certificates as authorized by rule of the Washington professional educator standards board, but does not mean those persons working as paraeducators.

(4) "Certificated instructional staff" means those persons employed by a school district who are nonsupervisory certificated employees within the meaning of RCW 41.59.020(8).

(5) "Class size" means an instructional grouping of students where, on average, the ratio of students to teacher is the number specified.

(6) "Classified employee" means a person who does not hold a professional education certificate, including a paraeducator, or who is employed in a position that does not require such a certificate.

(7) "Classroom teacher" means a person who holds a professional education certificate and is employed in a position for which such certificate is required whose primary duty is the daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified employees shall not occur during a labor dispute, and such classified employees shall not be hired to replace certificated employees during a labor dispute.

(8) "Instructional program of basic education" means the minimum program required to be provided by school districts and includes instructional hour requirements and other components under RCW 28A.150.220.

(9) "Paraeducator" means a classified employee who works under the supervision of a certificated employee to support and assist in providing instructional and other services to children and youth and their families. The certificated employee remains responsible for the overall conduct and management of the classroom or program including the design, implementation, and evaluation of the instructional programs and student progress.

(10) "Program of basic education" means the overall program under RCW 28A.150.200 and deemed by

the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

~~((10))~~ (11) "School day" means each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school.

~~((11))~~ (12) "School year" includes the minimum number of school days required under RCW 28A.150.220 and begins on the first day of September and ends with the last day of August, except that any school district may elect to commence the annual school term in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

~~((12))~~ (13) "Teacher planning period" means a period of a school day as determined by the administration and board of ~~(the)~~ directors of the district that may be used by teachers for instruction-related activities including but not limited to preparing instructional materials; reviewing student performance; recording student data; consulting with other teachers, instructional assistants, mentors, instructional coaches, administrators, and parents; or participating in professional development.

**NEW SECTION. Sec. 615.** Sections 1 through 3 of this act are each added to chapter 28A.400 RCW.

**NEW SECTION. Sec. 616.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Cody; Fitzgibbon; Haler; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Pettigrew; Robinson; Sawyer; Senn; Springer; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta; Dent; Harris; Magendanz; Schmick and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representatives Buys; Manweller and Stokesbary.

Passed to Committee on Rules for second reading.

February 26, 2016  
**ESSB 6427** Prime Sponsor, Committee on Ways & Means: Specifying the documentation that must be provided to determine when sales

tax applies to the sale of a motor vehicle to a tribal member. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 3, after "country." strike all material through "location." on line 6 and insert "The seller must document the delivery by completing a declaration, which must be signed by the seller and the buyer. The declaration must be limited to attestation regarding the location of delivery and the enrollment status of the tribal member. The department may develop a form for the declaration."

Signed by Representatives Lytton, Chair; Robinson, Vice Chair; Nealey, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Condotta; Frame; Manweller; Pollet; Reykdal; Ryu; Springer; Stokesbary; Vick; Wilcox and Wylie.

Passed to Committee on Rules for second reading.

February 29, 2016  
**SSB 6430** Prime Sponsor, Committee on Human Services, Mental Health & Housing; Providing continuity of care for recipients of medical assistance during periods of incarceration. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 617.** Persons with mental illness and persons with substance use disorders in the custody of the criminal justice system need seamless access to community treatment networks and medical assistance upon release from custody to prevent gaps in treatment and reduce barriers to accessing care. Access to care is critical to reduce recidivism and reduce costs associated with relapse, decompensation, and crisis care. In accord with the recommendations of the adult behavioral health system task force, persons should be allowed to apply or retain their enrollment in medical assistance during periods of incarceration. The legislature intends for the Washington state health care authority and the department of social and health services to raise awareness of best clinical practices to engage persons with behavioral health disorders and other chronic conditions during periods of incarceration and confinement to highlight opportunities for good preventive care and standardize reporting and payment practices for services reimbursable by federal law that support the safe transition of the person back into the community.

**NEW SECTION. Sec. 618.** A new section is added to chapter 74.09 RCW to read as follows:

The authority is directed to suspend, rather than terminate, medical assistance benefits by July 1, 2017, for persons who are incarcerated or committed to a state hospital. This must include the ability for a person to apply for medical assistance in suspense status during incarceration, and may not depend upon knowledge of the release date of the person. The authority must provide a progress report describing program design and a detailed fiscal estimate to the governor and relevant committees of the legislature by December 1, 2016.

**NEW SECTION. Sec. 619.** A new section is added to chapter 71.24 RCW to read as follows:

The department and the Washington state health care authority shall publish written guidance and provide trainings to behavioral health organizations, managed care organizations, and behavioral health providers related to how these organizations may provide outreach, assistance, transition planning, and rehabilitation case management reimbursable under federal law to persons who are incarcerated, involuntarily hospitalized, or in the process of transitioning out of one of these services. The guidance and trainings may also highlight preventive activities not reimbursable under federal law which may be cost-effective in a managed care environment. The purpose of this written guidance and trainings is to champion best clinical practices including, where appropriate, use of care coordination and long-acting injectable psychotropic medication, and to assist the health community to leverage federal funds and standardize payment and reporting procedures. The authority and the department shall construe governing laws liberally to effectuate the broad remedial purposes of this act, and provide a status update to the legislature by December 31, 2016.

**NEW SECTION. Sec. 620.** A new section is added to chapter 74.09 RCW to read as follows:

The authority shall collaborate with the department, the Washington state association of counties, the Washington association of sheriffs and police chiefs, and accountable communities of health to improve population health and reduce avoidable use of intensive services and settings by requesting expenditure authority from the federal government to provide behavioral health services to persons who are incarcerated in local jails. The authority in consultation with its partners may narrow its submission to discrete programs or regions of the state as deemed advisable to effectively demonstrate the potential to achieve savings by integrating medical assistance across community and correctional settings.

**NEW SECTION. Sec. 621.** A new section is added to chapter 74.09 RCW to read as follows:

It is the understanding of the legislature that persons participating in a work release program or other partial confinement programs at the state, county, or city level which allow regular freedom during the day to pursue rehabilitative community activities such as participation in work, treatment, or medical care should not be considered

"inmates of a public institution" for the purposes of exclusion from medicaid coverage under the social security act. The authority is instructed to obtain any permissions from the federal government necessary to confirm this understanding, and report back to the governor and relevant committees of the legislature.

**Sec. 622.** RCW 70.48.100 and 2014 c 225 s 105 are each amended to read as follows:

(1) A department of corrections or chief law enforcement officer responsible for the operation of a jail shall maintain a jail register, open to the public, into which shall be entered in a timely basis:

- (a) The name of each person confined in the jail with the hour, date and cause of the confinement; and
- (b) The hour, date and manner of each person's discharge.

(2) Except as provided in subsection (3) of this section, the records of a person confined in jail shall be held in confidence and shall be made available only to criminal justice agencies as defined in RCW 43.43.705; or

- (a) For use in inspections made pursuant to RCW 70.48.070;
- (b) In jail certification proceedings;
- (c) For use in court proceedings upon the written order of the court in which the proceedings are conducted;
- (d) To the Washington association of sheriffs and police chiefs;
- (e) To the Washington institute for public policy, research and data analysis division of the department of social and health services, higher education institutions of Washington state, Washington state health care authority, state auditor's office, caseload forecast council, office of financial management, or the successor entities of these organizations, for the purpose of research in the public interest. Data disclosed for research purposes must comply with relevant state and federal statutes; ((e))

(f) To federal, state, or local agencies to determine eligibility for services such as medical, mental health, chemical dependency treatment, or veterans' services, and to allow for the provision of treatment to inmates during their stay or after release. Records disclosed for eligibility determination or treatment services must be held in confidence by the receiving agency, and the receiving agency must comply with all relevant state and federal statutes regarding the privacy of the disclosed records; or

(g) Upon the written permission of the person.

(3)(a) Law enforcement may use booking photographs of a person arrested or confined in a local or state penal institution to assist them in conducting investigations of crimes.

(b) Photographs and information concerning a person convicted of a sex offense as defined in RCW 9.94A.030 may be disseminated as provided in RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 43.43.745, 46.20.187, 70.48.470, 72.09.330, and section 401, chapter 3, Laws of 1990.

(4) Any jail that provides inmate records in accordance with subsection (2) of this section is not responsible for any unlawful secondary dissemination of the provided inmate records.

**NEW SECTION. Sec. 623.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Taylor; Tharinger; Van Werven and Walkinshaw.

Passed to Committee on Rules for second reading.

February 29, 2016  
**E2SSB 6455** Prime Sponsor, Committee on Ways & Means: Expanding the professional educator workforce by increasing career opportunities in education, creating a more robust enrollment forecasting, and enhancing recruitment efforts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 624.** A new section is added to chapter 28A.300 RCW to read as follows:

Subject to an appropriation specifically provided for this purpose, the superintendent of public instruction, in consultation with school district and educational service district personnel, shall develop and implement a comprehensive, statewide initiative to increase the number of qualified individuals who apply for teaching positions in Washington. In developing and implementing the initiative, the superintendent shall:

(1) Include a teacher recruitment component that targets groups of individuals who may be interested in teaching in Washington public schools, such as: College students who have not chosen a major; out-of-state teachers; military personnel and their spouses; and individuals with teaching certificates who are not currently employed as teachers;

(2) Contract for the development of a statewide system to provide recruitment and hiring services, including a centralized hiring portal, to school districts, and a statewide central depository for applications of individuals interested in applying for certificated positions that can be accessed by school districts in the state for purposes of hiring teachers and other certificated positions. The services and tools developed under this subsection must be made available initially to small school districts, and to larger districts as resources are available. When

defining small districts for the purpose of this subsection, the office of the superintendent of public instruction must consider whether a district has fewer than three hundred certificated staff;

(3) Create or enhance an existing web site that provides useful information to individuals who are interested in teaching in Washington; and

(4) Take other actions to increase the number of qualified individuals who apply for teaching positions in Washington.

**NEW SECTION. Sec. 625.** (1) Subject to an appropriation specifically provided for this purpose, the workforce training and education coordinating board, in collaboration with the professional educator standards board, shall work with the student achievement council, the office of the superintendent of public instruction, school districts, educational service districts, the state board for community and technical colleges, the institutions of higher education, major employers, and other parties to develop and disseminate information designed to increase recruitment into professional educator standards board-approved teacher preparation programs. The information must be disseminated statewide through existing channels.

(2) This section expires July 1, 2019.

**NEW SECTION. Sec. 626.** (1) Subject to an appropriation specifically provided for this purpose, the professional educator standards board shall create and administer the recruitment specialists grant program to provide funds to professional educator standards board-approved teacher preparation programs to hire, or contract with, recruitment specialists that focus on recruitment of individuals who are from traditionally underrepresented groups among teachers in Washington when compared to the common school population.

(2) This section expires July 1, 2018.

**Sec. 627.** RCW 28A.410.250 and 2005 c 498 s 2 are each amended to read as follows:

The agency responsible for educator certification shall adopt rules for professional certification that:

(1) Provide maximum program choice for applicants, promote portability among programs, and promote maximum efficiency for applicants in attaining professional certification;

(2) Require professional certification no earlier than the fifth year following the year that the teacher first completes provisional status, with an automatic two-year extension upon enrollment;

(3) Grant professional certification to any teacher who attains certification from the national board for professional teaching standards;

(4) Permit any teacher currently enrolled in or participating in a program leading to professional certification to continue the program under administrative rules in place when the teacher began the program;

(5) Provide criteria for the approval of educational service districts, beginning no later than August 31, 2007,

to offer programs leading to professional certification. The rules shall be written to encourage institutions of higher education and educational service districts to partner with local school districts or consortia of school districts, as appropriate, to provide instruction for teachers seeking professional certification;

(6) Encourage institutions of higher education to offer professional certificate coursework as continuing education credit hours. This shall not prevent an institution of higher education from providing the option of including the professional certification requirements as part of a master's degree program;

(7) Provide criteria for a liaison relationship between approved programs and school districts in which applicants are employed;

(8) Identify an expedited professional certification process for out-of-state teachers who have five years or more of successful teaching experience ~~((to demonstrate skills and impact on student learning commensurate with Washington requirements for professional certification. The rules may require these teachers, within one year of the time they begin to teach in the state's public schools, take a course in or show evidence that they can teach to the state's essential academic learning requirements)), including a method to determine the comparability of rigor between the Washington professional certification process and the second-level teacher certification process of other states. A professional certificate must be issued to these experienced out-of-state teachers if the teacher holds: (a) A valid teaching certificate issued by the national board for professional teaching standards; or (b) a second-level teacher certificate from another state that has been determined to be comparable to the Washington professional certificate; and~~

(9) Identify an evaluation process of approved programs that includes a review of the program coursework and applicant coursework load requirements, linkages of programs to individual teacher professional growth plans, linkages to school district and school improvement plans, and, to the extent possible, linkages to school district professional enrichment and growth programs for teachers, where such programs are in place in school districts. The agency shall provide a preliminary report on the evaluation process to the senate and house of representatives committees on education policy by November 1, 2005. The board shall identify:

(a) A process for awarding conditional approval of a program that shall include annual evaluations of the program until the program is awarded full approval;

(b) A less intensive evaluation cycle every three years once a program receives full approval unless the responsible agency has reason to intensify the evaluation;

(c) A method for investigating programs that have received numerous complaints from students enrolled in the program and from those recently completing the program;

(d) A method for investigating programs at the reasonable discretion of the agency; and

(e) A method for using, in the evaluation, both program completer satisfaction responses and data on the impact of educators who have obtained professional certification on student work and achievement.

**NEW SECTION. Sec. 628.** A new section is added to chapter 41.32 RCW under the subchapter heading "provisions applicable to plan 2 and plan 3" to be codified between RCW 41.32.067 and 41.32.215 to read as follows:

In addition to the postretirement employment options available in RCW 41.32.802 or 41.32.862, and only until August 1, 2020, a teacher in plan 2 or plan 3 who has retired under the alternate early retirement provisions of RCW 41.32.765(3)(b) or 41.32.875(3)(b) may be employed with an employer for up to eight hundred sixty-seven hours per calendar year without suspension of his or her benefit, provided that the retired teacher reenters employment more than one calendar month after his or her accrual date and after the effective date of this section, and is employed exclusively as either:

(1) A substitute teacher as defined in RCW 41.32.010(48)(a) in an instructional capacity, as opposed to other capacities identified in RCW 41.32.010(49); or

(2) A mentor to teachers or an adviser to students in a professional educator standards board-approved teacher preparation program if the retired teacher has received appropriate training as defined by the office of the superintendent of public instruction, including training to become national board certified or other specialized training.

**NEW SECTION. Sec. 629.** A new section is added to chapter 41.32 RCW to read as follows:

A school district that employs a retired teacher exclusively as a substitute teacher under section 5(1) of this act must compensate its substitute teachers at an amount that is equal to or greater than the full daily amount allocated by the state to the district for substitute teacher compensation.

**NEW SECTION. Sec. 630.** (1) Subject to an appropriation specifically provided for this purpose, the professional educator standards board shall coordinate meetings between the school districts that do not have professional educator standards board-approved alternative route teacher certification programs and the nearest public or private institution of higher education with a professional educator standards board-approved teacher preparation program. The purpose of the meetings is to determine whether the districts and institutions can partner to apply to the professional educator standards board to operate an alternative route teacher certification program.

(2) Subject to an appropriation specifically provided for this purpose, an institution of higher education, as defined in RCW 28B.10.016, with a professional educator standards board-approved teacher preparation program that does not operate a professional educator standards board-approved alternative route teacher certification program must seek approval from the professional educator standards board to offer an alternative route teacher certification program by submitting the proposal developed under RCW 28A.410.290, or an updated version of the proposal, by September 1, 2016. If approved, the institution of higher education must implement an alternative route teacher

certification program according to a timeline suggested by the professional educator standards board.

(3) This section expires July 1, 2017.

**NEW SECTION. Sec. 631.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) By July 1, 2018, each institution of higher education with a professional educator standards board-approved alternative route teacher certification program must develop a plan describing how the institution of higher education will partner with school districts in the general geographic region of the school, or where its programs are offered, regarding placement of resident teachers. The plans must be developed in collaboration with school districts desiring to partner with the institutions of higher education, and may include use of unexpended federal or state funds to support residencies and mentoring for students who are likely to continue teaching in the district in which they have a supervised student teaching residency.

(2) The plans required under subsection (1) of this section must be updated at least biennially.

**Sec. 632.** RCW 28A.415.265 and 2013 2nd sp.s. c 18 s 401 are each amended to read as follows:

(1) For the purposes of this section, a mentor is an educator who has achieved appropriate training in assisting, coaching, and advising beginning teachers or student teaching residents as defined by the office of the superintendent of public instruction, such as national board certification or other specialized training.

(2)(a) The educator support program is established to provide professional development and mentor support for beginning educators, candidates in alternative route teacher programs under RCW 28A.660.040, and educators on probation under RCW 28A.405.100, to be composed of the beginning educator support team for beginning educators and continuous improvement coaching for educators on probation, as provided in this section.

~~((2)(a))~~ (b) The superintendent of public instruction shall notify school districts about the educator support program and encourage districts to apply for program funds.

(3) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction shall allocate funds for the beginning educator support team on a competitive basis to individual school districts or consortia of districts. School districts are encouraged to include educational service districts in creating regional consortia. In allocating funds, the office of the superintendent of public instruction shall give priority to:

(a) School districts with low-performing schools identified under RCW 28A.657.020 as being challenged schools in need of improvement; and

(b) School districts with a large influx of beginning classroom teachers.

(4) A portion of the appropriated funds may be used for program coordination and provision of statewide

or regional professional development through the office of the superintendent of public instruction.

~~((b))~~ (5) A beginning educator support team must include the following components:

~~((i))~~ (a) A paid orientation or individualized assistance before the start of the school year for beginning educators;

~~((ii))~~ (b) Assignment of a trained and qualified mentor for the first three years for beginning educators, with intensive support in the first year and decreasing support over the following years depending on the needs of the beginning educator;

~~((iii))~~ (c) A goal to provide beginning teachers from underrepresented populations with a mentor who has strong ties to underrepresented populations;

(d) Professional development for beginning educators that is designed to meet their unique needs for supplemental training and skill development;

~~((iv))~~ (e) Professional development for mentors;

~~((v))~~ (f) Release time for mentors and their designated educators to work together, as well as time for educators to observe accomplished peers; and

~~((vi))~~ (g) A program evaluation using a standard evaluation tool provided from the office of the superintendent of public instruction that measures increased knowledge, skills, and positive impact on student learning for program participants.

~~((3))~~ (6) Subject to funds separately appropriated for this specific purpose, the beginning educator support team components under subsection ~~((2))~~ (3) of this section may be provided for continuous improvement coaching to support educators on probation under RCW 28A.405.100.

**NEW SECTION. Sec. 633.** (1) In fiscal year 2017, the office of the superintendent of public instruction, in collaboration with the professional educator standards board and institutions of higher education with professional educator standards board-approved teacher preparation programs, shall develop mentor training program goals for the institutions to use in their teacher preparation program curricula.

(2) Once the mentor training program goals are developed as required under subsection (1) of this section, the institutions of higher education with professional educator standards board-approved teacher preparation programs are encouraged to develop and implement curricula that meet the mentor training program goals.

(3) This section expires July 1, 2019.

**NEW SECTION. Sec. 634.** A new section is added to chapter 28A.330 RCW to read as follows:

By June 15th of each year, a school district shall report to the office of the superintendent of public instruction the number of classroom teachers the district projects will be hired in the following school year.

**Sec. 635.** RCW 28A.660.050 and 2015 3rd sp.s. c 9 s 2 are each amended to read as follows:

Subject to the availability of amounts appropriated for these purposes, the conditional scholarship programs in this chapter are created under the following guidelines:

(1) The programs shall be administered by the student achievement council. In administering the programs, the council has the following powers and duties:

(a) To adopt necessary rules and develop guidelines to administer the programs;

(b) To collect and manage repayments from participants who do not meet their service obligations; and

(c) To accept grants and donations from public and private sources for the programs.

(2) Requirements for participation in the conditional scholarship programs are as provided in this subsection (2).

(a) The alternative route conditional scholarship program is limited to interns of professional educator standards board-approved alternative routes to teaching programs under RCW 28A.660.040. For fiscal year 2011, priority must be given to fiscal year 2010 participants in the alternative route partnership program. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment in alternative certification routes through a professional educator standards board-approved program;

(ii) Continue to make satisfactory progress toward completion of the alternative route certification program and receipt of a residency teaching certificate; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed eight thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The council may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(b) The pipeline for paraeducators conditional scholarship program is limited to qualified paraeducators as provided by RCW 28A.660.042. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment at a community and technical college for no more than two years and attain an associate of arts degree;

(ii) Continue to make satisfactory progress toward completion of an associate of arts degree. This progress requirement is a condition for eligibility into a route one program of the alternative routes to teacher certification program for a mathematics, special education, or English as a second language endorsement; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed four thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The student achievement council may adjust the annual award by the average rate of tuition and fee increases at the state community and technical colleges.

(c) The educator retooling conditional scholarship program is limited to current K-12 teachers. In order to receive conditional scholarship awards:

(i) Individuals currently employed as teachers shall pursue an endorsement in a subject or geographic

endorsement shortage area, as defined by the professional educator standards board, including but not limited to((=)) mathematics, science, special education, elementary education, early childhood education, bilingual education, English language learner, computer science education, or environmental and sustainability education; or

(ii) Individuals who are certificated with an elementary education endorsement shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to((=)) mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education; and

(iii) Individuals shall use one of the pathways to endorsement processes to receive an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to((=)) mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education, which shall include passing an endorsement test plus observation and completing applicable coursework to attain the proper endorsement; and

(iv) Individuals shall receive no more than the annual amount of the scholarship, not to exceed three thousand dollars, for the cost of tuition, test fees, and educational expenses, including books, supplies, and transportation for the endorsement pathway being pursued.

(3) The Washington professional educator standards board shall select individuals to receive conditional scholarships. In selecting recipients, preference shall be given to eligible veterans or national guard members. In awarding conditional scholarships to support additional bilingual education or English language learner endorsements, the board shall also give preference to teachers assigned to schools required under state or federal accountability measures to implement a plan for improvement, and to teachers assigned to schools whose enrollment of English language learner students has increased an average of more than five percent per year over the previous three years.

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients who fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The student achievement council shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) The student achievement council may deposit all appropriations, collections, and any other funds received

for the program in this chapter in the future teachers conditional scholarship account authorized in RCW 28B.102.080.

**NEW SECTION. Sec. 636.** A new section is added to chapter 28B.102 RCW to read as follows:

(1) Subject to an appropriation specifically provided for this purpose, the office shall develop and administer the teacher shortage conditional grant program as a subprogram within the future teachers conditional scholarship and loan repayment program. The purpose of the teacher shortage conditional grant program is to encourage individuals to become teachers by providing financial aid to individuals enrolled in professional educator standards-approved teacher preparation programs.

(2) The office has the power and duty to develop and adopt rules as necessary under chapter 34.05 RCW to administer the program described in this section.

(3) As part of the rule-making process under subsection (2) of this section, the office must collaborate with the professional educator standards board, the Washington state school directors' association, and the professional educator standards board-approved teacher preparation programs to develop a framework for the teacher shortage conditional grant program, including eligibility requirements, contractual obligations, conditional grant amounts, and loan repayment requirements.

(4)(a) In developing the eligibility requirements, the office must consider: Whether the individual has a financial need, is a first-generation college student, or is from a traditionally underrepresented group among teachers in Washington; whether the individual is completing an alternative route to teacher certification program; whether the individual plans to obtain an endorsement in a hard-to-fill subject, as defined by the professional educator standards board; the characteristic of any geographic shortage area, as defined by the professional educator standards board, that the individual plans to teach in; and whether a school district has committed to offering the individual employment once the individual obtains a residency teacher certificate.

(b) In developing the contractual obligations, the office must consider requiring the individual to: Obtain a Washington state residency teacher certificate; teach in a subject or geographic endorsement shortage area, as defined by the professional educator standards board; and commit to teach for five school years in an approved education program with a need for a teacher with such an endorsement at the time of hire.

(c) In developing the conditional grant award amounts, the office must consider whether the individual is: Enrolled in a public or private institution of higher education, a resident, in a baccalaureate or postbaccalaureate program, or in an alternative route to teacher certification program. In addition, the award amounts must not result in a reduction of the individual's federal or state grant aid, including Pell grants, state need grants, college bound scholarships, or opportunity scholarships.

(d) In developing the repayment requirements for a conditional grant that is converted into a loan, the terms

and conditions of the loan must follow the interest rate and repayment terms of the federal direct subsidized loan program. In addition, the office must consider the following repayment schedule:

(i) For less than one school year of teaching completed, the loan obligation is eighty-five percent of the conditional grant the student received, plus interest and an equalization fee;

(ii) For less than two school years of teaching completed, the loan obligation is seventy percent of the conditional grant the student received, plus interest and an equalization fee;

(iii) For less than three school years of teaching completed, the loan obligation is fifty-five percent of the conditional grant the student received, plus interest and an equalization fee; and

(iv) For less than four school years of teaching completed, the loan obligation is forty percent of the conditional grant the student received, plus interest and an equalization fee.

(5) By November 1, 2018, and November 1, 2020, the office shall submit reports, in accordance with RCW 43.01.036, to the appropriate committees of the legislature that recommend whether the teacher shortage conditional grant program under this section should be continued, modified, or terminated, and that include information about the recipients of the grants under this program.

**NEW SECTION. Sec. 637.** A new section is added to chapter 28B.76 RCW to read as follows:

(1) Subject to funds appropriated specifically for this purpose, the office shall administer a student teaching residency grant program to provide additional funds to individuals completing student teaching residencies at public schools in Washington.

(2) To qualify for the grant, recipients must be enrolled in a professional educator standards board-approved teacher preparation program, be completing or about to start a student teaching residency at a Title I school, and demonstrate financial need, as defined by the office and consistent with the income criteria required to receive the state need grant established in chapter 28B.92 RCW.

(3) The office shall establish rules for administering the grants under this section.

**NEW SECTION. Sec. 638.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 639.** Sections 5 and 6 of this act expire July 1, 2021."

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris;

Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta and Taylor.

Passed to Committee on Rules for second reading.

February 29, 2016

**ESSB 6470** Prime Sponsor, Committee on Commerce & Labor: Addressing provisions concerning wineries in respect to the licensing of private collections of wine, allowing wineries to make sales for off-premises consumption at special occasion licensed events, modifying special occasion licenses, and making certain related technical corrections. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass as amended by Committee on General Government & Information Technology and without amendment by Committee on Commerce & Gaming.

Strike everything after the enacting clause and insert the following:

"**Sec. 640.** RCW 66.24.170 and 2014 c 105 s 1 and 2014 c 27 s 1 are each reenacted and amended to read as follows:

(1) There (~~shall be~~) is a license for domestic wineries; fee to be computed only on the liters manufactured: Less than two hundred fifty thousand liters per year, one hundred dollars per year; and two hundred fifty thousand liters or more per year, four hundred dollars per year.

(2) The license allows for the manufacture of wine in Washington state from grapes or other agricultural products.

(3) Any domestic winery licensed under this section may also act as a retailer of wine of its own production. Any domestic winery licensed under this section may act as a distributor of its own production. Notwithstanding any language in this title to the contrary, a domestic winery may use a common carrier to deliver up to one hundred cases of its own production, in the aggregate, per month to licensed Washington retailers. A domestic winery may not arrange for any such common carrier shipments to licensed retailers of wine not of its own production. Except as provided in this section, any winery operating as a distributor and/or retailer under this subsection must comply with the applicable laws and rules relating to distributors and/or retailers, except that a winery operating as a distributor may maintain a warehouse off the premises of the winery for the distribution of wine of its own production provided that: (a) The warehouse has been

approved by the board under RCW 66.24.010; and (b) the number of warehouses off the premises of the winery does not exceed one.

(4) A domestic winery licensed under this section, at locations separate from any of its production or manufacturing sites, may serve samples of its own products, with or without charge, may sell wine of its own production at retail, and may sell for off-premises consumption wines of its own production in kegs or sanitary containers meeting the applicable requirements of federal law brought to the premises by the purchaser or furnished by the licensee and filled at the tap at the time of sale, provided that: (a) Each additional location has been approved by the board under RCW 66.24.010; (b) the total number of additional locations does not exceed two; (c) a winery may not act as a distributor at any such additional location; and (d) any person selling or serving wine at an additional location for ~~((on-premise H:\DATA\2016 JOURNAL\Journal2016\LegDay050\on-premises.doc)) on-premises~~ consumption must obtain a class 12 or class 13 alcohol server permit. Each additional location is deemed to be part of the winery license for the purpose of this title. At additional locations operated by multiple wineries under this section, if the board cannot connect a violation of RCW 66.44.200 or 66.44.270 to a single licensee, the board may hold all licensees operating the additional location jointly liable. Nothing in this subsection may be construed to prevent a domestic winery from holding multiple domestic winery licenses.

(5)(a) A domestic winery licensed under this section may apply to the board for an endorsement to sell wine of its own production at retail for off-premises consumption at a qualifying farmers market. The annual fee for this endorsement is seventy-five dollars. An endorsement issued pursuant to this subsection does not count toward the two additional retail locations limit specified in this section.

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

(c) The wine sold at qualifying farmers markets must be made entirely from grapes grown in a recognized Washington appellation or from other agricultural products grown in this state.

(d) Each approved location in a qualifying farmers market is deemed to be part of the winery license for the purpose of this title. The approved locations under an endorsement granted under this subsection include tasting or sampling privileges subject to the conditions pursuant to RCW 66.24.175. The winery may not store wine at a farmers market beyond the hours that the winery offers bottled wine for sale. The winery may not act as a distributor from a farmers market location.

(e) Before a winery may sell bottled wine at a qualifying farmers market, the farmers market must apply to the board for authorization for any winery with an endorsement approved under this subsection to sell bottled wine at retail at the farmers market. This application shall

include, at a minimum: (i) A map of the farmers market showing all booths, stalls, or other designated locations at which an approved winery may sell bottled wine; and (ii) the name and contact information for the on-site market managers who may be contacted by the board or its designee to verify the locations at which bottled wine may be sold. Before authorizing a qualifying farmers market to allow an approved winery to sell bottled wine at retail at its farmers market location, the board ~~((shall))~~ must notify the persons or entities of such application for authorization pursuant to RCW 66.24.010 (8) and (9). An authorization granted under this subsection (5)(e) may be withdrawn by the board for any violation of this title or any rules adopted under this title.

(f) The board may adopt rules establishing the application and approval process under this section and such additional rules as may be necessary to implement this section.

(g) For the purposes of this subsection:

(i) "Qualifying farmers market" means an entity that sponsors a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in this state directly to the consumer under conditions that meet the following minimum requirements:

(A) There are at least five participating vendors who are farmers selling their own agricultural products;

(B) The total combined gross annual sales of vendors who are farmers exceeds the total combined gross annual sales of vendors who are processors or resellers. However, if a farmers market does not satisfy this subsection (5)(g)(i)(B), a farmers market is still considered a "qualifying farmers market" if the total combined gross annual sales of farmers and processors at the farmers market is one million dollars or more;

(C) The total combined gross annual sales of vendors who are farmers, processors, or resellers exceeds the total combined gross annual sales of vendors who are not farmers, processors, or resellers;

(D) The sale of imported items and secondhand items by any vendor is prohibited; and

(E) No vendor is a franchisee.

(ii) "Farmer" means a natural person who sells, with or without processing, agricultural products that he or she raises on land he or she owns or leases in this state or in another state's county that borders this state.

(iii) "Processor" means a natural person who sells processed food that he or she has personally prepared on land he or she owns or leases in this state or in another state's county that borders this state.

(iv) "Reseller" means a natural person who buys agricultural products from a farmer and resells the products directly to the consumer.

(6) Wine produced in Washington state by a domestic winery licensee may be shipped out-of-state for the purpose of making it into sparkling wine and then returned to such licensee for resale. Such wine ~~((shall be))~~ is deemed wine manufactured in the state of Washington for the purposes of RCW 66.24.206, and shall not require a special license.

(7) During an event held by a nonprofit holding a special occasion license issued under RCW 66.24.380, a

domestic winery licensed under this section may take orders, either in writing or electronically, and accept payment for wines of its own production under the following conditions:

(a) Wine produced by the domestic winery may be served for on-premises consumption by the special occasion licensee;

(b) The domestic winery delivers wine to the consumer on a date after the conclusion of the special occasion event;

(c) The domestic winery delivers wine to the consumer at a location different from the location at which the special occasion event is held;

(d) The domestic winery complies with all requirements in chapter 66.20 RCW for direct sale of wine to consumers;

(e) The wine is not sold for resale; and

(f) The domestic winery is entitled to all proceeds from the sale and delivery of its wine to a consumer after the conclusion of the special occasion event, but may enter into an agreement to share a portion of the proceeds of these sales with the special occasion licensee licensed under RCW 66.24.380.

**Sec. 641.** RCW 66.24.380 and 2012 c 2 s 112 are each amended to read as follows:

There is a retailer's license to be designated as a special occasion license to be issued to a not-for-profit society or organization to sell spirits, beer, and wine by the individual serving for on-premises consumption at a specified event, such as at picnics or other special occasions, at a specified date and place; fee sixty dollars per day.

(1) The not-for-profit society or organization is limited to sales of no more than twelve calendar days per year. For the purposes of this subsection, special occasion licenses that are "agricultural area fairs" or "agricultural county, district, and area fairs," as defined by RCW 15.76.120, that receive a special occasion license may, once per calendar year, count as one event fairs that last multiple days, so long as alcohol sales are at set dates, times, and locations, and the board receives prior notification of the dates, times, and locations. The special occasion license applicant will pay the sixty dollars per day for this event.

(2) The licensee may sell spirits, beer, and/or wine in original, unopened containers for off-premises consumption if permission is obtained from the board prior to the event.

(3) In addition to offering the sale of wine by the individual serving for on-premises consumption, the licensee may sell wine in original, unopened containers for on-premises consumption if permission is obtained from the board prior to the event.

(4) Sale, service, and consumption of spirits, beer, and wine is to be confined to specified premises or designated areas only.

~~((4))~~ (5) Liquor sold under this special occasion license must be purchased from a licensee of the board.

~~((5))~~ (6) Any violation of this section is a class 1 civil infraction having a maximum penalty of two hundred fifty dollars as provided for in chapter 7.80 RCW.

**Sec. 642.** RCW 66.12.110 and 2012 c 117 s 272 are each amended to read as follows:

A person twenty-one years of age or over may bring into the state from without the United States, free of tax and markup, for his or her personal or household use such alcoholic beverages as have been declared and permitted to enter the United States duty free under federal law.

Such entry of alcoholic beverages in excess of that herein provided may be authorized by the board upon payment of an equivalent (~~(markup and)~~) tax as would be applicable to the purchase of the same or similar liquor at retail (~~(from a Washington state liquor store)~~) in this state. The board (~~(shall)~~) must adopt appropriate regulations pursuant to chapter 34.05 RCW for the purpose of carrying out the provisions of this section. The board may issue a spirits, beer, and wine private club license to a charitable or nonprofit corporation of the state of Washington, the majority of the officers and directors of which are United States citizens and the minority of the officers and directors of which are citizens of the Dominion of Canada, and where the location of the premises for such spirits, beer, and wine private club license is not more than ten miles south of the border between the United States and the province of British Columbia.

**Sec. 643.** RCW 66.12.120 and 1995 c 100 s 1 are each amended to read as follows:

Notwithstanding any other provision of this title (~~(66 RCW)~~), a person twenty-one years of age or over may, free of tax (~~(and markup)~~), for personal or household use, bring into the state of Washington from another state no more than once per calendar month up to two liters of spirits or wine or two hundred eighty-eight ounces of beer. Additionally, such person may be authorized by the board to bring into the state of Washington from another state a reasonable amount of alcoholic beverages in excess of that provided in this section for personal or household use only upon payment of an equivalent (~~(markup and)~~) tax as would be applicable to the purchase of the same or similar liquor at retail (~~(from a state liquor store)~~) in this state. The board (~~(shall)~~) must adopt appropriate regulations pursuant to chapter 34.05 RCW for the purpose of carrying into effect the provisions of this section.

**Sec. 644.** RCW 66.12.240 and 2009 c 361 s 1 are each amended to read as follows:

(1) Nothing in this title applies to or prevents a wedding boutique or art gallery from offering or supplying without charge wine or beer by the individual glass to a customer for consumption on the premises. However, the customer must be at least twenty-one years of age and may only be offered one glass of wine or beer, and wine or beer served or consumed (~~(shall)~~) must be purchased from a Washington state licensed retailer (~~(or a Washington state liquor store or agency)~~) at full retail price. A wedding boutique or art gallery offering wine or beer without charge may not advertise the service of complimentary wine or beer and may not sell wine or beer in any manner. Any employee involved in the service of wine or beer must

complete a board-approved limited alcohol server training program.

(2) ~~(For the purposes of this section:)~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Art gallery" means a room or building devoted to the exhibition and/or sale of the works of art.

(b) "Wedding boutique" means a business primarily engaged in the sale of wedding merchandise.

**Sec. 645.** RCW 66.20.010 and 2015 c 195 s 1, 2015 c 194 s 3, and 2015 c 59 s 1 are each reenacted and amended to read as follows:

Upon application in the prescribed form being made to any employee authorized by the board to issue permits, accompanied by payment of the prescribed fee, and upon the employee being satisfied that the applicant should be granted a permit under this title, the employee must issue to the applicant under such regulations and at such fee as may be prescribed by the board a permit of the class applied for, as follows:

(1) Where the application is for a special permit by a physician or dentist, or by any person in charge of an institution regularly conducted as a hospital or sanatorium for the care of persons in ill health, or as a home devoted exclusively to the care of aged people, a special liquor purchase permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(2) Where the application is for a special permit by a person engaged within the state in mechanical or manufacturing business or in scientific pursuits requiring alcohol for use therein, or by any private individual, a special permit to purchase alcohol for the purpose named in the permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(3) Where the application is for a special permit to consume liquor at a banquet, at a specified date and place, a special permit to purchase liquor for consumption at such banquet, to such applicants as may be fixed by the board;

(4) Where the application is for a special permit to consume liquor on the premises of a business not licensed under this title, a special permit to purchase liquor for consumption thereon for such periods of time and to such applicants as may be fixed by the board;

(5) Where the application is for a special permit by a manufacturer to import or purchase within the state alcohol, malt, and other materials containing alcohol to be used in the manufacture of liquor, or other products, a special permit;

(6) Where the application is for a special permit by a person operating a drug store to purchase liquor at retail prices only, to be thereafter sold by such person on the prescription of a physician, a special liquor purchase permit, except that the governor may waive the requirement for a special liquor purchase permit under this subsection pursuant to an order issued under RCW 43.06.220(2);

(7) Where the application is for a special permit by an authorized representative of a military installation operated by or for any of the armed forces within the geographical boundaries of the state of Washington, a special permit to purchase liquor for use on such military installation;

(8) Where the application is for a special permit by a vendor that manufactures or sells a product which cannot be effectively presented to potential buyers without serving it with liquor or by a manufacturer, importer, or distributor, or representative thereof, to serve liquor without charge to delegates and guests at a convention of a trade association composed of licensees of the board, when the said liquor is served in a hospitality room or from a booth in a board-approved suppliers' display room at the convention, and when the liquor so served is for consumption in the said hospitality room or display room during the convention, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(9) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at a convention of a trade association composed of licensees of the board, when the liquor so donated is for consumption at the said reception, breakfast, luncheon, or dinner during the convention, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(10) Where the application is for a special permit by a manufacturer, importer, or distributor, or representative thereof, to donate and/or serve liquor without charge to delegates and guests at an international trade fair, show, or exposition held under the auspices of a federal, state, or local governmental entity or organized and promoted by a nonprofit organization, anything in this title to the contrary notwithstanding. Any such spirituous liquor must be purchased from a liquor spirits retailer or distributor, and any such liquor is subject to the taxes imposed by RCW 82.08.150, 66.24.290, and 66.24.210;

(11) Where the application is for an annual special permit by a person operating a bed and breakfast lodging facility to donate or serve wine or beer without charge to overnight guests of the facility if the wine or beer is for consumption on the premises of the facility. "Bed and breakfast lodging facility," as used in this subsection, means a facility offering from one to eight lodging units and breakfast to travelers and guests;

(12) Where the application is for a special permit to allow tasting of alcohol by persons at least eighteen years of age under the following circumstances:

(a) The application is from a community or technical college as defined in RCW 28B.50.030, a regional university, or a state university;

(b) The person who is permitted to taste under this subsection is enrolled as a student in a required or elective class that is part of a culinary, sommelier, wine business,

enology, viticulture, wine technology, beer technology, or spirituous technology-related degree program;

(c) The alcohol served to any person in the degree-related programs under (b) of this subsection is tasted but not consumed for the purposes of educational training as part of the class curriculum with the approval of the educational provider;

(d) The service and tasting of alcoholic beverages is supervised by a faculty or staff member of the educational provider who is twenty-one years of age or older. The supervising faculty or staff member shall possess a class 12 or 13 alcohol server permit under the provisions of RCW 66.20.310;

(e) The enrolled student permitted to taste the alcoholic beverages does not purchase the alcoholic beverages; and

(f) The permit fee for the special permit provided for in this subsection (12) must be waived by the board;

(13) Where the application is for a special permit by a distillery or craft distillery for an event not open to the general public to be held or conducted at a specific place, including at the licensed premise of the applying distillery or craft distillery, upon a specific date for the purpose of tasting and selling spirits of its own production. The distillery or craft distillery must obtain a permit for a fee of ten dollars per event. An application for the permit must be submitted for private banquet permits prior to the event and, once issued, must be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use. No licensee may receive more than twelve permits under this subsection (13) each year;

(14) Where the application is for a special permit by a manufacturer of wine for an event not open to the general public to be held or conducted at a specific place upon a specific date for the purpose of tasting and selling wine of its own production. The winery must obtain a permit for a fee of ten dollars per event. An application for the permit must be submitted at least ten days before the event and once issued, must be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use. No more than twelve events per year may be held by a single manufacturer under this subsection;

(15) Where the application is for a special permit by an individual or business to sell a private collection of wine or spirits to an individual or business. The seller must obtain a permit at least five business days before the sale, for a fee of twenty-five dollars per sale. The seller must provide an inventory of products sold and the agreed price on a form provided by the board. The seller shall submit the report and taxes due to the board no later than twenty calendar days after the sale. A permit may be issued under this section to allow the sale of a private collection to licensees, but may not be issued to a licensee to sell to a private individual or business which is not otherwise authorized under the license held by the seller. If the liquor is purchased by a licensee, all sales are subject to taxes assessed as on liquor acquired from any other source. The board may adopt rules to implement this section.

**Sec. 646.** RCW 66.20.170 and 1973 1st ex.s. c 209 s 5 are each amended to read as follows:

A card of identification may for the purpose of this title and for the purpose of procuring liquor, be accepted as an identification card by any licensee (~~(or store employee)~~) and as evidence of legal age of the person presenting such card, provided the licensee (~~(or store employee)~~) complies with the conditions and procedures prescribed herein and such regulations as may be made by the board.

**Sec. 647.** RCW 66.20.180 and 2005 c 151 s 9 are each amended to read as follows:

A card of identification (~~(shall)~~ **must**) be presented by the holder thereof upon request of any licensee, (~~(store employee, contract liquor store manager, contract liquor store employee,)~~) peace officer, or enforcement officer of the board for the purpose of aiding the licensee, (~~(store employee, contract liquor store manager, contract liquor store employee,)~~) peace officer, or enforcement officer of the board to determine whether or not such person is of legal age to purchase liquor when such person desires to procure liquor from a licensed establishment (~~(or state liquor store or contract liquor store)~~).

**Sec. 648.** RCW 66.20.190 and 2012 c 117 s 280 are each amended to read as follows:

In addition to the presentation by the holder and verification by the licensee (~~(or store employee)~~) of such card of identification, the licensee (~~(or store employee)~~) who is still in doubt about the true age of the holder (~~(shall)~~ **must**) require the person whose age may be in question to sign a certification card and record an accurate description and serial number of his or her card of identification thereon. Such statement (~~(shall)~~ **must**) be upon a five-inch by eight-inch file card, which card (~~(shall)~~ **must**) be filed alphabetically by the licensee (~~(or store employee)~~) at or before the close of business on the day on which the statement is executed, in the file box containing a suitable alphabetical index and the card (~~(shall)~~ **must**) be subject to examination by any peace officer or agent or employee of the board at all times. The certification card (~~(shall)~~ **must**) also contain in bold-face type a statement stating that the signer understands that conviction for unlawful purchase of alcoholic beverages or misuse of the certification card may result in criminal penalties including imprisonment or fine or both.

**Sec. 649.** RCW 66.20.200 and 2003 c 53 s 295 are each amended to read as follows:

(1) It (~~(shall be)~~ **is**) unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee (~~(or store employee)~~). Any person who (~~(shall)~~ **permits**) his or her card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee (~~(or store employee)~~) or gain admission to a premises or portion of a premises classified by the board as off-limits to persons under

twenty-one years of age, ~~((shall be))~~ is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars ~~((shall))~~ must be imposed and any sentence requiring community restitution ~~((shall))~~ must require not fewer than twenty-five hours of community restitution.

(2) Any person not entitled thereto who unlawfully procures or has issued or transferred to him or her a card of identification, and any person who possesses a card of identification not issued to him or her, and any person who makes any false statement on any certification card required by RCW 66.20.190, to be signed by him or her, ~~((shall be))~~ is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars ~~((shall))~~ must be imposed and any sentence requiring community restitution ~~((shall))~~ must require not fewer than twenty-five hours of community restitution.

**Sec. 650.** RCW 66.20.210 and 1973 1st ex.s. c 20 s 9 are each amended to read as follows:

(1) No licensee or the agent or employee of the licensee ~~(, or store employee, shall))~~ may be prosecuted criminally or be sued in any civil action for serving liquor to a person under legal age to purchase liquor if such person has presented a card of identification in accordance with RCW 66.20.180, and has signed a certification card as provided in RCW 66.20.190.

(2) Such card in the possession of a licensee may be offered as a defense in any hearing held by the board for serving liquor to the person who signed the card and may be considered by the board as evidence that the licensee acted in good faith.

**Sec. 651.** RCW 66.24.210 and 2012 c 20 s 2 are each amended to read as follows:

(1) There is hereby imposed upon all wines except cider sold to wine distributors ~~((and the Washington state liquor control board,))~~ within the state a tax at the rate of twenty and one-fourth cents per liter. Any domestic winery or certificate of approval holder acting as a distributor of its own production ~~((shall))~~ must pay taxes imposed by this section. There is hereby imposed on all cider sold to wine distributors ~~((and the Washington state liquor control board,))~~ within the state a tax at the rate of three and fifty-nine one-hundredths cents per liter. However, wine sold or shipped in bulk from one winery to another winery ~~((shall))~~ is not ~~((be))~~ subject to such tax.

(a) The tax provided for in this section shall be collected by direct payments based on wine purchased by wine distributors.

(b) Except as provided in subsection (7) of this section, every person purchasing wine under the provisions of this section ~~((shall))~~ must on or before the twentieth day of each month report to the board all purchases during the preceding calendar month in such manner and upon such forms as may be prescribed by the board, and with such report ~~((shall))~~ must pay the tax due from the purchases covered by such report unless the same has previously been paid. Any such purchaser of wine whose applicable tax

payment is not postmarked by the twentieth day following the month of purchase will be assessed a penalty at the rate of two percent a month or fraction thereof. The board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may ~~((forthwith))~~ suspend or cancel the license until all taxes are paid.

(c) Any licensed retailer authorized to purchase wine from a certificate of approval holder with a direct shipment endorsement or a domestic winery ~~((shall))~~ must make monthly reports to the liquor ~~((control))~~ and cannabis board on wine purchased during the preceding calendar month in the manner and upon such forms as may be prescribed by the board.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section. All revenues collected during any month from this additional tax ~~((shall))~~ must be transferred to the state general fund by the twenty-fifth day of the following month.

(3) An additional tax is imposed on wines subject to tax under subsection (1) of this section, at the rate of one-fourth of one cent per liter for wine sold after June 30, 1987. After June 30, 1996, such additional tax does not apply to cider. An additional tax of five one-hundredths of one cent per liter is imposed on cider sold after June 30, 1996. All revenues collected under this subsection (3) shall be disbursed quarterly to the Washington wine commission for use in carrying out the purposes of chapter 15.88 RCW.

(4) An additional tax is imposed on all wine subject to tax under subsection (1) of this section. The additional tax is equal to twenty-three and forty-four one-hundredths cents per liter on fortified wine as defined in RCW 66.04.010 when bottled or packaged by the manufacturer, one cent per liter on all other wine except cider, and eighteen one-hundredths of one cent per liter on cider. All revenues collected during any month from this additional tax shall be deposited in the state general fund by the twenty-fifth day of the following month.

(5)(a) An additional tax is imposed on all cider subject to tax under subsection (1) of this section. The additional tax is equal to two and four one-hundredths cents per liter of cider sold after June 30, 1996, and before July 1, 1997, and is equal to four and seven one-hundredths cents per liter of cider sold after June 30, 1997.

(b) All revenues collected from the additional tax imposed under this subsection (5) ~~((shall))~~ must be deposited in the state general fund.

(6) For the purposes of this section, "cider" means table wine that contains not less than one-half of one percent of alcohol by volume and not more than seven percent of alcohol by volume and is made from the normal alcoholic fermentation of the juice of sound, ripe apples or pears. "Cider" includes, but is not limited to, flavored, sparkling, or carbonated cider and cider made from condensed apple or pear must.

(7) For the purposes of this section, out-of-state wineries ~~((shall))~~ must pay taxes under this section on wine sold and shipped directly to Washington state residents in a manner consistent with the requirements of a wine

distributor under subsections (1) through (4) of this section, except wineries shall be responsible for the tax and not the resident purchaser.

(8) Notwithstanding any other provision of this section, any domestic winery or wine certificate of approval holder acting as a distributor of its own production that had total taxable sales of wine in Washington state of six thousand gallons or less during the calendar year preceding the date on which the tax would otherwise be due is not required to pay taxes under this section more often than annually.

**Sec. 652.** RCW 66.28.030 and 2012 c 2 s 113 are each amended to read as follows:

Every domestic distillery, brewery, and microbrewery, domestic winery, certificate of approval holder, licensed ~~(liquor)~~ spirits importer, licensed wine importer, and licensed beer importer is responsible for the conduct of any licensed spirits, beer, or wine distributor in selling, or contracting to sell, to retail licensees, spirits, beer, or wine manufactured by such domestic distillery, brewery, microbrewery, domestic winery, manufacturer holding a certificate of approval, sold by an authorized representative holding a certificate of approval, or imported by such ~~(liquor)~~ spirits, beer, or wine importer. Where the board finds that any licensed spirits, beer, or wine distributor has violated any of the provisions of this title or of the regulations of the board in selling or contracting to sell spirits, beer, or wine to retail licensees, the board may, in addition to any punishment inflicted or imposed upon such distributor, prohibit the sale of the brand or brands of spirits, beer, or wine involved in such violation to any or all retail licensees within the trade territory usually served by such distributor for such period of time as the board may fix, irrespective of whether the distiller manufacturing such spirits or the ~~(liquor)~~ spirits importer importing such spirits, brewer manufacturing such beer or the beer importer importing such beer, or the domestic winery manufacturing such wine or the wine importer importing such wine or the certificate of approval holder manufacturing such spirits, beer, or wine or acting as authorized representative actually participated in such violation.

**Sec. 653.** RCW 66.28.035 and 2012 c 39 s 7 are each amended to read as follows:

(1) By the ~~(15th)~~ 20th day of each month, all spirits certificate of approval holders must file with the board, in a form and manner required by the board, a report of all spirits delivered to purchasers in this state during the preceding month ~~(along with a copy)~~. Copies of the invoices for all such purchases or other information required by the board that would disclose the identity of the purchasers must be made available upon request.

(2) A spirits certificate of approval holder may not ship or cause to be transported into this state any spirits unless the purchaser to whom the spirits are to be delivered is:

(a) Licensed by the board to sell spirits in this state, and the license is in good standing; or

(b) Otherwise legally authorized to sell spirits in this state.

(3) The liquor ~~(control)~~ and cannabis board must maintain on its web site a list of all purchasers that meet the conditions of subsection (2) of this section.

(4) A violation of this section is grounds for suspension of a spirits certificate of approval license in accordance with RCW 66.08.150, in addition to any punishment as may be authorized by RCW 66.28.030.

**Sec. 654.** RCW 66.28.040 and 2014 c 92 s 2 are each amended to read as follows:

Except as permitted by the board under RCW 66.20.010, no domestic brewery, microbrewery, distributor, distiller, domestic winery, importer, rectifier, certificate of approval holder, or other manufacturer of liquor may, within the state of Washington, give to any person any liquor; but nothing in this section nor in RCW 66.28.305 prevents a domestic brewery, microbrewery, distributor, domestic winery, distiller, certificate of approval holder, or importer from furnishing samples of beer, wine, or spirituous liquor to authorized licensees for the purpose of negotiating a sale, in accordance with regulations adopted by the liquor ~~(control)~~ and cannabis board, provided that the samples are subject to taxes imposed by RCW 66.24.290 and 66.24.210; nothing in this section prevents a domestic brewery, microbrewery, domestic winery, distillery, certificate of approval holder, or distributor from furnishing beer, wine, or spirituous liquor for instructional purposes under RCW 66.28.150; nothing in this section prevents a domestic winery, certificate of approval holder, or distributor from furnishing wine without charge, subject to the taxes imposed by RCW 66.24.210, to a not-for-profit group organized and operated solely for the purpose of enology or the study of viticulture which has been in existence for at least six months and that uses wine so furnished solely for such educational purposes or a domestic winery, or an out-of-state certificate of approval holder, from furnishing wine without charge or a domestic brewery, or an out-of-state certificate of approval holder, from furnishing beer without charge, subject to the taxes imposed by RCW 66.24.210 or 66.24.290, or a domestic distiller licensed under RCW 66.24.140 or an accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor licensed under RCW 66.24.310, from furnishing spirits without charge, to a nonprofit charitable corporation or association exempt from taxation under 26 U.S.C. Sec. 501(c)(3) or (6) of the internal revenue code of 1986 for use consistent with the purpose or purposes entitling it to such exemption; nothing in this section prevents a domestic brewery or microbrewery from serving beer without charge, on the brewery premises; nothing in this section prevents donations of wine for the purposes of RCW 66.12.180; nothing in this section prevents a domestic winery from serving wine without charge, on the winery premises; and nothing in this section prevents a craft distillery from serving spirits, on the distillery premises subject to RCW 66.24.145.

**Sec. 655.** RCW 66.44.350 and 2014 c 29 s 4 are each amended to read as follows:

Notwithstanding provisions of RCW 66.44.310, employees of businesses holding beer and/or wine restaurant; beer and/or wine private club; snack bar; spirits, beer, and wine restaurant; spirits, beer, and wine private club; catering; and sports entertainment facility licenses who are (~~licensees~~) between eighteen and twenty-one years of age (~~and over~~) may take orders for, serve, and sell liquor in any part of the licensed premises except cocktail lounges, bars, or other areas classified by the Washington state liquor (~~control~~) and cannabis board as off-limits to persons under twenty-one years of age: PROVIDED, That such employees may enter such restricted areas to perform work assignments including picking up liquor for service in other parts of the licensed premises, performing clean up work, setting up and arranging tables, delivering supplies, delivering messages, serving food, and seating patrons: PROVIDED FURTHER, That such employees (~~shall~~) remain in the areas off-limits to minors no longer than is necessary to carry out their aforementioned duties: PROVIDED FURTHER, That such employees (~~shall~~) are not be permitted to perform activities or functions of a bartender.

**NEW SECTION. Sec. 656.** RCW 66.24.440 (Liquor by the drink, spirits, beer, and wine restaurant, spirits, beer, and wine private club, hotel, spirits, beer, and wine nightclub, sports entertainment facility, and VIP airport lounge license—Purchase of liquor by licensees—Discount) and 2011 c 325 s 3, 2009 c 271 s 8, 2007 c 370 s 20, 1998 c 126 s 8, 1997 c 321 s 29, & 1949 c 5 s 5 are each repealed.

**NEW SECTION. Sec. 657.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the supplemental omnibus operating appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 29, 2016  
**SB 6475** Prime Sponsor, Senator Dansel: Addressing political subdivisions purchasing health coverage through the public employees' benefits board program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent;

Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Taylor; Tharinger; Van Werven and Walkinshaw.

Passed to Committee on Rules for second reading.

February 29, 2016  
**SSB 6483** Prime Sponsor, Committee on Ways & Means: Concerning the Dan Thompson memorial developmental disabilities community trust account. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Tharinger, Chair; Stanford, Vice Chair; DeBolt, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kilduff; Kochmar; Peterson; Riccelli and Walsh.

Passed to Committee on Appropriations.

February 29, 2016  
**2SSB 6497** Prime Sponsor, Committee on Ways & Means: Providing court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Judiciary.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 658.** The legislature recognizes that school attendance really matters, and that poor school attendance can have far-reaching effects on academic performance and achievement, development of social skills and school engagement, dropout rates, and even college completion rates. According to an August 2014 report by Attendance Works titled "Absences Add Up: How School Attendance Influences Student Success," students who missed more school than their peers scored lower on the 2013 national assessment for educational progress (NAEP). This was true at every age, in every racial and ethnic group, and in every state and city examined in the state-by-state analysis, and reinforced other research that has shown that: Poor attendance in the first month of school can predict chronic absence for the entire year; absenteeism in kindergarten can affect whether a child develops necessary grit and perseverance; absenteeism in preschool and kindergarten can influence whether a child will master reading by the end of third grade or be held back; absenteeism in middle and high school can predict dropout rates; absenteeism influences not just chances for graduating but also for completing college; improving attendance is important for reducing

educational opportunity gaps; and when students reduce absences, they can make academic gains.

The legislature further finds that these effects occur regardless of whether excessive absenteeism is considered excused or unexcused or the specific reason or reasons for excessive absenteeism. By taking a three-pronged approach, focusing not just on truancy but on school attendance in general, and providing additional tools to schools, courts, communities, and families, the legislature hopes to reduce excessive absenteeism, strengthen family engagement with schools, involve communities, promote academic achievement, reduce educational opportunity gaps, and increase high school graduation rates.

First, with respect to absenteeism in general, the legislature intends to put in place consistent practices and procedures, beginning in kindergarten, pursuant to which schools share information with families about the importance of consistent attendance and the consequences of excessive absences, involve families early, and provide families with information, services, and tools that they may access to improve and maintain their children's school attendance.

Second, the legislature recognizes the success that has been had by school districts and county juvenile courts around the state that have worked in tandem with one another to establish truancy boards capable of therapeutic prevention and intervention and that regularly stay truancy petitions in order to first allow these boards to identify barriers to school attendance, cooperatively solve problems, and connect students and their families with needed academic supports and community-based services, and that turn to court orders only as a last resort. While keeping petition filing requirements in place, the legislature intends to require an initial stay of truancy petitions in order to allow for appropriate intervention and prevention before using a court order to enforce attendance laws. The legislature also intends to encourage efforts by county juvenile courts and school districts to: Establish and maintain therapeutic truancy boards; and to employ other best practices, including the provision of training for board members and other school and court personnel on trauma-informed approaches to discipline, the research regarding adverse childhood experiences, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families as well as those that have been shown to be culturally appropriate promising practices.

Third, the legislature recognizes that there are instances in which individual barriers to school attendance that have led to a student's absences may be best addressed by providing access to a bed in a HOPE center. The legislature further recognizes that even when a student is found in contempt of a court order to attend school, it is best practice that the student not be placed in juvenile detention but, where feasible and available, instead be placed in a crisis residential center. The legislature intends to increase the number of beds in HOPE centers and crisis residential centers in order to facilitate their use for these students.

**Sec. 659.** RCW 28A.225.005 and 2009 c 556 s 5 are each amended to read as follows:

(1) Each school within a school district shall inform the students and the parents of the students enrolled in the school about: The benefits of regular school attendance; the potential effects of excessive absenteeism, whether excused or unexcused, on academic achievement, and graduation and dropout rates; the school's expectations of the parents and guardians to ensure regular school attendance by the child; the resources available to assist the child and the parents and guardians; the role and responsibilities of the school; and the consequences of truancy, including the compulsory education requirements under this chapter. The school shall provide access to the information ((at least annually-)) before or at the time of enrollment of the child at a new school and at the beginning of each school year. If the school regularly and ordinarily communicates most other information to parents online, providing online access to the information required by this section satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. Provision must be made to enable parents to request and receive the information in a language in which they are fluent. A parent must date and acknowledge review of this information online or in writing before or at the time of enrollment of the child at a new school and at the beginning of each school year.

(2) The office of the superintendent of public instruction shall develop a template that schools may use to satisfy the requirements of subsection (1) of this section and shall post the information on its web site.

**NEW SECTION. Sec. 660.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, in the event that a child in elementary school is required to attend school under RCW 28A.225.010 or 28A.225.015(1) and has five or more excused absences in a single month during the current school year, or ten or more excused absences in the current school year, the school district shall schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of identifying the barriers to the child's regular attendance, and the supports and resources that may be made available to the family so that the child is able to regularly attend school. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the absences, the school district may schedule this conference on that day. To satisfy the requirements of this section, the conference must include at least one school district employee such as a nurse, counselor, social worker, or teacher, except in those instances regarding the attendance of a child who has an individualized education program or a plan developed under section 504 of the rehabilitation act of 1973, in which case the reconvening of the team that created the program or plan is required.

(2) A conference pursuant to subsection (1) of this section is not required in the event of excused absences for which prior notice has been given to the school or a

doctor's note has been provided and an academic plan is put in place so that the child does not fall behind.

**Sec. 661.** RCW 28A.225.025 and 2009 c 266 s 2 are each amended to read as follows:

(1) For purposes of this chapter, "community truancy board" means a board composed of members of the local community in which the child attends school. Juvenile courts may establish and operate community truancy boards. If the juvenile court and the school district agree, a school district may establish and operate a community truancy board under the jurisdiction of the juvenile court. Juvenile courts may create a community truancy board or may use other entities that exist or are created, such as diversion units. However, a diversion unit or other existing entity must agree before it is used as a truancy board. Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program.

(2) The legislature finds that utilization of community truancy boards, or other diversion units that fulfill a similar function, is the preferred means of intervention when preliminary methods of notice and parent conferences and taking appropriate steps to eliminate or reduce unexcused absences have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community truancy boards and other diversion programs which are effective in promoting school attendance and preventing the need for more intrusive intervention by the court. Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3).

(3) For purposes of this chapter, "therapeutic truancy board" means a community truancy board operated within existing resources pursuant to a memorandum of understanding between a school district and a juvenile court. All members of a therapeutic truancy board receive training with respect to the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, the research regarding adverse childhood experiences, evidence-based treatments that have been found to be effective in supporting at-risk youth and their families as well as those that have been shown to be culturally appropriate promising practices, and the specific academic supports, services, and treatments available in the particular school, court, community, and elsewhere. A therapeutic truancy board identifies barriers to school attendance, cooperatively solves problems, connects students and their families with academic supports, community services, evidence-based services such as functional family therapy,

and culturally appropriate promising practices, and may refer children to a HOPE center.

**Sec. 662.** RCW 28A.225.035 and 2012 c 157 s 2 are each amended to read as follows:

(1) A petition for a civil action under RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:

(a) The child has unexcused absences during the current school year;

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, date of birth, school, address, gender, race, and ethnicity of the child and the names and addresses of the child's parents, and shall set forth whether the child and parent are fluent in English, whether there is an existing individualized education program, and the child's current academic status in school.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4)(a) When a petition is filed under RCW 28A.225.030 or 28A.225.015, it shall initially be stayed and intervention and prevention efforts employed in order to substantially reduce the child's unexcused absences. Intervention and prevention efforts under this subsection may include referral to a community truancy board, preferably a therapeutic truancy board, use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, the provision of academic services such as tutoring, credit retrieval and school reengagement supports, and community-based services, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families and those that have been shown to be culturally appropriate promising practices.

(b) If intervention and prevention efforts under (a) of this subsection are unsuccessful at substantially reducing the child's unexcused absences, the stay shall be lifted and the juvenile court shall schedule a hearing at which the court shall consider the petition, or if the court determines that ((a)) an initial or subsequent referral to an available community truancy board would substantially reduce the child's unexcused absences, the court may refer the case to a community truancy board under the jurisdiction of the juvenile court.

(5) If a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within twenty days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this

subsection shall be between the truancy board, the school district, and the child's parent. The court may permit the truancy board or truancy prevention counselor to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015.

(6) If the truancy board fails to reach an agreement, or the parent or student does not comply with the agreement, the truancy board shall return the case to the juvenile court for a hearing.

(7)(a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. When a juvenile court hearing is held, the court shall:

(i) Separately notify the child, the parent of the child, and the school district of the hearing. If the parent is not fluent in English, the preferred practice is for notice to be provided in a language in which the parent is fluent;

(ii) Notify the parent and the child of their rights to present evidence at the hearing; and

(iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(b) If the child is not provided with counsel, the advisement of rights must take place in court by means of a colloquy between the court, the child if eight years old or older, and the parent.

(8)(a) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

(b) The court may not issue a bench warrant for a child for failure to appear at a hearing on an initial truancy petition filed under RCW 28A.225.030. If there has been proper service, the court may instead enter a default order assuming jurisdiction under the terms specified in subsection (12) of this section.

(9) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or 28A.225.015.

(10) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

(11) If the child is in a special education program or has a diagnosed mental or emotional disorder, the court shall inquire as to what efforts the school district has made to assist the child in attending school.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

(13)(a) If the court assumes jurisdiction, the school district shall periodically report to the court any additional unexcused absences by the child, actions taken by the

school district, and an update on the child's academic status in school at a schedule specified by the court.

(b) The first report under this subsection (13) must be received no later than three months from the date that the court assumes jurisdiction.

(14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

**NEW SECTION. Sec. 663.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate to therapeutic truancy boards grant funds that may be used to supplement existing funds in order to pay for training for board members or the provision of services and treatment to children and their families.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this section. This is a competitive grant process. A prerequisite to applying for either or both grants is a memoranda of understanding, between a school district and a court, to institute a new or maintain an existing therapeutic truancy board that meets the requirements of RCW 28A.225.025.

(3) Successful applicants for an award of grant funds to supplement existing funds to pay for the training of therapeutic truancy board members must commit to the provision of training to board members regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, research about adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, as well as the specific academic and community services and treatments available in the school, court, community, and elsewhere. This training may be provided by educational service districts.

(4) Successful applicants for an award of grant funds to supplement existing funds to pay for services and treatments provided to children and their families must commit to the provision of academic services such as tutoring, credit retrieval and school reengagement supports, community services, and evidence-based treatments that have been found to be effective in supporting at-risk youth and their families, such as functional family therapy, or those that have been shown to be culturally appropriate promising practices.

**Sec. 664.** RCW 28A.225.090 and 2009 c 266 s 4 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, including suspensions;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) Be referred to a community truancy board, if available; ~~((e))~~

(e) Submit to testing for the use of controlled substances or alcohol based on a determination that such testing is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the drug assessment at no expense to the school; or

(f) Submit to a temporary placement in a crisis residential center if the court determines there is an immediate health and safety concern, or a family conflict with the need for mediation.

(2) If the child fails to comply with the court order, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community restitution. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seven days. Detention ordered under this subsection shall preferably be served at a crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school

during school hours in a location where other students are present.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

**Sec. 665.** RCW 43.185C.315 and 2015 c 69 s 22 are each amended to read as follows:

(1) The department shall establish HOPE centers that provide no more than seventy-five beds across the state and may establish HOPE centers by contract, within funds appropriated by the legislature specifically for this purpose. HOPE centers shall be operated in a manner to reasonably assure that street youth placed there will not run away. Street youth may leave a HOPE center during the course of the day to attend school or other necessary appointments, but the street youth must be accompanied by an administrator or an administrator's designee. The street youth must provide the administration with specific information regarding his or her destination and expected time of return to the HOPE center. Any street youth who runs away from a HOPE center shall not be readmitted unless specifically authorized by the street youth's placement and liaison specialist, and the placement and liaison specialist shall document with specific factual findings an appropriate basis for readmitting any street youth to a HOPE center. HOPE centers are required to have the following:

~~((1))~~ (a) A license issued by the department of social and health services;

~~((2))~~ (b) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. This professional staff person may be contractual or a part-time employee, but must be available to work with street youth in a HOPE center at a ratio of one to every fifteen youth staying in a HOPE center. This professional shall be known as a placement and liaison specialist. Preference shall be given to those professionals cross-credentialed in mental health and chemical dependency. The placement and liaison specialist shall:

~~((a))~~ (i) Conduct an assessment of the street youth that includes a determination of the street youth's legal status regarding residential placement;

~~((b))~~ (ii) Facilitate the street youth's return to his or her legally authorized residence at the earliest possible date or initiate processes to arrange legally authorized appropriate placement. Any street youth who may meet the definition of dependent child under RCW 13.34.030 must be referred to the department of social and health services. The department of social and health services shall determine whether a dependency petition should be filed under chapter 13.34 RCW. A shelter care hearing must be held within seventy-two hours to authorize out-of-home placement for any youth the department of social and health services determines is appropriate for out-of-home placement under chapter 13.34 RCW. All of the provisions of chapter 13.32A RCW must be followed for children in need of services or at-risk youth;

~~((c))~~ (iii) Interface with other relevant resources and system representatives to secure long-term residential placement and other needed services for the street youth;

~~((d))~~ (iv) Be assigned immediately to each youth and meet with the youth within eight hours of the youth receiving HOPE center services;

~~((e))~~ (v) Facilitate a physical examination of any street youth who has not seen a physician within one year prior to residence at a HOPE center and facilitate evaluation by a county-designated mental health professional, a chemical dependency specialist, or both if appropriate; and

~~((f))~~ (vi) Arrange an educational assessment to measure the street youth's competency level in reading, writing, and basic mathematics, and that will measure learning disabilities or special needs;

~~((3))~~ (c) Staff trained in development needs of street youth as determined by the department, including an administrator who is a professional with a master's degree in counseling, social work, or a related field and at least one year of experience working with street youth, or a bachelor of arts degree in social work or a related field and five years of experience working with street youth, who must work with the placement and liaison specialist to provide appropriate services on site;

~~((4))~~ (d) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the department;

~~((5))~~ (e) Notification requirements that meet the notification requirements of chapter 13.32A RCW. The youth's arrival date and time must be logged at intake by HOPE center staff. The staff must immediately notify law enforcement and dependency caseworkers if a street youth runs away from a HOPE center. A child may be transferred to a secure facility as defined in RCW 13.32A.030 whenever the staff reasonably believes that a street youth is likely to leave the HOPE center and not return after full consideration of the factors set forth in RCW 43.185C.290(2)(a) (i) and (ii). The street youth's temporary placement in the HOPE center must be authorized by the court or the secretary of the department of social and health services if the youth is a dependent of the state under chapter 13.34 RCW or the department of social and health services is responsible for the youth under chapter 13.32A RCW, or by the youth's parent or legal custodian, until such time as the parent can retrieve the youth who is returning to home;

~~((6))~~ (f) HOPE centers must identify to the department of social and health services any street youth it serves who is not returning promptly to home. The department of social and health services then must contact the missing children's clearinghouse identified in chapter 13.60 RCW and either report the youth's location or report that the youth is the subject of a dependency action and the parent should receive notice from the department of social and health services; and

~~((7))~~ (g) Services that provide counseling and education to the street youth(~~and~~);

~~((8))~~ (2) The department shall award contracts for the operation of HOPE center beds with the goal of facilitating the coordination of services provided for youth by such programs and those services provided by secure and semi-secure crisis residential centers.

(3) Subject to funds appropriated for this purpose, the beds available in HOPE centers shall be increased incrementally beyond the limit of seventy-five set forth in subsection (1) of this section. The additional capacity shall be distributed around the state based upon need and, to the extent feasible, shall be geographically situated so that HOPE beds are available across the state. In determining the need for increased numbers of HOPE beds in a particular county or counties, one of the considerations should be the volume of truancy petitions filed there.

**Sec. 666.** RCW 43.185C.320 and 2015 c 69 s 23 are each amended to read as follows:

To be eligible for placement in a HOPE center, a minor must be either a street youth, as that term is defined in this chapter, or a youth who, without placement in a HOPE center, will continue to participate in increasingly risky behavior, including truancy. Youth may also self-refer to a HOPE center. Payment for a HOPE center bed is not contingent upon prior approval by the department; however, approval from the department of social and health services is needed if the youth is dependent under chapter 13.34 RCW.

**NEW SECTION. Sec. 667.** A new section is added to chapter 43.185C RCW to read as follows:

Subject to funds appropriated for this purpose, the capacity available in crisis residential centers established pursuant to this chapter shall be increased incrementally in order to accommodate truant students found in contempt of a court order to attend school. The additional capacity shall be distributed around the state based upon need and, to the extent feasible, shall be geographically situated so that crisis residential centers are available for use by all courts.

**NEW SECTION. Sec. 668.** The office of the superintendent of public instruction shall develop recommendations as to how mandatory school attendance and truancy amelioration provisions under chapter 28A.225 RCW should be applied to online schools and report back to the relevant committees of the legislature by November 1, 2016.

**NEW SECTION. Sec. 669.** (1) The educational opportunity gap oversight and accountability committee shall conduct a review and make recommendations to the appropriate committees of the legislature with respect to:

- (a) The cultural competence training that therapeutic truancy board members, as well as others involved in the truancy process, should receive;
- (b) Best practices for supporting and facilitating parent and community involvement and outreach; and
- (c) The cultural relevance of the assessments employed to identify barriers to attendance and the treatments and tools provided to children and their families.

(2) By June 30, 2017, a preliminary review shall be completed and preliminary recommendations provided. The review shall be completed, and a report and final recommendations provided, by December 1, 2017.

(3) For the purposes of this section, "cultural competence" includes knowledge of children's cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction and treatment to children's experiences and identifying cultural contexts for individual children.

(4) This section expires July 1, 2018.

**NEW SECTION. Sec. 670.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) The Washington state institute for public policy shall conduct a study of local practices that address truancy. The study must include:

- (a) A systematic review of the research literature on the effectiveness of the various practices in reducing absenteeism, fostering school engagement, improving academic performance and achievement, increasing graduation rates, and decreasing dropout rates; and

(b) An outcome evaluation of the impact on the outcomes listed in (a) of this subsection from local practices including, but not limited to, therapeutic truancy boards under RCW 28A.225.025 and section 6 of this act.

(2) In conducting its analysis, the Washington state institute for public policy may consult with employees and access data systems of the office of the superintendent of public instruction, any educational service district or school district, and the administrative office of the courts, each of which shall provide the Washington state institute for public policy with access to necessary data and administrative systems.

(3) The Washington state institute for public policy shall report the findings of the study under subsection (1)(a) of this section to the appropriate committees of the legislature by December 1, 2017, and the findings of the evaluation under subsection (1)(b) of this section by December 1, 2022.

(4) This section expires August 1, 2023.

**NEW SECTION. Sec. 671.** A new section is added to chapter 2.56 RCW to read as follows:

To accurately track the extent to which courts order youth into a secure detention facility in Washington state for the violation of a court order related to a truancy, at-risk youth, or a child in need of services petition, all juvenile courts shall transmit youth-level secure detention data to the administrative office of the courts. Data may either be entered into the statewide management information system for juvenile courts or securely transmitted to the administrative office of the courts at least monthly. Juvenile courts shall provide, at a minimum, the name and date of birth for the youth, the court case number assigned to the petition, the reasons for admission to the juvenile detention facility, the date of admission, the date of exit, and the time the youth spent in secure confinement. Courts are also encouraged to report individual-level data reflecting whether a detention alternative, such as electronic monitoring, was used, and the time spent in detention alternatives. The administrative office of the courts and the juvenile court administrators must work to develop uniform data standards for detention. The administrative office of the courts shall deliver an annual statewide report to the legislature that details the number of Washington youth who are placed into detention facilities during the preceding calendar year. The first report shall be delivered by March 1, 2017, and shall detail the most serious reason for detention and youth gender, race, and ethnicity. The report must have a specific emphasis on youth who are detained for reasons relating to a truancy, at-risk youth, or a child in need of services petition.

**NEW SECTION. Sec. 672.** This act shall be known and cited as the keeping kids in school act.

**NEW SECTION. Sec. 673.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member;

Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta; Schmick and Taylor.

Passed to Committee on Rules for second reading.

February 29, 2016  
**SSB 6519** Prime Sponsor, Committee on Health Care:  
 Expanding patient access to health services through telemedicine and establishing a collaborative for the advancement of telemedicine. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 674.** The legislature recognizes telemedicine will play an increasingly important role in the health care system. Telemedicine is a meaningful and efficient way to treat patients and control costs while improving access to care. The expansion of the use of telemedicine should be thoughtfully and systematically considered in Washington state in order to maximize its application and expand access to care. Therefore, it is the intent of the legislature to broaden the reimbursement opportunities for health care services and establish a collaborative for the advancement of telemedicine to provide guidance, research, and recommendations for the benefit of professionals providing care through telemedicine.

**NEW SECTION. Sec. 675.** (1) The collaborative for the advancement of telemedicine is created to enhance the understanding and use of health services provided through telemedicine and other similar models in Washington state. The collaborative shall be hosted by the University of Washington telehealth services and shall be comprised of one member from each of the two largest caucuses of the senate and the house of representatives, and representatives from the academic community, hospitals, clinics, and health care providers in primary care and specialty practices, carriers, and other interested parties.

(2) By July 1, 2016, the collaborative shall be convened. The collaborative shall develop recommendations on improving reimbursement and access to services, including originating site restrictions, provider to provider consultative models, and technologies and models of care not currently reimbursed; identify the existence of telemedicine best practices, guidelines, billing requirements, and fraud prevention developed by

recognized medical and telemedicine organizations; and explore other priorities identified by members of the collaborative. After review of existing resources, the collaborative shall explore and make recommendations on whether to create a technical assistance center to support providers in implementing or expanding services delivered through telemedicine technologies.

(3) The collaborative must submit an initial progress report by December 1, 2016, with follow-up policy reports including recommendations by December 1, 2017, and December 1, 2018. The reports shall be shared with the relevant professional associations, governing boards or commissions, and the health care committees of the legislature.

(4) The meetings of the board shall be open public meetings, with meeting summaries available on a web page.

(5) The future of the collaborative shall be reviewed by the legislature with consideration of ongoing technical assistance needs and opportunities. The collaborative terminates December 31, 2018.

**Sec. 676.** RCW 48.43.735 and 2015 c 23 s 3 are each amended to read as follows:

(1) For health plans issued or renewed on or after January 1, 2017, a health carrier shall reimburse a provider for a health care service provided to a covered person through telemedicine ~~((H:\DATA\2016 JOURNAL\Journal2016\LegDay050\or.doe))~~ or store and forward technology if:

(a) The plan provides coverage of the health care service when provided in person by the provider;  
 (b) The health care service is medically necessary;  
 ((and))

(c) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, ~~((2017))~~ 2015; and

(d) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.

(2)(a) If the service is provided through store and forward technology there must be an associated office visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.

(b) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health carrier and the health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;

- (d) Physician's or other health care provider's office;
- (e) Community mental health center;
- (f) Skilled nursing facility; ~~((☞))~~
- (g) Home; or
- (h) Renal dialysis center, except an independent renal dialysis center.
- (4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement must be subject to a negotiated agreement between the originating site and the health carrier. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.
- (5) A health carrier may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.
- (6) A health carrier may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled, including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.
- (7) This section does not require a health carrier to reimburse:
- (a) An originating site for professional fees;
- (b) A provider for a health care service that is not a covered benefit under the plan; or
- (c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.
- (8) For purposes of this section:
- (a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;
- (b) "Health care service" has the same meaning as in RCW 48.43.005;
- (c) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;
- (d) "Originating site" means the physical location of a patient receiving health care services through telemedicine;
- (e) "Provider" has the same meaning as in RCW 48.43.005;
- (f) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and
- (g) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

**Sec. 677.** RCW 41.05.700 and 2015 c 23 s 2 are each amended to read as follows:

(1) A health plan offered to employees and their covered dependents under this chapter issued or renewed on or after January 1, 2017, shall reimburse a provider for a health care service provided to a covered person through telemedicine or store and forward technology if:

- (a) The plan provides coverage of the health care service when provided in person by the provider;
- (b) The health care service is medically necessary; ~~((and))~~
- (c) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, ~~((2017))~~ 2015; and

(d) The health care service is determined to be safely and effectively provided through telemedicine or store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.

(2)(a) If the service is provided through store and forward technology there must be an associated office visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.

(b) For purposes of this section, reimbursement of store and forward technology is available only for those covered services specified in the negotiated agreement between the health plan and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;
- (d) Physician's or other health care provider's office;
- (e) Community mental health center;
- (f) Skilled nursing facility; ~~((☞))~~
- (g) Home; or
- (h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement must be subject to a negotiated agreement between the originating site and the health plan. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) The plan may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) The plan may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan, including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require the plan to reimburse:

- (a) An originating site for professional fees;
- (b) A provider for a health care service that is not a covered benefit under the plan; or
- (c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

~~((H:DATA\2016 JOURNAL\Journal2016\LegDay050\8.doc))~~ (8) For purposes of this section:

- (a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;
- (b) "Health care service" has the same meaning as in RCW 48.43.005;
- (c) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;
- (d) "Originating site" means the physical location of a patient receiving health care services through telemedicine;
- (e) "Provider" has the same meaning as in RCW 48.43.005;
- (f) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and
- (g) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

**Sec. 678.** RCW 74.09.325 and 2015 c 23 s 4 are each amended to read as follows:

(1) Upon initiation or renewal of a contract with the Washington state health care authority to administer a medicaid managed care plan, a managed health care system shall reimburse a provider for a health care service provided to a covered person through telemedicine ~~((H:DATA\2016 JOURNAL\Journal2016\LegDay050\8.doc))~~ or store and forward technology if:

- (a) The medicaid managed care plan in which the covered person is enrolled provides coverage of the health care service when provided in person by the provider;
- (b) The health care service is medically necessary; ~~((and))~~
- (c) The health care service is a service recognized as an essential health benefit under section 1302(b) of the federal patient protection and affordable care act in effect on January 1, ~~((2017))~~ 2015; and

(d) The health care service is determined to be safely and effectively provided through telemedicine or

store and forward technology according to generally accepted health care practices and standards, and the technology used to provide the health care service meets the standards required by state and federal laws governing the privacy and security of protected health information.

(2)(a) If the service is provided through store and forward technology there must be an associated visit between the covered person and the referring health care provider. Nothing in this section prohibits the use of telemedicine for the associated office visit.

(b) For purposes of this section, reimbursement of store and forward technology is available only for those services specified in the negotiated agreement between the managed health care system and health care provider.

(3) An originating site for a telemedicine health care service subject to subsection (1) of this section includes a:

- (a) Hospital;
- (b) Rural health clinic;
- (c) Federally qualified health center;
- (d) Physician's or other health care provider's office;
- (e) Community mental health center;
- (f) Skilled nursing facility; ~~((or))~~
- (g) Home; or
- (h) Renal dialysis center, except an independent renal dialysis center.

(4) Except for subsection (3)(g) of this section, any originating site under subsection (3) of this section may charge a facility fee for infrastructure and preparation of the patient. Reimbursement must be subject to a negotiated agreement between the originating site and the managed health care system. A distant site or any other site not identified in subsection (3) of this section may not charge a facility fee.

(5) A managed health care system may not distinguish between originating sites that are rural and urban in providing the coverage required in subsection (1) of this section.

(6) A managed health care system may subject coverage of a telemedicine or store and forward technology health service under subsection (1) of this section to all terms and conditions of the plan in which the covered person is enrolled, including, but not limited to, utilization review, prior authorization, deductible, copayment, or coinsurance requirements that are applicable to coverage of a comparable health care service provided in person.

(7) This section does not require a managed health care system to reimburse:

- (a) An originating site for professional fees;
- (b) A provider for a health care service that is not a covered benefit under the plan; or
- (c) An originating site or health care provider when the site or provider is not a contracted provider under the plan.

(8) For purposes of this section:

- (a) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine;
- (b) "Health care service" has the same meaning as in RCW 48.43.005;

(c) "Hospital" means a facility licensed under chapter 70.41, 71.12, or 72.23 RCW;

(d) "Managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under this chapter and rendered by licensed providers, on a prepaid capitated basis and that meets the requirements of section 1903(m)(1)(A) of Title XIX of the federal social security act or federal demonstration waivers granted under section 1115(a) of Title XI of the federal social security act;

(e) "Originating site" means the physical location of a patient receiving health care services through telemedicine;

(f) "Provider" has the same meaning as in RCW 48.43.005;

(g) "Store and forward technology" means use of an asynchronous transmission of a covered person's medical information from an originating site to the health care provider at a distant site which results in medical diagnosis and management of the covered person, and does not include the use of audio-only telephone, facsimile, or email; and

(h) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. For purposes of this section only, "telemedicine" does not include the use of audio-only telephone, facsimile, or email.

(9) To measure the impact on access to care for underserved communities and costs to the state and the medicaid managed health care system for reimbursement of telemedicine services, the Washington state health care authority, using existing data and resources, shall provide a report to the appropriate policy and fiscal committees of the legislature no later than December 31, 2018.

**Sec. 679.** RCW 70.41.230 and 2015 c 23 s 6 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice during the prior five years: PROVIDED, That the hospital may request additional information going back further than five years, and the physician shall use his or her best efforts to comply with such a request for additional information;

(b) Whether the physician has ever been or is in the process of being denied, revoked, terminated, suspended, restricted, reduced, limited, sanctioned, placed on probation, monitored, or not renewed for any professional activity listed in (b)(i) through (x) of this subsection, or has

ever voluntarily or involuntarily relinquished, withdrawn, or failed to proceed with an application for any professional activity listed in (b)(i) through (x) of this subsection in order to avoid an adverse action or to preclude an investigation or while under investigation relating to professional competence or conduct:

(i) License to practice any profession in any jurisdiction;

(ii) Other professional registration or certification in any jurisdiction;

(iii) Specialty or subspecialty board certification;

(iv) Membership on any hospital medical staff;

(v) Clinical privileges at any facility, including hospitals, ambulatory surgical centers, or skilled nursing facilities;

(vi) Medicare, medicaid, the food and drug administration, the national institute of health (office of human research protection), governmental, national, or international regulatory agency, or any public program;

(vii) Professional society membership or fellowship;

(viii) Participation or membership in a health maintenance organization, preferred provider organization, independent practice association, physician-hospital organization, or other entity;

(ix) Academic appointment;

(x) Authority to prescribe controlled substances (drug enforcement agency or other authority);

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Except as provided in subsection (3) of this section, prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, during the preceding five years, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.71.0195.

(3) In lieu of the requirements of subsections (1) and (2) of this section, when granting or renewing

privileges or association of any physician providing telemedicine or store and forward services, an originating site hospital may rely on a distant site hospital's decision to grant or renew clinical privileges or association of the physician if the originating site hospital obtains reasonable assurances, through a written agreement with the distant site hospital, that all of the following provisions are met:

(a) The distant site hospital providing the telemedicine or store and forward services is a medicare participating hospital;

(b) Any physician providing telemedicine or store and forward services at the distant site hospital will be fully privileged to provide such services by the distant site hospital;

(c) Any physician providing telemedicine or store and forward services will hold and maintain a valid license to perform such services issued or recognized by the state of Washington; and

(d) With respect to any distant site physician who holds current privileges at the originating site hospital whose patients are receiving the telemedicine or store and forward services, the originating site hospital has evidence of an internal review of the distant site physician's performance of these privileges and sends the distant site hospital such performance information for use in the periodic appraisal of the distant site physician. At a minimum, this information must include all adverse events, as defined in RCW 70.56.010, that result from the telemedicine or store and forward services provided by the distant site physician to the originating site hospital's patients and all complaints the originating site hospital has received about the distant site physician.

(4) The medical quality assurance commission or the board of osteopathic medicine and surgery shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(5) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) through (3) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(6) Information and documents, including complaints and incident reports, created specifically for, and collected, and maintained by a quality improvement committee are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or who participated in the creation, collection, or maintenance of information or documents specifically for the committee shall be permitted or required to testify in any civil action as to the content of such proceedings or the documents and information prepared specifically for the committee. This subsection does not preclude: (a) In any civil action, the discovery of the identity of persons involved in the medical care that is the basis of the civil action whose involvement

was independent of any quality improvement activity; (b) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (c) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality improvement committees regarding such health care provider; (d) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any and the reasons for the restrictions; or (e) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of health to be made regarding the care and treatment received.

(7) Hospitals shall be granted access to information held by the medical quality assurance commission and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(8) Violation of this section shall not be considered negligence per se.

**NEW SECTION. Sec. 680.** Sections 3 through 5 of this act take effect January 1, 2018.

**NEW SECTION. Sec. 681.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Condotta and Taylor.

Passed to Committee on Rules for second reading.

February 29, 2016  
**SSB 6523** Prime Sponsor, Committee on Ways & Means: Providing service credit for pension purposes for certain emergency medical services employees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 682.** (1) Local governments formed intergovernmental consortiums, also known as provider groups, to provide emergency medical services over their shared geographic area. Funds collected through an emergency services levy under RCW 84.52.069 were used to fund the consortium. Employees funded by the consortium provided services to the citizens of all the consortium members.

(2) The attorney general has ruled that where such a consortium is formed pursuant to an interlocal agreement, the consortium members retain their legal responsibilities as employers under the law enforcement officers' and firefighters' retirement system and public employees' retirement system. That is, the employees providing services to the consortium are entitled to retirement system membership if they otherwise meet membership eligibility requirements (*AGO 2007 No. 6*).

(3) This act is intended to provide those public employees with an opportunity to establish service credit in the public employees' retirement system for emergency medical services they provided to the public on behalf of a consortium or provider group.

**NEW SECTION. Sec. 683.** A new section is added to chapter 41.40 RCW under the subchapter heading "provisions applicable to plan 1, plan 2, and plan 3" to read as follows:

(1) An employee providing emergency medical services for a consortium of local governments, where some of those local governments qualified as public employees' retirement system employers at the time the service was rendered, may make an election to establish credit for service performed prior to July 27, 2003, as a full-time emergency medical technician serving the consortium to the public employees' retirement system. This option is only available to employees who:

(a) Performed services for a consortium of local governments fully contained within the boundaries of a county whose population on the effective date of this section exceeds seven hundred thousand residents but is less than eight hundred thousand residents; and

(b) File a written election to establish service credit under this section with the department of retirement systems no later than June 30, 2026.

(2)(a) The department of retirement systems shall treat the consortium member with the largest current population among consortium members who qualified as a public employees' retirement system employer at the time the service was rendered as the employer for purposes of this section. This employer classification:

(i) Is solely for the purpose of streamlining reporting service and compensation credit and paying contributions for periods of service covered by this section; and

(ii) Does not mean that the consortium member is the employee's employer for any other purpose.

(b) All contributions required for past periods of service established under this section shall be by the employees electing to establish service credit under this section.

(i) Employee contributions shall be calculated by the department equal to the contributions that would have been paid by the employee had the employee been a member of public employees' retirement system.

(ii) Employer contributions shall be calculated by the department equal to the contributions that would have been paid by the employer had the employee been reported in public employees' retirement system.

(iii) All contributions must be submitted by the employer under (a) of this subsection within five years of electing to establish service credit under this section.

(3) If a member who elected to establish service credit under this section dies or retires for disability prior to payment of contributions under subsection (2)(b) of this section, the member, or in the case of death the surviving spouse or eligible minor children, may:

(a) Pay the bill in full;

(b) If a continuing monthly benefit is chosen, have the benefit actuarially reduced to reflect the amount of the unpaid obligation under subsection (2)(b) of this section; or

(c) Continue to make payment against the obligation under subsection (2)(b) of this section, provided that payment in full is made no later than five years from the member's original election date."

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Cody; Fitzgibbon; Hansen; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; Pettigrew; Robinson; Sawyer; Senn; Springer; Sullivan; Tharinger and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Condotta; Dent; Haler; Harris; MacEwen; Magendanz; Schmick; Taylor and Van Werven.

MINORITY recommendation: Without recommendation. Signed by Representatives Parker, Assistant Ranking Minority Member; Manweller and Stokesbary.

Passed to Committee on Rules for second reading.

February 26, 2016

**ESSB 6525** Prime Sponsor, Committee on Government Operations & Security: Concerning the state building code council. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass as amended by Committee on Local Government. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; Morris and Senn.

MINORITY recommendation: Do not pass. Signed by Representatives MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member and Johnson.

Passed to Committee on Rules for second reading.

February 29, 2016  
**ESSB 6528** Prime Sponsor, Committee on Trade & Economic Development: Enacting the cybersecurity jobs act. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass as amended by Committee on General Government & Information Technology and without amendment by Committee on Technology & Economic Development.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 684.** (1) Communication and information resources in the various state agencies are strategic and vital assets belonging to the people of Washington and are an important component of maintaining a vibrant economy. Coordinated efforts and a sense of urgency are necessary to protect these assets against unauthorized access, disclosure, use, and modification or destruction, whether accidental or deliberate, as well as to assure the confidentiality, integrity, and availability of information.

(2) State government has a duty to Washington citizens to ensure that the information entrusted to state agencies is safe, secure, and protected from unauthorized access, unauthorized use, or destruction.

(3) Securing the state's communication and information resources is a statewide imperative requiring a coordinated and shared effort from all departments, agencies, and political subdivisions of the state and a long-term commitment to state funding that ensures the success of such efforts.

(4) Risks to communication and information resources must be managed, and the integrity of data and the source, destination, and processes applied to data must be assured.

(5) Information security standards, policies, and guidelines must be adopted and implemented throughout state agencies to ensure the development and maintenance of minimum information security controls to protect communication and information resources that support the operations and assets of those agencies.

(6) Washington state must build upon its existing expertise in information technology including research and development facilities and workforce to become a national leader in cybersecurity.

**Sec. 685.** RCW 43.105.020 and 2015 3rd sp.s. c 1 s 102 are each reenacted and amended to read as follows:

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

(1) "Agency" means the consolidated technology services agency.

(2) "Board" means the technology services board.

(3) "Customer agencies" means all entities that purchase or use information technology resources, telecommunications, or services from the consolidated technology services agency.

(4) "Director" means the state chief information officer, who is the director of the consolidated technology services agency.

(5) "Enterprise architecture" means an ongoing activity for translating business vision and strategy into effective enterprise change. It is a continuous activity. Enterprise architecture creates, communicates, and improves the key principles and models that describe the enterprise's future state and enable its evolution.

(6) "Equipment" means the machines, devices, and transmission facilities used in information processing, including but not limited to computers, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment.

(7) "Information" includes, but is not limited to, data, text, voice, and video.

(8) "Information security" means the protection of communication and information resources from unauthorized access, use, disclosure, disruption, modification, or destruction in order to:

(a) Prevent improper information modification or destruction;

(b) Preserve authorized restrictions on information access and disclosure;

(c) Ensure timely and reliable access to and use of information; and

(d) Maintain the confidentiality, integrity, and availability of information.

(9) "Information technology" includes, but is not limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval, telecommunications, requisite system controls, simulation, electronic commerce, radio technologies, and all related interactions between people and machines.

~~((9))~~ (10) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments.

~~((10))~~ (11) "K-20 network" means the network established in RCW 43.41.391.

~~((11))~~ (12) "Local governments" includes all municipal and quasi-municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately.

~~((12))~~ (13) "Office" means the office of the state chief information officer within the consolidated technology services agency.

~~((13))~~ (14) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications.

~~((14))~~ (15) "Proprietary software" means that software offered for sale or license.

~~((15))~~ (16) "Public agency" means any agency of this state or another state; any political subdivision or unit of local government of this state or another state including, but not limited to, municipal corporations, quasi-municipal corporations, special purpose districts, and local service districts; any public benefit nonprofit corporation; any agency of the United States; and any Indian tribe recognized as such by the federal government.

~~((16))~~ (17) "Public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in RCW 24.03.005 that is receiving local, state, or federal funds either directly or through a public agency other than an Indian tribe or political subdivision of another state.

~~((17))~~ (18) "Public record" has the definitions in RCW 42.56.010 and chapter 40.14 RCW and includes legislative records and court records that are available for public inspection.

~~((18))~~ (19) "Security incident" means an accidental or deliberative event that results in or constitutes an imminent threat of the unauthorized access, loss, disclosure, modification, disruption, or destruction of communication and information resources.

(20) "State agency" means every state office, department, division, bureau, board, commission, or other state agency, including offices headed by a statewide elected official.

~~((19))~~ (21) "Telecommunications" includes, but is not limited to, wireless or wired systems for transport of voice, video, and data communications, network systems, requisite facilities, equipment, system controls, simulation, electronic commerce, and all related interactions between people and machines.

~~((20))~~ (22) "Utility-based infrastructure services" includes personal computer and portable device support, servers and server administration, security administration, network administration, telephony, email, and other information technology services commonly used by state agencies.

**Sec. 686.** RCW 43.105.054 and 2015 3rd sp.s. c 1 s 108 are each amended to read as follows:

(1) The director shall establish standards and policies to govern information technology in the state of Washington.

(2) The office shall have the following powers and duties related to information services:

(a) To develop statewide standards and policies governing the:

(i) Acquisition of equipment, software, and technology-related services;

(ii) Disposition of equipment;

(iii) Licensing of the radio spectrum by or on behalf of state agencies; and

(iv) Confidentiality of computerized data;

(b) To develop statewide and interagency technical policies, standards, and procedures;

(c) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or

statewide or regional providers of K-12 information technology services;

(d) With input from the legislature and the judiciary, ~~((H:\DATA\2016 JOURNAL\Journal2016\LegDay050(to.doc)))~~ to provide direction concerning strategic planning goals and objectives for the state;

(e) To establish policies for the periodic review by the director of state agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education;

(iii) Project management; and

(iv) Cybersecurity;

(f) To coordinate with state agencies with an annual information technology expenditure that exceeds ten million dollars to implement a technology business management program to identify opportunities for savings and efficiencies in information technology expenditures and to monitor ongoing financial performance of technology investments; ~~((and))~~

(g) In conjunction with the consolidated technology services agency, to develop statewide standards for agency purchases of technology networking equipment and services;

(h) To implement a process for detecting, reporting, and responding to security incidents consistent with the information security standards, policies, and guidelines adopted by the director;

(i) To develop plans and procedures to ensure the continuity of commerce for information resources that support the operations and assets of state agencies in the event of a security incident; and

(j) To work with the department of commerce and other economic development stakeholders to facilitate the development of a strategy that includes key local, state, and federal assets that will create Washington as a national leader in cybersecurity. The office shall collaborate with, including but not limited to, community colleges, universities, the national guard, the department of defense, the department of energy, and national laboratories to develop the strategy.

(3) Statewide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The office shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems, including wireless communications systems; and

(b) Require agencies to include an evaluation of electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the office is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

**NEW SECTION. Sec. 687.** A new section is added to chapter 43.105 RCW to read as follows:

(1) The office must evaluate the extent to which the state is building upon its existing expertise in information technology to become a national leader in cybersecurity, as described in section 1(6) of this act, by periodically evaluating the state's performance in achieving the following objectives:

(a) High levels of compliance with the state's information technology security policy and standards, as demonstrated by the attestation that state agencies make annually to the office in which they report their implementation of best practices identified by the office;

(b) Achieving recognition from the federal government as a leader in cybersecurity, as evidenced by federal dollars received for ongoing efforts or for piloting cybersecurity programs;

(c) Developing future leaders in cybersecurity, as evidenced by an increase in the number of students trained, and cybersecurity programs enlarged in educational settings from a January 1, 2016, baseline;

(d) Broad participation in cybersecurity trainings and exercises or outreach, as evidenced by the number of events and the number of participants;

(e) Full coverage and protection of state information technology assets by a centralized cybersecurity protocol; and

(f) Adherence by state agencies to recovery and resilience plans post cyber attack.

(2) The office is encouraged to collaborate with community colleges, universities, the department of commerce, and other stakeholders in obtaining the information necessary to measure its progress in achieving these objectives.

(3) Before December 1, 2020, the office must report to the legislature:

(a) Its performance in achieving the objectives described in subsection (1) of this section; and

(b) Its recommendations, if any, for additional or different metrics that would improve measurement of the effectiveness of the state's efforts to maintain leadership in cybersecurity.

(4) This section expires October 1, 2021.

**NEW SECTION. Sec. 688.** This act may be known and cited as the cybersecurity jobs act of 2016."

Correct the title.

Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

**SSB 6529**

February 29, 2016  
Prime Sponsor, Committee on Human Services, Mental Health & Housing: Strengthening opportunities for the rehabilitation and reintegration of juvenile offenders. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & Human Services. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Stambaugh and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Hayes; Shea and Young.

Passed to Committee on Rules for second reading.

February 29, 2016  
**E2SSB 6534** Prime Sponsor, Committee on Ways & Means: Establishing a maternal mortality review panel. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 689.** A new section is added to chapter 70.54 RCW to read as follows:

(1) For the purposes of this section, "maternal mortality" or "maternal death" means a death of a woman while pregnant or within one year of delivering or following the end of a pregnancy, whether or not the woman's death is related to or aggravated by the pregnancy.

(2) A maternal mortality review panel is established to conduct comprehensive, multidisciplinary reviews of maternal deaths in Washington to identify factors associated with the deaths and make recommendations for system changes to improve health care services for women in this state. The members of the panel must be appointed by the secretary of the department of health, must serve without compensation, and may include:

(a) An obstetrician;  
(b) A physician specializing in maternal fetal medicine;

(c) A neonatologist;  
(d) A midwife with licensure in the state of Washington;

(e) A representative from the department of health who works in the field of maternal and child health;

(f) A department of health epidemiologist with experience analyzing perinatal data;

(g) A pathologist; and  
(h) A representative of the community mental health centers.

(3) The maternal mortality review panel must conduct comprehensive, multidisciplinary reviews of maternal mortality in Washington. The panel may not call witnesses or take testimony from any individual involved in

the investigation of a maternal death or enforce any public health standard or criminal law or otherwise participate in any legal proceeding relating to a maternal death.

(4)(a) Information, documents, proceedings, records, and opinions created, collected, or maintained by the maternity mortality review panel or the department of health in support of the maternal mortality review panel are confidential and are not subject to public inspection or copying under chapter 42.56 RCW and are not subject to discovery or introduction into evidence in any civil or criminal action.

(b) Any person who was in attendance at a meeting of the maternal mortality review panel or who participated in the creation, collection, or maintenance of the panel's information, documents, proceedings, records, or opinions may not be permitted or required to testify in any civil or criminal action as to the content of such proceedings, or the panel's information, documents, records, or opinions. This subsection does not prevent a member of the panel from testifying in a civil or criminal action concerning facts which form the basis for the panel's proceedings of which the panel member had personal knowledge acquired independently of the panel or which is public information.

(c) Any person who, in substantial good faith, participates as a member of the maternal mortality review panel or provides information to further the purposes of the maternal mortality review panel may not be subject to an action for civil damages or other relief as a result of the activity or its consequences.

(d) All meetings, proceedings, and deliberations of the maternal mortality review panel may, at the discretion of the maternal mortality review panel, be confidential and may be conducted in executive session.

(e) The maternal mortality review panel and the secretary of the department of health may retain identifiable information regarding facilities where maternal deaths, or from which the patient was transferred, occur and geographic information on each case solely for the purposes of trending and analysis over time. All individually identifiable information must be removed before any case review by the panel.

(5) The department of health shall review department available data to identify maternal deaths. To aid in determining whether a maternal death was related to or aggravated by the pregnancy, and whether it was preventable, the department of health has the authority to:

(a) Request and receive data for specific maternal deaths including, but not limited to, all medical records, autopsy reports, medical examiner reports, coroner reports, and social service records; and

(b) Request and receive data as described in (a) of this subsection from health care providers, health care facilities, clinics, laboratories, medical examiners, coroners, professions and facilities licensed by the department of health, local health jurisdictions, the health care authority and its licensees and providers, and the department of social and health services and its licensees and providers.

(6) Upon request by the department of health, health care providers, health care facilities, clinics, laboratories, medical examiners, coroners, professions and facilities licensed by the department of health, local health jurisdictions, the health care authority and its licensees and

providers, and the department of social and health services and its licensees and providers must provide all medical records, autopsy reports, medical examiner reports, coroner reports, social services records, information and records related to sexually transmitted diseases, and other data requested for specific maternal deaths as provided for in subsection (5) of this section to the department.

(7) By July 1, 2017, and biennially thereafter, the maternal mortality review panel must submit a report to the secretary of the department of health and the health care committees of the senate and house of representatives. The report must protect the confidentiality of all decedents and other participants involved in any incident. The report must be distributed to relevant stakeholder groups for performance improvement. Interim results may be shared at the Washington state hospital association coordinated quality improvement program. The report must include the following:

(a) A description of the maternal deaths reviewed by the panel during the preceding twenty-four months, including statistics and causes of maternal deaths presented in the aggregate, but the report must not disclose any identifying information of patients, decedents, providers, and organizations involved; and

(b) Evidence-based system changes and possible legislation to improve maternal outcomes and reduce preventable maternal deaths in Washington.

**Sec. 690.** RCW 42.56.360 and 2014 c 223 s 17 are each amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the pharmacy quality assurance commission as provided in RCW 69.45.090;

(b) Information obtained by the pharmacy quality assurance commission or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections under RCW 43.70.056, a notification of an incident under RCW 70.56.040(5), and reports regarding adverse events under RCW 70.56.020(2)(b), regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for

confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

(f) Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1);

(g) Information obtained by the department of health under chapter 70.225 RCW;

(h) Information collected by the department of health under chapter 70.245 RCW except as provided in RCW 70.245.150;

(i) Cardiac and stroke system performance data submitted to national, state, or local data collection systems under RCW 70.168.150(2)(b);

(j) All documents, including completed forms, received pursuant to a wellness program under RCW 41.04.362, but not statistical reports that do not identify an individual; and

(k) Data and information exempt from disclosure under RCW 43.371.040.

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

(3)(a) Documents related to infant mortality reviews conducted pursuant to RCW 70.05.170 are exempt from disclosure as provided for in RCW 70.05.170(3).

(b)(i) If an agency provides copies of public records to another agency that are exempt from public disclosure under this subsection (3), those records remain exempt to the same extent the records were exempt in the possession of the originating entity.

(ii) For notice purposes only, agencies providing exempt records under this subsection (3) to other agencies may mark any exempt records as "exempt" so that the receiving agency is aware of the exemption, however whether or not a record is marked exempt does not affect whether the record is actually exempt from disclosure.

(4) Information and documents related to maternal mortality reviews conducted pursuant to section 1 of this act are confidential and exempt from public inspection and copying.

NEW SECTION. Sec. 691. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void.

NEW SECTION. Sec. 692. This act expires June 30, 2020."

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member;

Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jenkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta and Taylor.

Passed to Committee on Rules for second reading.

February 29, 2016

E2SSB 6564 Prime Sponsor, Committee on Ways & Means: Providing protections for persons with developmental disabilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & Human Services. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Condotta; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jenkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Passed to Committee on Rules for second reading.

February 29, 2016

E2SSB 6601 Prime Sponsor, Committee on Ways & Means: Creating the Washington college savings program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Higher Education.

Strike everything after the enacting clause and insert the following:

"**Sec. 693.** RCW 28B.95.010 and 1997 c 289 s 1 are each amended to read as follows:

(1) The Washington advanced college tuition payment program is established to help make higher education affordable and accessible to all citizens of the state of Washington by offering a savings incentive that will protect purchasers and beneficiaries against rising tuition costs. ~~((The program is))~~

(2) Subject to the availability of amounts appropriated for this specific purpose, the Washington college savings program is established to provide an

additional financial option for individuals, organizations, and families to save for college.

~~(3)~~ These programs are designed to encourage savings and enhance the ability of Washington citizens to obtain financial access to institutions of higher education. In addition, the programs encourage~~(\*)~~ elementary and secondary school students to do well in school as a means of preparing for and aspiring to higher education attendance. ~~((This program is))~~ These programs are intended to promote a well-educated and financially secure population to the ultimate benefit of all citizens of the state of Washington.

**Sec. 694.** RCW 28B.95.020 and 2015 3rd sp.s. c 36 s 6 are each amended to read as follows:

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

(1) "Academic year" means the regular nine-month, three-quarter, or two-semester period annually occurring between August 1st and July 31st.

(2) "Account" means the Washington advanced college tuition payment program account established for the deposit of all money received by the office from eligible purchasers and interest earnings on investments of funds in the account, as well as for all expenditures on behalf of eligible beneficiaries for the redemption of tuition units and for the development of any authorized college savings program pursuant to RCW 28B.95.150.

(3) "Advisor sold" means a channel through which a broker dealer, investment advisor, or other financial intermediary recommends the Washington college savings program established pursuant to RCW 28B.95.010 to eligible investors and assists with the opening and servicing of individual college savings program accounts.

(4) "College savings program account" means the Washington college savings program account established pursuant to RCW 28B.95.010.

(5) "Committee on advanced tuition payment and college savings" or "committee" means a committee of the following members: The state treasurer, the director of the office of financial management, the director of the office, or their designees, and two members to be appointed by the governor, one representing program participants and one private business representative with marketing, public relations, or financial expertise.

~~((4))~~ (6) "Contractual obligation" means a legally binding contract of the state with the purchaser and the beneficiary establishing that purchases of tuition units in the advanced college tuition payment program will be worth the same number of tuition units at the time of redemption as they were worth at the time of the purchase, except as provided in RCW 28B.95.030(7).

~~((5))~~ (7) "Dual credit fees" means any fees charged to a student for participation in college in the high school under RCW 28A.600.290 or running start under RCW 28A.600.310.

~~((6))~~ (8) "Eligible beneficiary" means the person ~~((for whom the tuition unit will be redeemed for attendance at an institution of higher education, participation in college in the high school under RCW 28A.600.290, or participation in running start under RCW 28A.600.310. The~~

~~beneficiary is that person named by the purchaser at the time that a tuition unit contract is accepted by the governing body))~~ designated as the individual whose education expenses are to be paid from the advanced college tuition payment program or the college savings program. Qualified organizations, as allowed under section 529 of the federal internal revenue code, purchasing tuition unit contracts as future scholarships need not designate a beneficiary at the time of purchase.

~~((7))~~ (9) "Eligible contributor" means an individual or organization that contributes money for the purchase of tuition units, and for an individual college savings program account established pursuant to this chapter for an eligible beneficiary.

(10) "Eligible purchaser" means an individual or organization that has entered into a tuition unit contract with the governing body for the purchase of tuition units in the advanced college tuition payment program for an eligible beneficiary, or that has entered into a participant college savings program account contract for an eligible beneficiary. The state of Washington may be an eligible purchaser for purposes of purchasing tuition units to be held for granting Washington college bound scholarships.

~~((8))~~ (11) "Full-time tuition charges" means resident tuition charges at a state institution of higher education for enrollments between ten credits and eighteen credit hours per academic term.

~~((9))~~ (12) "Governing body" means the committee empowered by the legislature to administer the Washington advanced college tuition payment program and the Washington college savings program.

~~((10))~~ (13) "Individual college savings program account" means the formal record of transactions relating to a Washington college savings program beneficiary.

(14) "Institution of higher education" means an institution that offers education beyond the secondary level and is recognized by the internal revenue service under chapter 529 of the internal revenue code.

~~((11))~~ (15) "Investment board" means the state investment board as defined in chapter 43.33A RCW.

~~((12))~~ (16) "Investment manager" means the state investment board, another state, or any other entity as selected by the governing body, including another college savings plan established pursuant to section 529 of the internal revenue code.

(17) "Office" means the office of student financial assistance as defined in chapter 28B.76 RCW.

~~((13))~~ (18) "Owner" means the eligible purchaser or the purchaser's successor in interest who shall have the exclusive authority to make decisions with respect to the tuition unit contract or the individual college savings program contract. The owner has exclusive authority and responsibility to establish and change the asset investment options for a beneficiaries' individual college savings program account.

(19) "Participant college savings program account contract" means a contract to participate in the Washington college savings program between an eligible purchaser and the office.

(20) "State institution of higher education" means institutions of higher education as defined in RCW 28B.10.016.

~~((14))~~ (21) "Tuition and fees" means undergraduate tuition and services and activities fees as defined in RCW 28B.15.020 and 28B.15.041 rounded to the nearest whole dollar. For purposes of this chapter, services and activities fees do not include fees charged for the payment of bonds heretofore or hereafter issued for, or other indebtedness incurred to pay, all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities.

~~((15))~~ (22) "Tuition unit contract" means a contract between an eligible purchaser and the governing body, or a successor agency appointed for administration of this chapter, for the purchase of tuition units in the advanced college tuition payment program for a specified beneficiary that may be redeemed at a later date for an equal number of tuition units, except as provided in RCW 28B.95.030(7).

~~((16))~~ (23) "Unit purchase price" means the minimum cost to purchase one tuition unit in the advanced college tuition payment program for an eligible beneficiary. Generally, the minimum purchase price is one percent of the undergraduate tuition and fees for the current year, rounded to the nearest whole dollar, adjusted for the costs of administration and adjusted to ensure the actuarial soundness of the account. The analysis for price setting shall also include, but not be limited to consideration of past and projected patterns of tuition increases, program liability, past and projected investment returns, and the need for a prudent stabilization reserve.

**Sec. 695.** RCW 28B.95.025 and 2011 1st sp.s. c 11 s 169 are each amended to read as follows:

The office shall maintain appropriate offices and employ and fix compensation of such personnel as may be necessary to perform the advanced college tuition payment program and the Washington college savings program duties. The office shall consult with the governing body on the selection, compensation, and other issues relating to the employment of the program director. The positions are exempt from classified service under chapter 41.06 RCW. The employees shall be employees of the office.

**Sec. 696.** RCW 28B.95.030 and 2015 3rd sp.s. c 36 s 7 are each amended to read as follows:

(1) The Washington advanced college tuition payment program shall be administered by the committee on advanced tuition payment which shall be chaired by the director of the office. The committee shall be supported by staff of the office.

(2)(a) The Washington advanced college tuition payment program shall consist of the sale of tuition units, which may be redeemed by the beneficiary at a future date for an equal number of tuition units regardless of any increase in the price of tuition, that may have occurred in the interval, except as provided in subsection (7) of this section.

(b) Each purchase shall be worth a specific number of or fraction of tuition units at each state institution of higher education as determined by the governing body, except as provided in subsection (7) of this section.

(c) The number of tuition units necessary to pay for a full year's, full-time undergraduate tuition and fee charges at a state institution of higher education shall be set by the governing body at the time a purchaser enters into a tuition unit contract, except as provided in subsection (7) of this section.

(d) The governing body may limit the number of tuition units purchased by any one purchaser or on behalf of any one beneficiary, however, no limit may be imposed that is less than that necessary to achieve four years of full-time, undergraduate tuition charges at a state institution of higher education. The governing body also may, at its discretion, limit the number of participants, if needed, to ensure the actuarial soundness and integrity of the program.

(e) While the Washington advanced college tuition payment program is designed to help all citizens of the state of Washington, the governing body may determine residency requirements for eligible purchasers and eligible beneficiaries to ensure the actuarial soundness and integrity of the program.

(3)(a) No tuition unit may be redeemed until two years after the purchase of the unit.

(b) Units may be redeemed for enrollment at any institution of higher education that is recognized by the internal revenue service under chapter 529 of the internal revenue code. Units may also be redeemed to pay for dual credit fees.

(c) Units redeemed at a nonstate institution of higher education or for graduate enrollment shall be redeemed at the rate for state public institutions in effect at the time of redemption.

(4) The governing body shall determine the conditions under which the tuition benefit may be transferred to another family member. In permitting such transfers, the governing body may not allow the tuition benefit to be bought, sold, bartered, or otherwise exchanged for goods and services by either the beneficiary or the purchaser.

(5) The governing body shall administer the Washington advanced college tuition payment program in a manner reasonably designed to be actuarially sound, such that the assets of the trust will be sufficient to defray the obligations of the trust including the costs of administration. The governing body may, at its discretion, discount the minimum purchase price for certain kinds of purchases such as those from families with young children, as long as the actuarial soundness of the account is not jeopardized.

(6) The governing body shall annually determine current value of a tuition unit.

(7) For the 2015-16 and 2016-17 academic years only, the governing body shall set the payout value for units redeemed during that academic year only at one hundred seventeen dollars and eighty-two cents per unit. For academic years after the 2016-17 academic year, the governing body shall make program adjustments it deems necessary and appropriate to ensure that the total payout value of each account on October 9, 2015, is not decreased or diluted as a result of the initial application of any changes in tuition under section 3, chapter 36, Laws of 2015 3rd sp. sess. In the event the committee or governing body provides additional units under chapter 36, Laws of

2015 3rd sp. sess., the committee and governing body shall also increase the maximum number of units that can be redeemed in any year to mitigate the reduction in available account value during any year as a result of chapter 36, Laws of 2015 3rd sp. sess. The governing body must notify holders of tuition units after the adjustment in this subsection is made and must include a statement concerning the adjustment.

(8) The governing body shall promote, advertise, and publicize the Washington advanced college tuition payment program. Materials and online publications advertising the Washington advanced college tuition payment program shall include a disclaimer that the Washington advanced college tuition payment program's guarantee is that one hundred tuition units will equal one year of full-time, resident, undergraduate tuition at the most expensive state institution of higher education, and that if resident, undergraduate tuition is reduced, a tuition unit may lose monetary value.

(9) In addition to any other powers conferred by this chapter, the governing body may:

- (a) Impose reasonable limits on the number of tuition units or units that may be used in any one year;
- (b) Determine and set any time limits, if necessary, for the use of benefits under this chapter;
- (c) Impose and collect administrative fees and charges in connection with any transaction under this chapter;
- (d) Appoint and use advisory committees and the state actuary as needed to provide program direction and guidance;
- (e) Formulate and adopt all other policies and rules necessary for the efficient administration of the program;
- (f) Consider the addition of an advanced payment program for room and board contracts and also consider a college savings program;
- (g) Purchase insurance from insurers licensed to do business in the state, to provide for coverage against any loss in connection with the account's property, assets, or activities or to further insure the value of the tuition units;
- (h) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of its powers and duties under this chapter;
- (i) Contract for the provision for all or part of the services necessary for the management and operation of the program with other state or nonstate entities authorized to do business in the state;
- (j) Contract for other services or for goods needed by the governing body in the conduct of its business under this chapter;
- (k) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this chapter;
- (l) Solicit and accept cash donations and grants from any person, governmental agency, private business, or organization; and
- (m) Perform all acts necessary and proper to carry out the duties and responsibilities of this program under this chapter.

NEW SECTION. Sec. 697. A new section is added to chapter 28B.95 RCW to read as follows:

(1) The Washington college savings program shall be administered by the committee, which shall be chaired by the director of the office. The committee shall be supported by staff of the office.

(2) The Washington college savings program shall consist of the college savings program account and the individual college savings program accounts, and shall allow an eligible purchaser to establish an individual college savings program account for an eligible beneficiary whereby the money in the account may be invested and used for enrollment at any institution of higher education that is recognized by the internal revenue service under chapter 529 of the internal revenue code. Money in the account may also be used to pay for dual credit fees.

(3) The Washington college savings program is open to eligible purchasers and eligible beneficiaries who are residents or nonresidents of Washington state.

(4) The Washington college savings program shall not require eligible purchasers to make an initial minimum contribution in any amount that exceeds twenty-five dollars when establishing a new account.

(5) The committee may contract with other state or nonstate entities that are authorized to do business in the state for the investment of moneys in the college savings program, including other college savings plans established pursuant to section 529 of the internal revenue code. The investment of eligible contributors' deposits may be in credit unions, savings and loan associations, banks, mutual savings banks, purchase life insurance, shares of an investment company, individual securities, fixed annuity contracts, variable annuity contracts, any insurance company, other 529 plans, or any investment company licensed to contract business in this state.

(6) The governing body shall determine the conditions under which control or the beneficiary of an individual college savings program account may be transferred to another family member. In permitting such transfers, the governing body may not allow the individual college savings program account to be bought, sold, bartered, or otherwise exchanged for goods and services by either the beneficiary or the purchaser.

(7) The governing body shall promote, advertise, and publicize the Washington college savings program.

(8) The governing body shall develop materials to educate potential account owners and beneficiaries on (a) the differences between the advanced college tuition payment program and the Washington college savings program, and (b) how the two programs can complement each other to save towards the full cost of attending college.

(9) In addition to any other powers conferred by this chapter, the governing body may:

- (a) Impose limits on the amount of contributions that may be made on behalf of any eligible beneficiary;
- (b) Determine and set age limits and any time limits for the use of benefits under this chapter;
- (c) Establish incentives to encourage participation in the Washington college savings program to include but not be limited to entering into agreements with any public or private employer under which an employee may agree to

have a designated amount deducted in each payroll period from the wages due the employee for the purpose of making contributions to a participant college savings program account;

(d) Impose and collect administrative fees and charges in connection with any transaction under this chapter;

(e) Appoint and use advisory committees and the state actuary as needed to provide program direction and guidance;

(f) Formulate and adopt all other policies and rules necessary for the efficient administration of the program;

(g) Purchase insurance from insurers licensed to do business in the state, to provide for coverage against any loss in connection with the account's property, assets, or activities;

(h) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of its powers and duties under this chapter;

(i) Contract for the provision for all or part of the services necessary for the management and operation of the Washington college savings program with other state or nonstate entities authorized to do business in the state for the investment of moneys;

(j) Contract for other services or for goods needed by the governing body in the conduct of its business under this chapter;

(k) Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out its responsibilities under this chapter;

(l) Review advisor sold 529 college savings plan programs used by other states to supplement direct-sold channels, provide additional program access and options, increase overall college savings by residents, and if deemed appropriate, establish an advisor sold option for the Washington college savings program;

(m) Solicit and accept gifts, bequests, cash donations, and grants from any person, governmental agency, private business, or organization; and

(n) Perform all acts necessary and proper to carry out the duties and responsibilities of the Washington college savings program under this chapter.

(10) It is the intent of the legislature to establish policy goals for the Washington college savings program. The policy goals established under this section are deemed consistent with creating a nationally competitive 529 savings plan. The Washington college savings program should support achievement of these policy goals:

(a) Process: To have an investment manager design a thoughtful, well-diversified glide path for age-based portfolios and offer a robust suite of investment options;

(b) People: To have a well-resourced, talented, and long-tenured investment manager;

(c) Parent: To demonstrate that the committee is a good caretaker of college savers' capital and can manage the plan professionally;

(d) Performance: To demonstrate that the program's options have earned their keep with solid risk-adjusted returns over relevant time periods; and

(e) Price: To demonstrate that the investment options are a good value.

(11) The powers, duties, and functions of the Washington college savings program must be performed in a manner consistent with the policy goals in subsection (10) of this section.

(12) The policy goals in this section are intended to be the basis for establishing detailed and measurable objectives and related performance measures.

(13) It is the intent of the legislature that the committee establish objectives and performance measures for the investment manager to progress toward the attainment of the policy goals in subsection (10) of this section. The committee shall submit objectives and performance measures to the legislature for its review and shall provide an updated report on the objectives and measures before the regular session of the legislature during even-numbered years thereafter.

**NEW SECTION. Sec. 698.** A new section is added to chapter 28B.95 RCW to read as follows:

(1) The committee shall create an expedited process by which owners can complete a direct rollover of a 529 account from (a) a state-sponsored prepaid tuition plan to a state-sponsored college savings plan, (b) a state-sponsored college savings plan to a state-sponsored prepaid tuition plan, or (c) a state-sponsored prepaid tuition plan or a state-sponsored college savings plan to an out-of-state eligible 529 plan.

(2) The committee shall report annually to the governor and the appropriate committees of the legislature on (a) the number of accounts that have been rolled into the Washington college savings program from out of state and (b) the number of accounts rolled out of the Washington college savings program to 529 plans into other states.

**Sec. 699.** RCW 28B.95.035 and 1998 c 69 s 3 are each amended to read as follows:

No member of the committee is liable for the negligence, default, or failure of any other person or members of the committee to perform the duties of office and no member may be considered or held to be an insurer of the funds or assets of any of the advanced college tuition payment program or any of the Washington college savings program.

**Sec. 700.** RCW 28B.95.040 and 2011 1st sp.s. c 11 s 171 are each amended to read as follows:

The governing body may, at its discretion, allow an organization to purchase tuition units or establish savings plans for future use as scholarships. Such organizations electing to purchase tuition units or establish Washington college savings program accounts for this purpose must enter into a contract with the governing body which, at a minimum, ensures that the scholarship shall be freely given by the purchaser to a scholarship recipient. For such purchases, the purchaser need not name a beneficiary until four months before the date when the tuition units are first expected to be used.

The governing body shall formulate and adopt such rules as are necessary to determine which organizations

may qualify to purchase tuition units or establish Washington college savings program accounts for scholarships under this section. The governing body also may consider additional rules for the use of tuition units or Washington college savings program accounts if purchased as scholarships.

The governing body may establish a scholarship fund with moneys from the Washington advanced college tuition payment program account. A scholarship fund established under this authority shall be administered by the office and shall be provided to students who demonstrate financial need. Financial need is not a criterion that any other organization need consider when using tuition units as scholarships. The office also may establish its own corporate-sponsored scholarship fund under this chapter.

**NEW SECTION. Sec. 701.** A new section is added to chapter 28B.95 RCW to read as follows:

(1) The Washington college savings program account is created in the custody of the state treasurer. The account shall be a discrete nontreasury account retaining its interest earnings in accordance with RCW 43.79A.040.

(2) The governing body shall deposit in the account all moneys received for the program. The account shall be self-sustaining and consist of payments received for the purposes of college savings for the beneficiary. With the exception of investment and operating costs associated with the investment of money by a nonstate entity or paid under RCW 43.08.190, 43.33A.160, and 43.84.160, the account shall be credited with all investment income earned by the account. Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. Money used for program administration is subject to the allotment of all expenditures. However, an appropriation is not required for such expenditures. Program administration includes, but is not limited to: The salaries and expenses of the Washington college savings program personnel including lease payments, travel, and goods and services necessary for program operation; contracts for Washington college savings program promotion and advertisement, audits, and account management; and other general costs of conducting the business of the Washington college savings program.

(3) The account is authorized to maintain a cash deficit in the account for a period no more than five fiscal years to defray its initial program administration costs. By December 31, 2017, the governing body shall establish a program administration spending plan and a fee schedule to discharge any projected cash deficit to the account. The legislature may make appropriations into the account for the purpose of reducing program administration costs.

(4) The assets of the account may be spent without appropriation for the purpose of making payments to institutions of higher education on behalf of the qualified beneficiaries, making refunds, transfers, or direct payments upon the termination of the Washington college savings program. Disbursements from the account shall be made only on the authorization of the governing body.

(5) With regard to the assets of the account, the state acts in a fiduciary, not ownership, capacity. Therefore

the assets of the program are not considered state money, common cash, or revenue to the state.

**Sec. 702.** RCW 28B.95.080 and 2011 1st sp.s. c 12 s 3 are each amended to read as follows:

The governing body shall annually evaluate, and cause to be evaluated by the state actuary, the soundness of the advanced college tuition payment program account and determine the additional assets needed, if any, to defray the obligations of the account. The governing body may, at its discretion, consult with a nationally recognized actuary for periodic assessments of the account.

If funds are determined by the governing body, based on actuarial analysis to be insufficient to ensure the actuarial soundness of the account, the governing body shall adjust the price of subsequent tuition credit purchases to ensure its soundness.

If there are insufficient numbers of new purchases to ensure the actuarial soundness of the account, the governing body shall request such funds from the legislature as are required to ensure the integrity of the program. Funds may be appropriated directly to the account or appropriated under the condition that they be repaid at a later date. The repayment shall be made at such time that the account is again determined to be actuarially sound.

**NEW SECTION. Sec. 703.** A new section is added to chapter 28B.95 RCW to read as follows:

The governing body shall begin and continue to accept applications for new tuition unit contracts and authorize the sale of new tuition units by July 1, 2017. Upon reopening the advanced college tuition payment program, in any year in which the total annual sale of tuition units is below five hundred thousand, the governing body shall determine how to reinvigorate the advanced college tuition payment program to incentivize Washingtonians to enter into tuition unit contracts and purchase tuition units.

**Sec. 704.** RCW 28B.95.090 and 2005 c 272 s 3 are each amended to read as follows:

(1) In the event that the ((state)) legislature determines that the advanced college tuition payment program is not financially feasible, or for any other reason, the ((state)) legislature may declare the discontinuance of the program. At the time of such declaration, the governing body will cease to accept any further tuition unit contracts or purchases.

(2) The remaining tuition units for all beneficiaries who have either enrolled in higher education or who are within four years of graduation from a secondary school shall be honored until such tuition units have been exhausted, or for ten fiscal years from the date that the program has been discontinued, whichever comes first. All other contract holders shall receive a refund equal to the value of the current tuition units in effect at the time that the program was declared discontinued.

(3) At the end of the ten-year period, any tuition units remaining unused by currently active beneficiaries

enrolled in higher education shall be refunded at the value of the current tuition unit in effect at the end of that ten-year period.

(4) At the end of the ten-year period, all other funds remaining in the account not needed to make refunds or to pay for administrative costs shall be deposited to the state general fund.

(5) The governing body may make refunds under other exceptional circumstances as it deems fit, however, no tuition units may be honored after the end of the tenth fiscal year following the declaration of discontinuance of the program.

**NEW SECTION. Sec. 705.** A new section is added to chapter 28B.95 RCW to read as follows:

(1) The investment manager has the full power to invest, reinvest, manage, contract, sell, or exchange investment money in the Washington college savings program without limitation as to the amount pursuant to RCW 43.84.150 and 43.33A.140. All investment and operating costs associated with the investment of money must be paid to the investment manager as allowed by RCW 43.33A.160 and 43.84.160. With the exception of these expenses and the administrative costs authorized in sections 5 and 9 of this act, one hundred percent of all earnings from investments accrue directly to the owner of the individual college savings program account.

(2) The governing body may allow owners to self-direct the investment of moneys in individual college savings program accounts through the selection of investment options. The governing body may provide plans that it deems are in the interests of the owners and beneficiaries.

(a) The investment manager, after consultation with the governing body, shall provide a set of options for owners to choose from for investment of individual college savings program account contributions, including an age-based investment option.

(b) The investment manager has the full authority to invest moneys pursuant to the investment directions of the owner of a self-directed individual college savings program account.

(3) Annually on each December 1st, the committee shall report to the governor and the appropriate committees of the legislature regarding the total fees charged to each investment option offered in the Washington college savings program. It is the intent of the legislature that fees charged to the owner not exceed one-half of one percent for any investment option on an annual basis. Beginning January 1, 2018, fees charged to the owner may not exceed one-half of one percent for any investment option on an annual basis.

(4) In the next succeeding legislative session following receipt of a report required under subsection (3) of this section, the appropriate committees of the legislature shall review the report and consider whether any legislative action is necessary with respect to the investment option with fees that exceed one-half of one percent, including but not limited to consideration of whether any legislative action is necessary with respect to reducing the fees and expenses associated with the underlying investment option.

With the exception of fees associated with the administration of the program authorized in sections 5 and 9 of this act, all moneys in the college savings program account, all property and rights purchased with the account, and all income attributable to the account, shall be held in trust for the exclusive benefit of the owners and their eligible beneficiaries.

(5) All investments made by the investment manager shall be made with the exercise of that degree of judgment and care expressed in chapter 43.33A RCW.

(6) As deemed appropriate by the investment manager, money in the Washington college savings program account may be commingled for investment with other funds subject to investment by the investment manager.

(7) The authority to establish all policies relating to the Washington college savings program and the Washington college savings program account, other than investment policies resides with the governing body. With the exception of expenses of the investment manager as provided in subsection (1) of this section, disbursements from the Washington college savings program account shall be made only on the authorization of the governing body or its designee, and moneys in the account may be spent only for the purposes of the Washington college savings program as specified in this chapter.

(8) The investment manager shall routinely consult and communicate with the governing body on the investment policy, earnings of the trust, and related needs of the Washington college savings program.

**Sec. 706.** RCW 28B.95.100 and 2000 c 14 s 7 are each amended to read as follows:

(1) The governing body, in planning and devising the advanced college tuition payment program and the Washington college savings program, shall consult with the investment board, the state treasurer, the office of financial management, and the institutions of higher education.

(2) The governing body may seek the assistance of the state agencies named in subsection (1) of this section, private financial institutions, and any other qualified party with experience in the areas of accounting, actuary, risk management, or investment management to assist with preparing an accounting of the programs and ensuring the fiscal soundness of the advanced college tuition payment program account and the Washington college savings program account.

(3) State agencies and public institutions of higher education shall fully cooperate with the governing body in matters relating to the programs in order to ensure the solvency of the advanced college tuition payment account and the Washington college savings program account and ability of the governing body to meet outstanding commitments.

**NEW SECTION. Sec. 707.** A new section is added to chapter 28B.95 RCW to read as follows:

The intent of the Washington college savings program is to make distributions from individual college savings program accounts for beneficiaries' attendance at

public or private institutions of higher education. Federal penalties and taxes associated with 529 savings plan refunds may apply to any refund issued by the Washington college savings plan. Refunds shall be issued under specific conditions that may include the following:

(1) Certification that the beneficiary, who is eighteen years of age or older, will not attend a public or private institution of higher education, will result in a refund not to exceed the current value at the time of such certification. The refund shall be made no sooner than ninety days after such certification, less any administrative processing fees assessed by the governing body;

(2) If there is certification of the death or disability of the beneficiary, the refund shall be equal to one hundred percent of the current value at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body;

(3) If there is certification by the student of graduation or program completion, the refund shall be as great as one hundred percent of the current value at the time that such certification is submitted to the governing body, less any administrative processing fees assessed by the governing body. The governing body may, at its discretion, impose a penalty if needed to comply with federal tax rules;

(4) If there is certification of other tuition and fee scholarships that will cover the cost of tuition for the eligible beneficiary, the refund may not exceed the value of the scholarship or scholarships, less any administrative processing fees assessed by the governing body;

(5) Incorrect or misleading information provided by the purchaser or beneficiaries may result in a refund of the purchaser's and contributors' contributions, less any administrative processing fees assessed by the governing body. The value of the refund must not exceed the actual dollar value of the purchaser's or contributors' contributions; and

(6) The governing body may determine other circumstances qualifying for refunds of remaining unused participant Washington college savings program account balances and may determine the value of that refund.

**NEW SECTION. Sec. 708.** A new section is added to chapter 28B.95 RCW to read as follows:

With regard to bankruptcy filings and enforcement of judgments under Title 6 RCW, participant Washington college savings program account deposits made more than two years before the date of filing or judgment are considered excluded personal assets.

**Sec. 709.** RCW 28B.95.150 and 2012 c 198 s 16 are each amended to read as follows:

(1) The committee may establish a college savings program. If such a program is established, the college savings program shall be established, in such form as may be determined by the committee, to be a qualified state tuition program as defined by the internal revenue service under section 529 of the internal revenue code, and shall be administered in a manner consistent with the Washington

advanced college tuition payment program. The committee, in planning and devising the program, shall consult with the state investment board, the state treasurer, the state actuary, the legislative fiscal and higher education committees, and the institutions of higher education. The governing body may, at its discretion, consult with a qualified actuarial consulting firm with appropriate expertise to evaluate such plans for periodic assessments of the program.

(2) Up to two hundred thousand dollars of administrative fees collected from guaranteed education tuition program participants may be applied as a loan to fund the development and start-up of a college savings program. This loan must be repaid with interest before the conclusion of the biennium following the biennium in which the committee draws funds for this purpose from the advanced college tuition payment program account.

(3) The committee, after consultation with the state investment board or other contracted investment manager, shall determine the investment policies for the college savings program. Program contributions may be invested by the state investment board, in which case it and not the committee shall determine the investment policies for the college savings program, or the committee may contract with an investment company licensed to conduct business in this state to do the investing. The committee shall keep or cause to be kept full and adequate accounts and records of the assets of each individual participant in the college savings program.

(4)(a) The governing body may elect to have the state investment board serve as investment manager for the funds in the college savings program. Members of the state investment board and its officers and employees are not considered an insurer of the funds or assets and are not liable for any action or inaction.

(b) Members of the state investment board and its officers and employees are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The state investment board in its discretion may purchase liability insurance for members.

(c) If selected by the governing body to be the investment manager, the state investment board retains all authority to establish all investment policies relating to the investment of college savings program moneys.

(d) The state investment board shall routinely consult and communicate with the committee on the investment policy, earnings of the accounts, and related needs of the college savings program.

(5) The owner has exclusive authority and responsibility to establish and change the asset allocation for an individual participant college savings program account.

(6) Neither the state nor any eligible educational institution may be considered or held to be an insurer of the funds or assets of the individual participant accounts in the college savings program created under this section nor may any such entity be held liable for any shortage of funds in the event that balances in the individual participant accounts are insufficient to meet the educational expenses of the institution chosen by the student for which the individual participant account was intended.

~~((5))~~ (7) The committee shall adopt rules to implement this section. Such rules shall include but not be limited to administration, investment management, recordkeeping, promotion, and marketing; compliance with internal revenue service standards and applicable securities regulations; application procedures and fees; start-up costs; phasing in the savings program and withdrawals therefrom; deterrents to early withdrawals and provisions for hardship withdrawals; and reenrollment in the savings program after withdrawal.

~~((6))~~ (8) The committee may, at its discretion, determine to cease operation of the college savings program if it determines the continuation is not in the best interest of the state. The committee shall adopt rules to implement this section addressing the orderly distribution of assets.

**Sec. 710.** RCW 28B.95.900 and 1997 c 289 s 11 are each amended to read as follows:

This chapter shall not be construed as a promise that any beneficiary shall be granted admission to any institution of higher education, will earn any specific or minimum number of academic credits, or will graduate from any such institution. In addition, this chapter shall not be construed as a promise of either course or program availability.

Participation in ~~((this))~~ the advanced college tuition payment program or the Washington college savings program does not guarantee an eligible beneficiary the right to resident tuition and fees. To qualify for resident and respective tuition subsidies, the eligible beneficiary must meet the applicable provisions of RCW 28B.15.011 through 28B.15.015.

This chapter shall not be construed to imply that the redemption of tuition units in the advanced college tuition payment program shall be equal to any value greater than the undergraduate tuition and services and activities fees at a state institution of higher education as computed under this chapter. Eligible beneficiaries will be responsible for payment of any other fee that does not qualify as a services and activities fee including, but not limited to, any expenses for tuition surcharges, tuition overload fees, laboratory fees, equipment fees, book fees, rental fees, room and board charges, or fines.

**Sec. 711.** RCW 43.33A.135 and 2010 1st sp.s. c 7 s 36 are each amended to read as follows:

The state investment board has the full power to establish investment policy, develop participant investment options, and manage investment funds for the college savings program, if the committee on advanced tuition payment and college savings selects the state investment board as the investment manager pursuant to section 5 of this act, and for the state deferred compensation plan, consistent with the provisions of RCW 41.50.770 and 41.50.780. The board may continue to offer the investment options provided as of June 11, 1998, until the board establishes a deferred compensation plan investment policy and adopts new investment options after considering the recommendations of the department of retirement systems.

**Sec. 712.** RCW 43.33A.190 and 2000 c 247 s 701 are each amended to read as follows:

~~((Pursuant to RCW 41.34.130.))~~ The state investment board shall invest all self-directed investment moneys under teachers' retirement system plan 3, the school employees' retirement system plan 3, and the public employees' retirement system plan 3 pursuant to RCW 41.34.130 and under the college savings program, if the committee on advanced tuition payment and college savings selects the state investment board as the investment manager pursuant to section 5 of this act, with full power to establish investment policy, develop investment options, and manage self-directed investment funds.

**Sec. 713.** RCW 43.79A.040 and 2013 c 251 s 5 and 2013 c 88 s 1 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

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

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the Washington advanced college tuition payment program account, the Washington college savings program account, the accessible communities account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready

for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

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

**NEW SECTION. Sec. 714.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys; Cody; Dent; Fitzgibbon; Haler; Hansen; Harris; Hudgins; Hunt, S.; Jinkins; Kagi; Lytton; MacEwen; Magendanz; Manweller; Pettigrew; Robinson; Sawyer; Schmick; Senn; Springer; Stokesbary; Sullivan; Tharinger; Van Werven and Walkinshaw.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta and Taylor.

Passed to Committee on Rules for second reading.

February 29, 2016

**ESSB 6605** Prime Sponsor, Committee on Agriculture, Water & Rural Economic Development: Ensuring that solid waste management requirements prevent the spread of disease, plant pathogens, and pests. Reported by Committee on General Government & Information Technology

MAJORITY recommendation: Do pass as amended by Committee on Environment. Signed by Representatives Hudgins, Chair; Kuderer, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; Johnson; Morris and Senn.

Passed to Committee on Rules for second reading.

February 29, 2016

**SB 6607** Prime Sponsor, Senator Baumgartner: Removing state route number 276 from the state highway system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

February 29, 2016

**SB 6614** Prime Sponsor, Senator Hobbs: Concerning performance oversight of the state transportation system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 715.** RCW 47.01.071 and 2007 c 516 s 4 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the governor and the legislature designed to assure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient

transportation services. Wherever appropriate, the policies shall provide for the use of integrated, intermodal transportation systems. The policies must be aligned with the goals established in RCW 47.04.280. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the governor and the legislature; and

(d) Integrate the statewide transportation plan with the needs of the elderly and persons with disabilities, and coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(3) In conjunction with the provisions under RCW 47.01.075, to provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(4) By December 2010, to prepare a comprehensive and balanced statewide transportation plan consistent with the state's growth management goals and based on the transportation policy goals provided under RCW 47.04.280 and applicable state and federal laws. The plan must reflect the priorities of government developed by the office of financial management and address regional needs, including multimodal transportation planning. The plan must, at a minimum: (a) Establish a vision for the development of the statewide transportation system; (b) identify significant statewide transportation policy issues; and (c) recommend statewide transportation policies and strategies to the legislature to fulfill the requirements of subsection (1) of this section. The plan must be the product of an ongoing process that involves representatives of significant transportation interests and the general public from across the state. Every four years, the plan shall be reviewed and revised, and submitted to the governor and the house of representatives and senate standing committees on transportation.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(5) ~~(By December 2007, the office of financial management shall submit a baseline report on the progress toward attaining the policy goals under RCW 47.04.280 in the 2005-2007 fiscal biennium. By October 1, 2008, beginning with the development of the 2009-2011 biennial transportation budget, and by October 1st biennially thereafter, the office of financial management shall submit~~

~~to the legislature and the governor a report on the progress toward the attainment by state transportation agencies of the state transportation policy goals and objectives prescribed by statute, appropriation, and governor directive. The report must, at a minimum, include the degree to which state transportation programs have progressed toward the attainment of the policy goals established under RCW 47.04.280, as measured by the objectives and performance measures established by the office of financial management under RCW 47.04.280;~~

~~(6))~~ To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

~~((7))~~ (6) To adopt such rules as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute;

~~((8))~~ (7) To contract with the office of financial management or other appropriate state agencies for administrative support, accounting services, computer services, and other support services necessary to carry out its other statutory duties;

~~((9))~~ (8) To conduct transportation-related studies and policy analysis to the extent directed by the legislature or governor in the biennial transportation budget act, or as otherwise provided in law, and subject to the availability of amounts appropriated for this specific purpose; and

~~((10))~~ (9) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

**NEW SECTION. Sec. 716.** A new section is added to chapter 47.04 RCW to read as follows:

By October 1, 2016, and by October 1st biennially thereafter, the office of financial management shall review and comment prior to the department of transportation submitting to the legislature and the governor a report on the progress toward the attainment by state transportation agencies of the state transportation policy goals and objectives prescribed by statute, appropriation, and governor directive. The report must, at a minimum, include the degree to which state transportation programs have progressed toward the attainment of the policy goals established under RCW 47.04.280, as measured by the objectives and performance measures established under RCW 47.04.280.

**Sec. 717.** RCW 47.04.280 and 2015 3rd sp.s. c 16 s 1 and 2015 3rd sp.s. c 1 s 304 are each reenacted and amended to read as follows:

(1) It is the intent of the legislature to establish policy goals for the planning, operation, performance of, and investment in, the state's transportation system. The policy goals established under this section are deemed consistent with the benchmark categories adopted by the state's blue ribbon commission on transportation on November 30, 2000. Public investments in transportation should support achievement of these policy goals:

(a) Economic vitality: To promote and develop transportation systems that stimulate, support, and enhance the movement of people and goods to ensure a prosperous economy;

(b) Preservation: To maintain, preserve, and extend the life and utility of prior investments in transportation systems and services;

(c) Safety: To provide for and improve the safety and security of transportation customers and the transportation system;

(d) Mobility: To improve the predictable movement of goods and people throughout Washington state, including congestion relief and improved freight mobility;

(e) Environment: To enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment; and

(f) Stewardship: To continuously improve the quality, effectiveness, and efficiency of the transportation system.

(2) The powers, duties, and functions of state transportation agencies must be performed in a manner consistent with the policy goals set forth in subsection (1) of this section.

(3) These policy goals are intended to be the basis for establishing detailed and measurable objectives and related performance measures.

(4) It is the intent of the legislature that the ~~((department of transportation establish))~~ office of financial management, in consultation with the transportation commission, establish objectives and performance measures for the department and other state agencies with transportation-related responsibilities to ensure transportation system performance at local, regional, and state government levels progresses toward the attainment of the policy goals set forth in subsection (1) of this section. The ~~((department of transportation))~~ office of financial management shall submit objectives and performance measures to the legislature for its review and shall provide copies of the same to the commission during each regular session of the legislature during an even-numbered year thereafter.

(5) A local or regional agency engaging in transportation planning may voluntarily establish objectives and performance measures to demonstrate progress toward the attainment of the policy goals set forth in subsection (1) of this section or any other transportation policy goals established by the local or regional agency. A local or regional agency engaging in transportation planning is encouraged to provide local and regional objectives and performance measures to be included with the objectives and performance measures submitted to the legislature pursuant to subsection (4) of this section.

(6) This section does not create a private right of action.

**Sec. 718.** RCW 47.64.360 and 2015 3rd sp.s. c 1 s 306 are each amended to read as follows:

(1) The department of transportation shall complete a government management and accountability performance report that provides a baseline assessment of current

performance on the performance measures identified in RCW 47.64.355 using final 2009-2011 data. This report must be presented to the legislature by November 1, 2011, through the attainment report required in ~~((RCW 47.01.071(5)))~~ section 2 of this act and RCW 47.04.280.

(2) By December 31, 2012, and each year thereafter, the department of transportation shall complete a performance report for the prior fiscal year. This report must be reviewed by the office of financial management, which must provide comment on the report, and the joint transportation committee, prior to submitting the report to the legislature and governor.

(3) Management shall lead implementation of the performance measures in RCW 47.64.355."

Correct the title.

Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Rossetti; Sells; Shea; Stambaugh; Tarleton and Young.

Passed to Committee on Rules for second reading.

February 29, 2016  
SJM 8019 Prime Sponsor, Senator Conway:  
 Requesting that a portion of state route number 509 be named the Philip Martin Lelli Memorial Highway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Hickel; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rossetti; Sells; Stambaugh and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Shea and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Rodne.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 2943, and the bill was referred to the Committee on Rules.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
5145  
SENATE BILL NO. 5270  
SUBSTITUTE SENATE BILL NO. 5597  
SUBSTITUTE SENATE BILL NO. 5864  
SENATE BILL NO. 5879  
ENGROSSED SENATE BILL NO. 6091  
SENATE BILL NO. 6148  
SENATE BILL NO. 6162  
SUBSTITUTE SENATE BILL NO. 6165  
SENATE BILL NO. 6170  
SUBSTITUTE SENATE BILL NO. 6177  
SENATE BILL NO. 6196  
SENATE BILL NO. 6202  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6206  
SUBSTITUTE SENATE BILL NO. 6273  
SUBSTITUTE SENATE BILL NO. 6281  
SENATE BILL NO. 6282  
SUBSTITUTE SENATE BILL NO. 6284  
SUBSTITUTE SENATE BILL NO. 6290  
SUBSTITUTE SENATE BILL NO. 6295

ENGROSSED SUBSTITUTE SENATE BILL NO.  
6309  
SUBSTITUTE SENATE BILL NO. 6326  
SUBSTITUTE SENATE BILL NO. 6337  
SUBSTITUTE SENATE BILL NO. 6342  
SENATE BILL NO. 6343  
SENATE BILL NO. 6376  
SENATE BILL NO. 6398  
SENATE BILL NO. 6401  
ENGROSSED SENATE BILL NO. 6413  
SUBSTITUTE SENATE BILL NO. 6421  
SUBSTITUTE SENATE BILL NO. 6463  
SUBSTITUTE SENATE BILL NO. 6466  
SENATE BILL NO. 6491  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6606  
ENGROSSED SENATE BILL NO. 6620

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

There being no objection, the House adjourned until 10:00 a.m., March 1, 2016, the 51st Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - REGULAR SESSION**

**FIFTY FIRST DAY**

House Chamber, Olympia, Tuesday, March 1, 2016

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brenner Farr and Raeauna Watkinson. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor John Rosenberg, Interim University Pastor at Pacific Lutheran University, Tacoma, Washington.

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

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

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 2985 and the bill was placed on the second reading calendar.

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

**SECOND READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5145, by Senate Committee on Health Care (originally sponsored by Senators Dammeier, Frockt, Becker, Bailey, Rivers and Brown)**

**Concerning the membership of the health technology clinical committee. Revised for 1st Substitute: Concerning the membership of the health technology clinical committee. (REVISED FOR ENGROSSED: Concerning the health technology clinical committee membership and rotating experts. )**

The bill was read the second time.

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

Representatives Cody and Schmick spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Harris, Representative Scott were excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5145.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5145, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5145, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5864, by Senate Committee on Ways & Means (originally sponsored by Senators Nelson and Kohl-Welles)**

**Concerning sales and use tax for cities to offset municipal service costs to newly annexed areas.**

The bill was read the second time.

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

Representatives Fitzgibbon and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5864.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5864, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hargrove, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, Magendanz, Manweller, McBride, Moeller, Morris, Moscoso, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Harmsworth, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, MacEwen, McCabe, McCaslin, Muri, Orcutt, Pike, Schmick, Shea, Short, Taylor, Van Werven, Vick, Wilcox, Wilson and Young.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 5864, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5879, by Senators Billig, McAuliffe and Kohl-Welles**

**Concerning early intervention services for infants and toddlers with disabilities and their families.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Human Services was adopted. (For Committee amendment, see Journal, Day 46, February 25, 2016).

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

Representatives Kagi and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5879, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5879, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler,

Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Holy, McCaslin, Shea, Taylor and Young.

Excused: Representative Scott.

SENATE BILL NO. 5879, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 6091, by Senators Dammeier, O'Ban, Conway and Becker**

**Changing the definition of slayer.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 47, February 26, 2016).

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

Representatives Jinkins and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6091, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6091, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton,

Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

ENGROSSED SENATE BILL NO. 6091, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6148, by Senators Warnick, Keiser, Schoesler and Conway**

**Concerning the handling of certain personal property in a self-service storage facility.**

The bill was read the second time.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6148.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6148, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SENATE BILL NO. 6148, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6162, by Senators Honeyford, Rolfes, Chase, Parlette, Pearson, Roach and Fraser**

**Concerning the expiration date of the invasive species council and account.**

The bill was read the second time.

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

Representatives Blake and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6162.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6162, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representative Scott.

SENATE BILL NO. 6162, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6165, by Senate Committee on Law & Justice (originally sponsored by Senators Takko, Pearson, Sheldon and Benton)**

**Concerning short-barreled rifles.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 47, February 26, 2016).

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

Representatives Blake and Wilcox spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6165, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6165, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Shea, Short, Smith, Springer, Stambaugh, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Kagi, McBride, Senn and Stanford.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6165, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6177, by Senate Committee on Commerce & Labor (originally sponsored by Senator Rivers)**

**Modifying marijuana research license provisions.**

The bill was read the second time.

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

Representatives Hurst and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6177.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6177, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride,

McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dent, Dye, Shea and Taylor.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6177, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6196, by Senators McCoy and Erickson**

**Modifying administrative processes for the utilities and transportation commission in managing deposits and cost reimbursements of the energy facility site evaluation council.**

The bill was read the second time.

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

Representatives Morris and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6196.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6196, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Holy, McCaslin, Shea and Taylor.

Excused: Representative Scott.

SENATE BILL NO. 6196, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6202, by Senators Hobbs, Angel, Roach, Bailey, Conway, Rivers, Rolfes, McCoy, McAuliffe and Benton**

**Concerning the enforcement of employment rights arising from state active duty service by a member of the national guard.**

The bill was read the second time.

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

Representatives Ryu and Wilson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6202.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6202, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SENATE BILL NO. 6202, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6206, by Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Hasegawa, Takko, Chase, Schoesler and Sheldon)**

**Authorizing the growing of industrial hemp.**

The bill was read the second time.

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

Representatives Hurst and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6206.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6206, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6206, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6273, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Liias, Litzow, Rolfes, Fain, Mullet, Carlyle, Billig, Fraser and McAuliffe)**

**Concerning safe technology use and digital citizenship in public schools.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 26, 2016).

Representative Ortiz-Self moved the adoption of amendment (882) to the committee amendment:

On page 2, line 28 of the striking amendment, after "subsection." insert the following:

"(3) Beginning in the 2017-18 school year, a school district shall annually review its policy and procedures on

electronic resources and internet safety. In reviewing and amending the policy and procedures, a school district must:

(a) Involve a representation of students, parents or guardians, teachers, teacher-librarians, other school employees, administrators, and community representatives with experience or expertise in digital citizenship, media literacy, and internet safety issues;

(b) Consider customizing the model policy and procedures on electronic resources and internet safety developed by the Washington state school directors' association;

(c) Consider existing school district resources; and

(d) Consider best practices, resources, and models for instruction in digital citizenship, internet safety, and media literacy, including methods to involve parents."

Representatives Ortiz-Self and Magendanz spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (882) to the committee amendment was adopted.

The committee amendment, as amended, was adopted.

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

Representatives Santos and Magendanz spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6273, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6273, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea and Taylor.  
Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6273, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6281, by Senate Committee on Commerce & Labor (originally sponsored by Senators Fain, Pedersen, Baumgartner and Frockt)**

**Enacting amendments to the uniform athlete agents act.**

The bill was read the second time.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6281.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6281, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea and Taylor.  
Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6281, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6170, by Senators Roach, Darneille and Benton**

**Providing for an exemption from disclosure of certain financial, commercial, and proprietary information held by a city retirement board on behalf of its employees' retirement system.**

The bill was read the second time.

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

Representatives Fey and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6170.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6170, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SENATE BILL NO. 6170, having received the necessary constitutional majority, was declared passed.

#### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Senate Bill No. 6170.  
Representative Young, 26th District

#### SECOND READING

**SENATE BILL NO. 6282, by Senators Benton, Hasegawa, Mullet and Angel**

**Addressing the expiration date of the mortgage lending fraud prosecution account.**

The bill was read the second time.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6282.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6282, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SENATE BILL NO. 6282, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6284, by Senate Committee on Government Operations & Security (originally sponsored by Senators Takko and Roach)**

**Preventing water-sewer districts from prohibiting multipurpose fire sprinkler systems.**

The bill was read the second time.

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

Representatives Appleton and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6284.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6284, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi,

Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6284, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6290, by Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Honeyford, Hobbs and Parlette)**

**Concerning the apple commission.**

The bill was read the second time.

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

Representatives Blake and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6290.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6290, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6290, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6295, by Senate Committee on Law & Justice (originally sponsored by Senators Hasegawa and McCoy)**

**Clarifying the venue in which coroner's inquests are to be convened and payment of related costs.**

The bill was read the second time.

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

Representatives Jinkins and Rodne spoke in favor of the passage of the bill.

Representatives Schmick and Klippert spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6295.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6295, and the bill passed the House by the following vote: Yeas, 75; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Harmsworth, Harris, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kristiansen, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Shea, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Walkinshaw, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Dent, Dye, Griffey, Haler, Hargrove, Hawkins, Hayes, Holy, Klippert, Kretz, MacEwen, Morris, Nealey, Parker, Pike, Schmick, Short, Smith, Vick, Walsh and Young.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6295, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6326, by Senate Committee on Transportation (originally sponsored by Senators King, Hobbs and Fain)**

**Concerning the retention and maintenance of auto dealer and repair facility records.**

The bill was read the second time.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6326.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6326, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6326, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6337, by Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators Darneille, Miloscia, McCoy, Hasegawa, Conway and Chase)**

**Disposing tax foreclosed property to cities for affordable housing purposes.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Community Development, Housing & Tribal Affairs was adopted. (For Committee amendment, see Journal, Day 46, February 25, 2016).

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

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

Representative Wilson spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6337, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6337, as amended by the House, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, MacEwen, McBride, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, Magendanz, Manweller, McCabe, McCaslin, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilson and Young.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6337, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6342, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Miloscia and Hobbs)**

**Concerning private activity bond allocation.**

The bill was read the second time.

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

Representatives Ryu and Wilson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6342.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6342, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea, Taylor and Young.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6342, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6376, by Senators Fraser, Roach, McCoy, Conway, Hasegawa, Padden, Carlyle, Lias, Nelson, O'Ban, Darneille, Chase and Jayapal**

**Recognizing human trafficking awareness day.**

The bill was read the second time.

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

Representatives Hunt and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6376.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6376, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker,

Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representative Scott.

SENATE BILL NO. 6376, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6398, by Senators Hasegawa and Chase**

**Concerning certain cultural foods.**

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6398.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6398, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representative Scott.

SENATE BILL NO. 6398, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Robinson to preside.

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

There being no objection, the House adjourned until 10:00 a.m., March 2, 2016, the 52nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - REGULAR SESSION**

**FIFTY SECOND DAY**

House Chamber, Olympia, Wednesday, March 2, 2016

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Violet and Willow Wolfkill-Yaple. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Marlando Jordan, Word of Faith, Kennewick, Washington.

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

**MESSAGES FROM THE SENATE**

March 1, 2016

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1111,  
 SUBSTITUTE HOUSE BILL NO. 1830,  
 FOURTH SUBSTITUTE HOUSE BILL NO. 1999,  
 HOUSE BILL NO. 2262,  
 HOUSE BILL NO. 2309,  
 SUBSTITUTE HOUSE BILL NO. 2410,  
 SUBSTITUTE HOUSE BILL NO. 2413,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2433,  
 HOUSE BILL NO. 2476,  
 HOUSE BILL NO. 2520,  
 SUBSTITUTE HOUSE BILL NO. 2678,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2726,  
 ENGROSSED HOUSE BILL NO. 2745,  
 HOUSE BILL NO. 2807,  
 HOUSE BILL NO. 2815,  
 SUBSTITUTE HOUSE BILL NO. 2900,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 1, 2016

MR. SPEAKER:

The Senate has passed:

HOUSE BILL NO. 1022,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 1213,  
 HOUSE BILL NO. 1345,  
 ENGROSSED HOUSE BILL NO. 1578,  
 ENGROSSED HOUSE BILL NO. 1752,  
 HOUSE BILL NO. 1858,  
 HOUSE BILL NO. 2023,  
 HOUSE BILL NO. 2398,  
 ENGROSSED HOUSE BILL NO. 2400,

SUBSTITUTE HOUSE BILL NO. 2405,  
 SUBSTITUTE HOUSE BILL NO. 2425,  
 SUBSTITUTE HOUSE BILL NO. 2443,  
 HOUSE BILL NO. 2444,  
 HOUSE BILL NO. 2457,  
 HOUSE BILL NO. 2516,  
 HOUSE BILL NO. 2521,  
 HOUSE BILL NO. 2557,  
 HOUSE BILL NO. 2587,  
 HOUSE BILL NO. 2597,  
 HOUSE BILL NO. 2623,  
 HOUSE BILL NO. 2624,  
 HOUSE BILL NO. 2634,  
 HOUSE BILL NO. 2663,  
 HOUSE BILL NO. 2772,  
 HOUSE BILL NO. 2781,  
 HOUSE BILL NO. 2800,

ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2852,

SUBSTITUTE HOUSE BILL NO. 2859,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2925,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

The Speaker (Representative Moeller presiding) called upon Representative Riccelli to preside.

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

**INTRODUCTION & FIRST READING**

HB 3003 by Representatives Taylor, Young, Shea, Holy and Haler

AN ACT Relating to employees having the right of receipt of wages by paper check; and amending RCW 49.48.010.

Referred to Committee on Labor & Workplace Standards.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

**SECOND READING**

**SENATE BILL NO. 6401, by Senators Rolfes and Warnick**

**Concerning recordkeeping requirements of secondary commercial fish receivers.**

The bill was read the second time.

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

Representatives Buys and Van De Wege spoke in favor of the passage of the bill.

**MOTION**

On motion of Representative Harris, Representatives Scott and Stokesbary were excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6401.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6401, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives Scott and Stokesbary.

SENATE BILL NO. 6401, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 6413, by Senators Mullet, Benton, Pedersen and Frockt**

**Modifying residential landlord-tenant act provisions relating to tenant screening, evictions, and refunds.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 47, February 26, 2016).

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

Representatives Jinkins and Barkis spoke in favor of the passage of the bill.

The Speaker (Representative Riccelli presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6413, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6413, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

ENGROSSED SENATE BILL NO. 6413, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6421, by Senate Committee on Health Care (originally sponsored by Senators Ranker, Becker, McAuliffe and Mullet)**

**Authorizing the use of epinephrine autoinjector devices through collaborative agreements. Revised for 1st Substitute: Allowing authorized health care providers to prescribe epinephrine autoinjectors.**

The bill was read the second time.

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

Representatives Manweller and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Riccelli presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6421.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6421, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6421, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6463, by Senate Committee on Law & Justice (originally sponsored by Senators Pearson, Darneille, O'Ban, Padden and Dammeier)**

**Modifying the crime of luring. Revised for 1st Substitute: Concerning the crime of luring.**

The bill was read the second time.

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

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Riccelli presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6463.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6463, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi,

Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6463, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6466, by Senate Committee on Higher Education (originally sponsored by Senators Habib, Dammeier, Darneille, Liias, Roach, Keiser, Frockt, Becker, Hasegawa, Conway and McAuliffe)**

**Concerning student services for students with disabilities. Revised for 1st Substitute: Creating a work group to develop a plan for removing obstacles for higher education students with disabilities.**

The bill was read the second time.

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

Representatives Frame and Zeiger spoke in favor of the passage of the bill.

The Speaker (Representative Riccelli presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6466.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6466, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6466, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6491, by Senators Pedersen and Roach**

**Concerning apostille or other signature or attestation services by the secretary of state.**

The bill was read the second time.

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

Representatives Hunt and Holy spoke in favor of the passage of the bill.

The Speaker (Representative Riccelli presiding) stated the question before the House to be the final passage of Senate Bill No. 6491.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6491, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Taylor and Young.

Excused: Representative Scott.

SENATE BILL NO. 6491, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6606, by Senate Committee on Transportation (originally sponsored by Senator King)**

**Concerning wholesale vehicle dealers.**

The bill was read the second time.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Riccelli presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6606.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6606, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Holy, Magendanz, McCaslin, Shea and Taylor.

Excused: Representative Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6606, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Riccelli presiding) called upon Representative Moeller to preside.

**ENGROSSED SENATE BILL NO. 6620, by Senators McAuliffe, Dammeier, Rolfes, Litzow, Billig, Keiser and Conway**

**Concerning a statewide plan for funding cost-effective methods for school safety. (REVISED FOR ENGROSSED: Concerning cost-effective methods for maintaining and increasing school safety. )**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 26, 2016).

Representative Stambaugh moved the adoption of amendment (886) to the committee amendment:

On page 2, after line 22 of the striking amendment, insert the following:

**"NEW SECTION. Sec. 4.** (1) In order to foster a school climate that promotes safety and security, school district staff should receive proper training in developing students' social and emotional skills. The office of the superintendent of public instruction shall create and maintain an online social and emotional training module for educators, administrators, and other school district staff. The module must be available by September 1, 2017.

(2) The training module must be based on the recommendations of the office of the superintendent of public instruction's 2016 report on comprehensive benchmarks for developmentally appropriate interpersonal and decision-making knowledge and skills of social and emotional learning. The module must promote students' self-awareness, self-management, social-awareness, relationships, and responsible decision-making."

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

Representatives Stambaugh and Ortiz-Self spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (886), to the committee amendment, was adopted.

The committee amendment, as amended, was adopted.

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

Representatives Ortiz-Self and Magendanz spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6620, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6620, as amended by the House, and the bill passed the House by the following vote: Yeas, 82; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Dent, Dye, Hargrove, Holy, Kretz, McCaslin, Pike, Schmick, Shea, Short, Taylor, Van Werven, Vick and Young.

Excused: Representative Scott.

ENGROSSED SENATE BILL NO. 6620, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5265, by Senators Benton, Mullet, Angel and Keiser**

**Allowing a public depository to arrange for reciprocal deposits of public funds.**

The bill was read the second time.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5265.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5265, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SENATE BILL NO. 5265, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5342, by Senators Hasegawa, Kohl-Welles, Padden, McAuliffe, Brown, Keiser, Roach, Chase and Conway**

**Concerning definitions related to human trafficking.**

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5342.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5342, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SENATE BILL NO. 5342, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5458, by Senators Angel, Rolfes and Hasegawa**

#### Concerning health district banking.

The bill was read the second time.

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

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

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5458.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5458, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, DeBolt, Short, Smith and Taylor.

Excused: Representative Scott.

SENATE BILL NO. 5458, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5549, by Senators Jayapal, Angel, Keiser and Cleveland**

#### Concerning the registration and disciplining of pharmacy assistants.

The bill was read the second time.

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

Representative Riccelli and Riccelli (again) spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5549.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5549, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, MacEwen, McBride, Moeller, Morris, Moscoso, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer,

Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Parker, Pike, Rodne, Schmick, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson and Young.

Excused: Representative Scott.

SENATE BILL NO. 5549, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5728, by Senate Committee on Ways & Means (originally sponsored by Senators Darneille, Rivers, Rolfes, Ranker, Keiser, Parlette, Hasegawa, Chase and Jayapal)**

**Allowing patients to opt out of HIV testing. Revised for 1st Substitute: Concerning screening for HIV infection.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 26, 2016).

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

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

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5728, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5728, as amended by the House, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chopp, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hargrove, Harris, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, and Wylie

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Harmsworth, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, McCabe, McCaslin, Nealey, Orcutt, Pike, Schmick, Shea, Short, Smith, Stambaugh, Taylor, Van Werven, Vick, Wilson, Young, and Zeiger

Excused: Representative Scott

SUBSTITUTE SENATE BILL NO. 5728, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE SENATE BILL NO. 5728 passed the House.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5728 on reconsideration.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5728 on reconsideration, and the bill passed the House by the following vote: Yeas, 68; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hargrove, Harris, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Griffey, Harmsworth, Hawkins, Hayes, Hickel, Holy, Kochmar, Kretz, Kristiansen, McCabe, McCaslin, Nealey, Pike, Schmick, Shea, Short, Smith, Stambaugh, Taylor, Van Werven, Vick, Wilson, Young and Zeiger.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 5728, on reconsideration, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5767, by Senate Committee on Government Operations & Security (originally sponsored by Senators Cleveland, Benton, Honeyford and Fraser)**

**Revising local government treasury practices and procedures.**

The bill was read the second time.

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

Representatives Appleton and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5767.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5767, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 5767, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6219, by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Angel, Padden, Hewitt, O'Ban, Roach and Pearson)**

#### Concerning vehicular homicide sentencing.

The bill was read the second time.

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

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6219.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6219, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6219, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6220, by Senators Brown, Angel, Braun, Hewitt, Roach, Parlette and Sheldon**

**Promoting economic development by maximizing the use of federal economic development funding opportunities.**

The bill was read the second time.

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

Representatives Morris and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6220.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6220, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli,

Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SENATE BILL NO. 6220, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6286, by Senate Committee on Law & Justice (originally sponsored by Senators Pearson, Roach, Padden, Takko, Hargrove, Billig, Hewitt and Conway)**

**Concerning reimbursement of correctional employees for offender assaults.**

The bill was read the second time.

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

Representatives Klippert and Hudgins spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6286.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6286, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6286, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6341, by Senate Committee on Commerce & Labor (originally sponsored by Senators Rivers and Conway)**

**Concerning the provision of personal services and promotional items by cannabis producers and processors.**

The bill was read the second time.

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

Representatives Hurst and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6341.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6341, and the bill passed the House by the following vote: Yeas, 72; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Harmsworth, Harris, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kirby, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Chandler, DeBolt, Dent, Dye, Griffey, Hargrove, Hawkins, Hayes, Johnson, Kilduff, Klippert, Kretz, McCabe, McCaslin, Nealey, Orcutt, Pike, Rodne, Shea, Short, Smith, Stokesbary, Taylor and Zeiger.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6341, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6354, by Senate Committee on Higher Education (originally sponsored by Senators Lias, Baumgartner, Carlyle, Frockt and Bailey)**

**Adopting a higher education reverse transfer agreement plan. Revised for 1st Substitute: Concerning the development of higher education reverse transfer agreement plans.**

The bill was read the second time.

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

Representatives Hansen and Zeiger spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6354.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6354, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6354, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6427, by Senate Committee on Ways & Means (originally sponsored by Senators Fain, Hargrove, Keiser, Honeyford, Rolfes and Roach)**

**Specifying the documentation that must be provided to determine when sales tax applies to the sale of a motor vehicle to an enrolled tribal member. Revised for 1st Substitute: Specifying the documentation that must be provided to determine when sales tax applies to the sale of a motor vehicle to a tribal member.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

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

Representatives Robinson and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6427, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6427, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6427, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6459, by Senators Rivers, Takko, Litzow, Ranker, Ericksen, Benton and Pearson**

**Authorizing peace officers to assist the department of corrections with the supervision of offenders.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety was adopted. (For Committee amendment, see Journal, Day 47, February 26, 2016).

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

Representatives Klippert, Goodman and Klippert (again) spoke in favor of the passage of the bill.

Representative Appleton spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6459, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6459, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Appleton and Ryu.  
Excused: Representative Scott.

SENATE BILL NO. 6459, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6498, by Senate Committee on Law & Justice (originally sponsored by Senators Fain, Frockt, Pedersen, Angel and Rolfes)**

**Creating a testamentary privilege for alcohol or drug addiction recovery sponsors. Revised for 1st Substitute: Concerning testimonial privileges for alcohol and drug addiction recovery sponsors.**

The bill was read the second time.

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

Representatives Jinkins, Rodne and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6498.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6498, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea and Taylor.  
Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6498, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6536, by Senate Committee on Health Care (originally sponsored by Senator Becker)**

**Addressing the filing and rating of group health benefit plans other than small group plans, all stand-alone dental plans, and stand-alone vision plans by disability insurers, health care service contractors, and health maintenance organizations.**

The bill was read the second time.

Representative Riccelli moved the adoption of amendment (887):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** It is the intent of the legislature to enhance competition among all health carriers and limited health care service contractors by having the office of the insurance commissioner establish regulatory uniformity for the rate and form filing process and the rate and form filing content and regulatory review standards for group health benefit plans other than small group health benefit plans, as well as all stand-alone dental plans and all stand-alone vision plans.

**Sec. 2.** RCW 48.43.733 and 2015 c 19 s 3 are each amended to read as follows:

(1) All rates and forms of group health benefit plans other than small group plans, and all stand-alone dental and all stand-alone vision plans offered by a health carrier or limited health care service contractor as defined in RCW 48.44.035 and modification of a contract form or rate must be filed before the contract form is offered for sale to the public and before the rate schedule is used.

(2) Filings of negotiated health benefit plans, stand-alone dental, and stand-alone vision contract forms for groups other than small groups, and applicable rate schedules, that are placed into effect at time of negotiation or that have a retroactive effective date are not required to be filed in accordance with subsection (1) of this section, but must be filed within thirty working days after the earlier of:

- (a) The date group contract negotiations are completed; or
- (b) The date renewal premiums are implemented.
- (3) For purposes of this section, a negotiated

contract form is a health benefit plan, stand-alone dental plan, or stand-alone vision plan where benefits, and other terms and conditions, including the applicable rate schedules are negotiated and agreed to by the carrier or limited health care service contractor and the policy or contract holder. The negotiated policy form and associated rate schedule must otherwise comply with state and federal laws governing the content and schedule of rates for the negotiated plans.

(4) Stand-alone dental and stand-alone vision plans offered by a disability insurer to out-of-state groups specified by RCW 48.21.010(2) may be negotiated, but may not be offered in this state before the commissioner finds that the stand-alone dental or stand-alone vision plan otherwise ~~((meet(s))~~ meets the standards set forth in RCW 48.21.010(2) (a) and (b).

(5) The commissioner may, subject to a carrier's or limited health care service contractor's right to demand and receive a hearing under chapters 48.04 and 34.05 RCW, disapprove filings submitted under this section, as permitted under RCW 48.18.110, 48.44.020, and 48.46.060.

(6) The commissioner shall ~~((adopt))~~ amend existing rules to standardize the rate and form filing ~~((requirements))~~ process as well as regulatory review standards for the rates and forms of the plans submitted under this section. ~~((In developing rules to implement this section,))~~ The commissioner ~~((must use the already adopted standards in place for))~~ may amend the rules previously adopted under RCW 48.43.733 and shall amend any additional rating requirements established by existing rule, that are not applied to health care service contractors and health maintenance organizations.

(7) The requirements of this section apply to all group health benefit plans other than small group plans, all stand-alone dental plans, and all stand-alone vision plans issued or renewed on or after ~~((January 1, 2016))~~ the effective date of this act.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Riccelli and Schmick spoke in favor of the adoption of the amendment.

Amendment (887) was adopted.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6536, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6536, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6536, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6569, by Senate Committee on Health Care (originally sponsored by Senators Cleveland, Becker, Carlyle, Keiser and Ranker)**

#### Creating a task force on patient out-of-pocket costs.

The bill was read the second time.

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

Representatives Riccelli, Schmick, Riccelli (again) and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6569.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6569, and the bill passed the House by the following vote: Yeas, 78; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Harmsworth, Harris, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Griffey, Hargrove, Hawkins, Hayes, Klippert, Manweller, McCaslin, Pike, Shea, Smith, Taylor, Van Werven, Vick and Young.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6569, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6633, by Senators Ranker and Ericksen**

**Concerning the marine resources advisory council.**

The bill was read the second time.

Representative Shea moved the adoption of amendment (890):

On page 3, line 27, after "recommendations;" strike "and" and insert "~~(and)~~"

On page 3, line 31, after "legislature" insert "; and

(f) To evaluate and develop policy options that support the protection of fish species listed under the federal endangered species act from pinniped predation. The council's evaluation and development of policy options must include:

(i) The pursuit of a waiver to the federal marine mammal protection act that permits actions necessary to protect listed species from predation by sea lions and seals; and

(ii) The development of legislation, working with the Washington delegation of elected representatives and senators in the United States house of representatives and the United States Senate, to amend the federal marine mammal protection act to facilitate the recovery of fish species in Puget Sound listed under the federal endangered species act by sustainably limiting levels of pinniped predation"

Representative Shea spoke in favor of the adoption of the amendment.

Representative Fitzgibbon spoke against the adoption of the amendment.

Amendment (890) was not adopted.

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

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

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6633.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6633 and the bill passed the House by the following vote: Yeas, 88; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dye, Holy, McCaslin, Orcutt, Pike, Shea and Taylor.

Excused: Representative Scott.

SENATE BILL NO. 6633, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6227, by Senate Committee on Natural Resources & Parks (originally sponsored by Senators Honeyford, Keiser, Rolfes, Conway, Ranker, McAuliffe, Mullet and Chase)**

**Implementing the recommendations of the 2015 review of the Washington wildlife and recreation program.**

There being no objection, the committee amendment by the Committee on Capital Budget was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, February 29, 2016).

Representative Taylor moved the adoption of amendment (897) to the committee amendment:

On page 2, beginning on line 30 of the amendment, after "(14)" strike all material through "access" on line 36

and insert "Coordinate" means coordinated efforts, between project sponsors and local county and city officials, of inventory, planning, and management activities of land use planning and management programs consistent with Title 43 U.S.C. Sec. 1712(c) (9) of the federal public lands code"

On page 13, at the beginning of line 18 of the amendment, strike "confer" and insert "coordinate"

Representatives Taylor and Shea spoke in favor of the adoption of the amendment to the committee amendment.

Representative Tharinger spoke against the adoption of the amendment to the committee amendment.

Amendment (897), to the committee amendment, was not adopted.

The committee amendment was adopted.

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

Representatives Tharinger and DeBolt spoke in favor of the passage of the bill.

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6227, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6227, as amended by the House, and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Calder, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Hawkins, Holy, Kretz, Kristiansen, McCabe, McCaslin, Parker, Pike, Rodne, Schmick, Shea, Short, Taylor, Van Werven and Vick.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6227, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Orwall to preside.

**HOUSE BILL NO. 2872, by Representatives Fey, Hayes, Clibborn, Moscoso, Rodne, Tarleton, Kilduff, Muri, Fitzgibbon, Appleton, Stokesbary, Stanford, Griffey, Senn, Bergquist, S. Hunt, Ortiz-Self, Gregerson and Ormsby**

**Concerning the recruitment and retention of Washington state patrol commissioned officers.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2872 was substituted for House Bill No. 2872 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2872 was read the second time.

Representative Fey moved the adoption of amendment (889):

On page 2, line 19, after "to" strike "state patrol officers" and insert "~~((state patrol officers))~~ troopers and sergeants"

On page 2, after line 38, insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 43.43 RCW to read as follows:

To ensure that it is adequately and thoroughly reaching potential recruits, the Washington state patrol must develop a comprehensive outreach and marketing strategic plan that expands on the success of current strategies and looks for ways to tap into groups or individuals that do not currently show an interest in the state patrol or law enforcement as a career. The plan must include, but is not limited to, expanding marketing and outreach efforts online and through other media outlets and expanding recruitment relationships in respective communities. The plan must also include polling applicants about their application. Results from the polling must be tracked to determine the success of each outreach method."

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

Correct the title.

Representatives Fey and Orcutt spoke in favor of the adoption of the amendment.

Amendment (889) was adopted.

Representative Orcutt moved the adoption of amendment (894):

On page 2, beginning on line 19, after "patrol" strike "officers (~~shall~~)" and insert "~~((officers shall))~~ troopers, sergeants, lieutenants, and captains"

On page 2, at the beginning of line 24, strike all material through "longevity pay" on line 32 and insert "five percent greater for troopers, sergeants, lieutenants, and captains than the commissioned salary schedule for

commissioned officers that is effective July 1, 2016, under the current collective bargaining agreements. This five percent increase is effective July 1, 2016"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (894) was not adopted.

Representative Orcutt moved the adoption of amendment (895):

On page 2, line 32, after "longevity pay." insert "The office of financial management must adjust the base salaries in the following manner: The Seattle police department and King county sheriff's office salaries must be divided by one hundred ten percent, the Snohomish county sheriff's office salaries must be divided by one hundred five percent, and the Tacoma police department salaries must be divided by one hundred three percent. These adjusted salaries may then be used to determine average compensation."

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (895) was not adopted.

Representative Orcutt moved the adoption of amendment (896):

On page 2, after line 38, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 43.43 RCW to read as follows:

Beginning July 1, 2016, state patrol troopers, sergeants, and lieutenants assigned to Clark county will receive geographic pay of seven percent."

Renumber the remaining section consecutively and correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (896) was not adopted.

The bill was ordered engrossed.

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

Representatives Fey, Orcutt, Hargrove and Hayes spoke in favor of the passage of the bill.

Representatives Walsh and Condotta spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2872.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2872, and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dent, Dye, Manweller, McCaslin, Nealey, Schmick, Shea, Taylor, Walsh and Young.

Excused: Representative Scott.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2872, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 1581, by Representatives Fey, Rodne, Moscoso, Sells, Hayes and Hurst**

**Modifying the distribution of the thirty dollar vehicle license fee.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1581 was substituted for House Bill No. 1581 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1581 was read the second time.

Representative Orcutt moved the adoption of amendment (891):

On page 1, line 13, after "~~(\$20.35)~~" strike "Twenty-eight dollars" and insert "\$23.85"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (891) was not adopted.

Representative Orcutt moved the adoption of amendment (892):

On page 2, after line 10, insert the following:

"Sec. 2. RCW 46.17.350 and 2014 c 30 s 2 are each amended to read as follows:

(1) Before accepting an application for a vehicle registration, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following vehicle license fee by vehicle type:

VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
(c) Commercial trailer	\$ 34.00	\$ 30.00	RCW 46.68.035
(d) For hire vehicle, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(e) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
(f) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
(g) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
(h) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
(i) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045
(j) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
(k) Private use single-axle trailer	\$ 15.00	\$ 15.00	RCW 46.68.035
(l) Snowmobile	\$ 50.00	\$ 50.00	RCW 46.68.350
(m) Snowmobile, vintage	\$ 12.00	\$ 12.00	RCW 46.68.350
(n) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
(o) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
(p) Trailer, over 2000 pounds	\$ 30.00	\$ 30.00	RCW 46.68.030
(q) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030
(r) Wheeled all-terrain vehicle, on-road use	\$ 12.00	\$ 12.00	RCW 46.09.540
(s) Wheeled all-terrain vehicle, off-road use	\$ 18.00	\$ 18.00	RCW 46.09.510

(2) The vehicle license fee required in subsection (1) of this section is in addition to the filing fee required

under RCW 46.17.005, and any other fee or tax required by law.

(3) One dollar of the vehicle license fee required in subsection (1)(a), (d) through (h), (j), and (n) through (q) of this section must be retained by the county auditor or other agent or subagent appointed by the director who collects the fee."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (892) was not adopted.

Representative Orcutt moved the adoption of amendment (893):

On page 2, after line 10, insert the following:

"Sec. 2. RCW 46.17.350 and 2014 c 30 s 2 are each amended to read as follows:

(1) Before accepting an application for a vehicle registration, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following vehicle license fee by vehicle type:

VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
(c) Commercial trailer	\$ 34.00	\$ 30.00	RCW 46.68.035
(d) For hire vehicle, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(e) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
(f) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
(g) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
(h) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
(i) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045
(j) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
(k) Private use single-axle trailer	\$ 15.00	\$ 15.00	RCW 46.68.035
(l) Snowmobile	\$ 50.00	\$ 50.00	RCW 46.68.350
(m) Snowmobile, vintage	\$ 12.00	\$ 12.00	RCW 46.68.350
(n) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
(o) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
(p) Trailer, over 2000 pounds	\$ 30.00	\$ 30.00	RCW 46.68.030
(q) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030

- (r) Wheeled all-terrain vehicle, on-road use \$ 12.00 \$ 12.00 RCW 46.09.540
- (s) Wheeled all-terrain vehicle, off-road use \$ 18.00 \$ 18.00 RCW 46.09.510

(2) The vehicle license fee required in subsection (1) of this section is in addition to the filing fee required under RCW 46.17.005, except as provided in RCW 46.17.005(2), and any other fee or tax required by law.

**Sec. 3.** RCW 46.17.005 and 2010 c 161 s 501 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a three dollar filing fee in addition to any other fees and taxes required by law.

(2) The three dollar filing fee required under subsection (1) of this section for a person who applies for a vehicle registration for a vehicle subject to the license fee under RCW 46.17.350(1)(a), (d) through (h), (j), and (n) through (q) is contained in the cost of the vehicle license fee and is not in addition to any other fees and taxes required by law. However, this three dollar filing fee must be distributed under RCW 46.68.400.

(3) A person who applies for a certificate of title shall pay a four dollar filing fee in addition to any other fees and taxes required by law.

~~((3))~~ (4) The filing fees established in this section must be distributed under RCW 46.68.400."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Fey spoke against the adoption of the amendment.

Amendment (893) was not adopted.

Representative Fey moved the adoption of amendment (888):

On page 2, line 11, after "July 1," strike "2016" and insert "2017"

Representatives Fey and Orcutt spoke in favor of the adoption of the amendment.

Amendment (888) was adopted.

The bill was ordered engrossed.

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

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

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1581.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1581, and the bill passed the House by the following vote: Yeas, 80; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Calder, Clibborn, Cody, DeBolt, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Hawkins, Kretz, Magendanz, Manweller, McCaslin, Orcutt, Pike, Schmick, Shea, Short, Taylor, Van Werven and Vick.

Excused: Representative Scott.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1581, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Appropriations was relieved of SUBSTITUTE SENATE BILL NO. 6211 and the bill was placed on the second reading calendar:

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

There being no objection, the House adjourned until 10:00 a.m., March 3, 2016, the 53rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## FIFTY THIRD DAY

House Chamber, Olympia, Thursday, March 3, 2016

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jady Campisi and Ellie Glock. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Kevin Earls, Gateway Christian Fellowship, Shelton, Washington.

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

## MESSAGES FROM THE SENATE

March 1, 2016

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2875,  
and the same is herewith transmitted.

Hunter G. Goodman, Secretary

March 2, 2016

MR. SPEAKER:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1409,  
HOUSE BILL NO. 2280,  
HOUSE BILL NO. 2317,  
HOUSE BILL NO. 2322,  
HOUSE BILL NO. 2332,  
SUBSTITUTE HOUSE BILL NO. 2357,  
HOUSE BILL NO. 2360,  
HOUSE BILL NO. 2371,  
HOUSE BILL NO. 2384,  
HOUSE BILL NO. 2403,  
HOUSE BILL NO. 2432,  
SUBSTITUTE HOUSE BILL NO. 2448,  
SUBSTITUTE HOUSE BILL NO. 2498,  
SUBSTITUTE HOUSE BILL NO. 2539,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2540,  
HOUSE BILL NO. 2565,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2591,  
SUBSTITUTE HOUSE BILL NO. 2598,  
HOUSE BILL NO. 2599,  
HOUSE BILL NO. 2605,  
HOUSE BILL NO. 2651,  
SUBSTITUTE HOUSE BILL NO. 2765,  
HOUSE BILL NO. 2768,  
HOUSE BILL NO. 2773,  
SUBSTITUTE HOUSE BILL NO. 2884,  
HOUSE BILL NO. 2886,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

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

## SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6309, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Angel and Hobbs)**

**Concerning registered service contract and protection product guarantee providers. Revised for 1st Substitute: Addressing registered service contract and protection product guarantee providers.**

The bill was read the second time.

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

Representatives Kirby and Vick spoke in favor of the passage of the bill.

## MOTION

On motion of Representative Hayes, Representatives McCabe and Scott were excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6309.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6309, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan,

Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea, Taylor and Young.

Excused: Representatives McCabe and Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6309, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2453, by Representatives Jinkins, Rodne, Cody, Schmick, Chandler, Dunshee, Muri, Kilduff and Ormsby**

**Improving oversight of the state hospitals.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2453 was substituted for House Bill No. 2453 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2453 was read the second time.

Representative Jinkins moved the adoption of amendment (902):

On page 4, line 22, after "(iv)" insert "Benefits and costs of developing and implementing step-down and transitional placements for state hospital patients;

"

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

Representatives Jinkins and Rodne spoke in favor of the adoption of the amendment.

Amendment (902) was adopted.

The bill was ordered engrossed.

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

Representatives Jinkins and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2453.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2453, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives McCabe and Scott.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2453, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5046, by Senators Padden and Pedersen**

**Correcting a codification error concerning the governor's designee to the traffic safety commission.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn, Orcutt and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5046.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5046, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives McCabe and Scott.

SENATE BILL NO. 5046, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5206, by Senate Committee on Ways & Means (originally sponsored by Senators Becker, Miloscia, Bailey, Braun, Padden, Hewitt, Hill, Dammeier, Honeyford and Parlette)**

**Addressing state audit findings of noncompliance with state law.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government & Information Technology was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Hudgins spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5206, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5206, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives McCabe and Scott.

SUBSTITUTE SENATE BILL NO. 5206, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND ENGROSSED SENATE BILL NO. 5251, by Senators Honeyford and Keiser**

**Transferring public water system financial assistance activities from the public works board and the department of commerce to the department of health.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hudgins spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Engrossed Senate Bill No. 5251.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 5251, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, McCaslin, Shea and Taylor.

Excused: Representatives McCabe and Scott.

SECOND ENGROSSED SENATE BILL NO. 5251, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 5581, by Senators Angel and Hobbs**

**Addressing the benefits of group life and disability insurance policies.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5581.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5581, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representatives McCabe and Scott.

SENATE BILL NO. 5581, having received the necessary constitutional majority, was declared passed.

#### **ENGROSSED SUBSTITUTE SENATE BILL NO. 5635, by Senate Committee on Law & Justice (originally sponsored by Senators Pedersen and O'Ban)**

##### **Enacting the uniform power of attorney act.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 47, February 26, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kilduff and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5635, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5635, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives McCabe and Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5635, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### **SENATE BILL NO. 5689, by Senators Becker, Keiser, Dammeier, Frockt, Jayapal and McAuliffe**

##### **Concerning the scope and costs of the diabetes epidemic in Washington.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5689, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5689, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCaslin, Moeller, Morris, Moscoso, Muri,

Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Shea, Taylor and Young.

Excused: Representatives McCabe and Scott.

SENATE BILL NO. 5689, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5778, by Senate Committee on Health Care (originally sponsored by Senators Becker, Frockt, Keiser, Bailey, Dammeier, Liias, Hatfield, Angel, Dansel, King, Baumgartner, Brown, Cleveland, Warnick, Honeyford, Parlette, Hill, Rivers, Fain, Braun, Litzow, Conway, Sheldon, Ericksen and Hewitt)**

**Concerning ambulatory surgical facilities.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Riccelli, Schmick and Riccelli (again) spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5778, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5778, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chopp, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton,

Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger

Voting nay: Representatives Chandler, Condotta, McCaslin, Shea, and Taylor

Excused: Representatives McCabe and Scott

SUBSTITUTE SENATE BILL NO. 5778, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 5873, by Senators Conway, Bailey, Schoesler and Kohl-Welles**

**Permitting persons retired from the law enforcement officers' and firefighters' retirement system plan 1 to select a survivor benefit option.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ormsby and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5873.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5873, and the bill passed the House by the following vote: Yeas, 85; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, McBride, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Dent, Jinkins, Manweller, McCaslin, Moeller, Pike, Shea, Taylor, Vick and Young.

Excused: Representatives McCabe and Scott.

ENGROSSED SENATE BILL NO. 5873, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 6100, by  
Senators Chase, Brown, Angel, Hatfield, Ericksen and  
McCoy**

**Establishing an economic gardening pilot program.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government & Information Technology was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Morris and MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6100, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6100, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, McBride, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, DeBolt, Dent, Dye, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Kretz, Magendanz, Manweller, McCaslin, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Shea, Short, Stokesbary, Taylor, Van Werven, Vick and Young.

Excused: Representatives McCabe and Scott.

ENGROSSED SENATE BILL NO. 6100, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6120, by Senate  
Committee on Transportation (originally sponsored by  
Senator Mullet)**

**Providing a registration exemption for certain  
vessels.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6120, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6120, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives McCabe and Scott.

SUBSTITUTE SENATE BILL NO. 6120, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6160, by Senate  
Committee on Law & Justice (originally sponsored by  
Senators O'Ban, Frockt, Fain, Hobbs, Nelson, Rolfes,  
Conway and Becker)**

**Regulating the manufacture, sale, distribution, and  
installation of motor vehicle air bags.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6160, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6160, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives McCabe and Scott.

SUBSTITUTE SENATE BILL NO. 6160, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Orwall to preside.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

#### RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE SENATE BILL NO. 5778 passed the House.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5778 on reconsideration.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5778 on reconsideration, and the

bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, S. Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 5778, on reconsideration, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**SENATE BILL NO. 6180, by Senators King, Schoesler and Hasegawa**

**Creating a disadvantaged business enterprise advisory committee within the transportation commission.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, February 29, 2016).

With the consent of the house, amendment (904) was withdrawn.

Representative Moscoso moved the adoption of amendment (909) to the committee amendment:

On page 3, line 12 of the striking amendment, after "legislature" insert ", including a recommendation on if the advisory committee's termination date should be moved to 2020"

Representatives Moscoso and Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (909), to the committee amendment, was adopted.

The committee amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Moscoso and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6180, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6180, as amended by the House, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Halder, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Klippert, McCaslin, Shea, Short, Taylor and Young.

Excused: Representative Scott.

SENATE BILL NO. 6180, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### **SENATE BILL NO. 6200, by Senators Hewitt, Rolfes and Benton**

##### **Providing funding for steelhead conservation through the issuance of Washington's fish license plate collection.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6200.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6200, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Halder, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Stanford and Taylor.

Excused: Representative Scott.

SENATE BILL NO. 6200, having received the necessary constitutional majority, was declared passed.

#### **ENGROSSED SUBSTITUTE SENATE BILL NO. 6203, by Senate Committee on Health Care (originally sponsored by Senators Parlette, Becker, Keiser and Conway)**

##### **Updating statutes relating to the practice of pharmacy including the practice of pharmacy in long-term care settings.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 26, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6203, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6203, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6203, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6205, by Senators Pedersen, O'Ban, Frockt and Fain**

**Clarifying when a person is an acquiring person of a target corporation with more than one class of voting stock.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6205.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6205, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Condotta, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, DeBolt, Dent, Dye, Manweller and Stokesbary.

Excused: Representative Scott.

SENATE BILL NO. 6205, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6211, by Senate Committee on Ways & Means (originally sponsored by Senators Dammeier, Rolfes, Fraser, Conway, McCoy, O'Ban, Litzow, Fain, Rivers, Becker, Darneille, McAuliffe, Habib, Chase and Benton)**

**Concerning the exemption of property taxes for nonprofit homeownership development.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, February 29, 2016).

Representative Robinson moved the adoption of amendment (903) to the committee amendment:

On page 2, line 14 of the amendment, after "applications" strike "and annual renewal declarations"

On page 8, beginning on line 4 of the amendment, after "applications" strike "and annual renewal declarations"

Representatives Robinson and Nealey spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (903), to the committee amendment, was adopted.

Representative Orcutt moved the adoption of amendment (906) to the committee amendment:

On page 4, line 17 of the amendment, after "RCW." insert "The assessed value of the property as it was valued prior to the beginning of the exemption may not be considered as new construction upon cessation of the exemption."

Representatives Orcutt and Robinson spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (906), to the committee amendment, was adopted.

The committee amendment, as amended, was adopted.

Amendment (905) was ruled out of order.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Ryu and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6211, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6211, as amended by the House, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Dye, Hargrove, Harris, Hawkins, Holy, McCaslin, Pike, Schmick, Shea, Taylor, Vick and Young.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6211, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6238, by Senate Committee on Health Care (originally sponsored by Senators Rivers, Keiser, Cleveland, Miloscia and Chase)**

**Allowing the prescription of schedule II controlled substances to treat certain disease states and conditions. Revised for 1st Substitute: Allowing the prescription of a schedule II controlled substance to treat a binge eating disorder.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 26, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6238, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6238, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives DeBolt, Dye and Klippert. Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6238, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6254, by Senate Committee on Transportation (originally sponsored by Senators Sheldon, Bailey, Rivers, Roach, O'Ban, Hill, Becker, Miloscia, Angel, Warnick, Honeyford, Padden, Hobbs, Pearson, Hargrove, Braun, Dammeier, Fain, Parlette, Hewitt, Schoesler, Baumgartner, Ericksen, Rolfes, Conway, Mullet and Chase)**

**Authorizing the issuance of Purple Heart license plates for more than one motor vehicle.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6254.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6254, and the bill passed the

House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6254, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6263, by Senators Warnick, Ranker, Rivers, Hobbs, Darneille, Liias and Conway**

**Providing benefits for certain retirement system members who die or become disabled in the course of providing emergency management services.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ormsby spoke in favor of the passage of the bill.

Representative Manweller spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6263.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6263, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew,

Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Manweller, McCaslin, Pike, Shea and Taylor.

Excused: Representative Scott.

SENATE BILL NO. 6263, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6296, by Senators Parlette, Ranker and Fraser**

**Extending the expiration date of the habitat and recreation lands coordinating group.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6296.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6296, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Dye.

Excused: Representative Scott.

SENATE BILL NO. 6296, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6299, by Senators King and Hobbs**

**Correcting certain manifest drafting errors in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue).**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6299.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6299, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Haler, Holy, Klippert, McCaslin, Schmick, Shea, Taylor and Van Werven.

Excused: Representative Scott.

SENATE BILL NO. 6299, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6329, by Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators O'Ban, Conway, Becker, Fain, Cleveland, Dammeier, Keiser, Darneille, Rolfes, Hobbs, Litzow, Angel, McAuliffe, Habib and Jayapal)**

**Creating the parent to parent program for individuals with developmental disabilities.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Senn and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6329, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6329, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6329, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6338, by Senate Committee on Law & Justice (originally sponsored by Senators Padden, Billig and Baumgartner)**

**Addressing the rights of dissenting members of cooperative associations in certain mergers.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 47, February 26, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Jinkins and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6338, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6338, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, Mosweso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6338, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6345, by Senators Takko, Warnick and Hobbs**

**Merging the department of agriculture's fruit and vegetable inspection districts and accounts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6345.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6345, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes,

Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SENATE BILL NO. 6345, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Orwall presiding) called upon Representative Moeller to preside.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6356, by Senate Committee on Government Operations & Security (originally sponsored by Senators Roach, Ranker, Takko, McCoy, Hobbs, Litzow, Fain, Hasegawa and Chase)**

**Concerning disclosure of financial, commercial, and proprietary information of employees of private employers. Revised for 1st Substitute: Concerning disclosure of financial, commercial, and proprietary information of employees of private cloud service providers. (REVISED FOR ENGROSSED: Concerning disclosure of identifiable information and security information of certain employees of private cloud service providers.)**

The bill was read the second time.

With the consent of the house, amendment (883) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Magendanz, Kuderer and Morris spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6356.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6356, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes,

Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6356, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6363, by Senate Committee on Transportation (originally sponsored by Senators Takko, Ericksen, Hobbs and Parlette)**

**Concerning the design and construction of certain transportation facilities adjacent to or across a river or waterway.**

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (907):

On page 2, after line 27, insert the following:

"(5) For any recreational access considered pursuant to this section, the department must identify a state, federal, or local agency other than the department of transportation to provide the funding for the recreational access. The funding for the recreational access must be from a source other than state transportation funds."

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

Amendment (907) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Clibborn spoke in favor of the passage of the bill.

Representatives Taylor and Orcutt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6363.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6363, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, Magendanz, McBride, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Manweller, McCabe, McCaslin, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Shea, Short, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson and Young.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6363, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6371, by Senators Litzow, Mullet, Dammeier, Hargrove, Fain, Hobbs, Hill and McAuliffe**

**Concerning the definition of "agency" for purposes of early learning programs.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6371.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6371, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet,

Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Klippert, McCaslin, Shea and Taylor.

Excused: Representative Scott.

SENATE BILL NO. 6371, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6430, by Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators Parlette, Darnelle, O'Ban and Conway)**

**Providing continuity of care for recipients of medical assistance during periods of incarceration.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6430, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6430, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6430, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6445, by Senate Committee on Health Care (originally sponsored by Senators Braun and Angel)**

**Clarifying the role of physician assistants in the delivery of mental health services.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 26, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Harris and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6445, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6445, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6445, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6470, by Senate Committee on Commerce & Labor**

(originally sponsored by Senators King, Hasegawa, Conway, Keiser, Hewitt, Rivers and Chase)

**Concerning the regulation of alcoholic beverages. Revised for 1st Substitute: Addressing provisions concerning wineries in respect to the licensing of private collections of wine, allowing wineries to make sales for off-premises consumption at special occasion licensed events, modifying special occasion licenses, and making certain related technical corrections.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government & Information Technology was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6470, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6470, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Harris.

Excused: Representative Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6470, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6519, by Senate Committee on Health Care (originally sponsored by Senators Becker, Cleveland, Dammeier, Frockt, Brown,**

**Angel, Rivers, Bailey, Keiser, Conway, Fain, Carlyle, Rolfes, Chase and Parlette)**

**Expanding patient access to health services through telemedicine and establishing a collaborative for the advancement of telemedicine.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6519.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6519 and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Holy, McCaslin, Shea, Taylor and Young.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6519, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6360, by Senate Committee on Law & Justice (originally sponsored by Senators O'Ban, Carlyle, Lias, Jayapal, Frockt, King, Pearson, Pedersen, Hasegawa and Chase)**

**Developing a plan for the consolidation of traffic-based financial obligations.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 47, February 26, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Jinkins and Shea spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

### MOTION

On motion of Representative Harris, Representatives DeBolt and Rodne were excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6360, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6360, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Kretz and Orcutt.

Excused: Representatives DeBolt, Rodne and Scott.

SUBSTITUTE SENATE BILL NO. 6360, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5029, by Senate Committee on Law & Justice (originally sponsored by Senators Pedersen and O'Ban)**

**Concerning the uniform fiduciary access to digital assets act. Revised for 1st Substitute: Concerning the revised uniform fiduciary access to digital assets act.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 47, February 26, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Jinkins spoke in favor of the passage of the bill.

Representatives Shea and Young spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5029, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5029, as amended by the House, and the bill passed the House by the following vote: Yeas, 80; Nays, 15; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, Dye, Hayes, Holy, Kretz, McCaslin, Morris, Parker, Schmick, Shea, Short, Smith, Taylor, Vick and Young.

Excused: Representatives DeBolt, Rodne and Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5029, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6523, by Senate Committee on Ways & Means (originally sponsored by Senators Pearson, Hasegawa and Conway)**

**Providing service credit for pension purposes for certain emergency medical services employees.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was before the House for

purpose of amendment. (For Committee amendment, see Journal, Day 50, February 29, 2016).

Representative Robinson moved the adoption of amendment (908) to the committee amendment:

On page 2, line 21, after "shall be" insert "paid"

On page 2, line 31, after "submitted by the" strike "employer" and insert "employee"

On page 2, line 31, after "employer" strike "under (a) of this subsection"

Representative Robinson spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (908), to the committee amendment, was adopted.

The committee amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Robinson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6523, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6523, as amended by the House, and the bill passed the House by the following vote: Yeas, 81; Nays, 14; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Condotta, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Dent, Dye, Holy, Klippert, Kretz, Magendan, Manweller, McCaslin, Schmick, Shea, Short, Taylor and Vick.

Excused: Representatives DeBolt, Rodne and Scott.

SUBSTITUTE SENATE BILL NO. 6523, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6528, by Senate Committee on Trade & Economic Development (originally sponsored by Senators Brown, Sheldon, Dammeier, Parlette, Schoesler, Warnick, Honeyford, Braun, Angel, Hewitt, Miloscia, O'Ban, Becker, Rivers and Rolfes)**

#### Enacting the cybersecurity jobs act.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government & Information Technology was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Morris spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6528, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6528, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendan, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives DeBolt, Rodne and Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6528, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6529, by Senate Committee on Human Services, Mental Health & Housing (originally sponsored by Senators Hargrove, Miloscia, Hewitt, Pedersen and McAuliffe)**

**Strengthening opportunities for the rehabilitation and reintegration of juvenile offenders.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Human Services was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, February 29, 2016).

Representative Kagi moved the adoption of amendment (885) to the committee amendment:

On page 12, line 20 of the striking amendment, after "days" insert " , or a combination thereof that includes a minimum of three days home confinement and a minimum of forty hours of community restitution"

On page 12, line 21 of the striking amendment, after "available" strike " , or a combination thereof that includes a minimum of three days home confinement and a minimum of forty hours of community restitution"

Representatives Kagi and Stambaugh spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (885), to the committee amendment, was adopted.

The committee amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Kagi, Stambaugh, Senn and Dent spoke in favor of the passage of the bill.

Representatives Hayes, Klippert and Holy spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6529, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6529, as amended by the House, and the bill passed the House by the following vote: Yeas, 55; Nays, 40; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hunt, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Hurst, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pike, Schmick, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilcox, Wilson and Young.

Excused: Representatives DeBolt, Rodne and Scott.

SUBSTITUTE SENATE BILL NO. 6529, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6534, by Senate Committee on Ways & Means (originally sponsored by Senators O'Ban and Becker)**

**Establishing a maternal mortality review panel.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Riccelli and Stambaugh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6534, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6534, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives DeBolt, Rodne and Scott.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6534, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6564, by Senate Committee on Ways & Means (originally sponsored by Senators O'Ban, Fain, Keiser, McAuliffe, Hobbs, Conway, Angel, Frockt and Warnick)**

**Providing protections for persons with developmental disabilities.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Human Services was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6564, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6564, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives DeBolt, Rodne and Scott.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6564, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6601, by Senate Committee on Ways & Means (originally sponsored by Senators Frockt, Bailey, Braun, Mullet, Carlyle and McAuliffe)**

**Creating the Washington college savings program.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hansen and Zeiger spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6601, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6601, as amended by the House, and the bill passed the House by the following vote: Yeas, 82; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Clibborn, Cody, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Haler, Hargrove, Holy, Klippert, McCaslin, Parker, Sells, Shea, Taylor and Vick.

Excused: Representatives DeBolt, Rodne and Scott.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6601, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6614, by Senators Hobbs, King and Conway**

**Concerning performance oversight of the state transportation system.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Orcutt and Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6614, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6614, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives DeBolt, Rodne and Scott.

SENATE BILL NO. 6614, as amended by the House, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2985, by Representatives Riccelli, Short, Ormsby, Parker, Holy, Manweller, McCaslin, Tharinger, Peterson, Stanford, Kretz, Magendanz and Moscoso**

**Excluding certain school facilities from the inventory of educational space for determining eligibility for state assistance for common school construction.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2985 was substituted for House Bill No. 2985 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2985 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli and Short spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2985.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2985, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys and Taylor.

Excused: Representatives DeBolt, Rodne and Scott.

SUBSTITUTE HOUSE BILL NO. 2985, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 5109  
SENATE BILL NO. 5143  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
5435  
SENATE BILL NO. 5605  
SUBSTITUTE SENATE BILL NO. 5670

FIFTH ENGROSSED SUBSTITUTE SENATE BILL  
 NO. 5857  
 SENATE BILL NO. 6147  
 SENATE BILL NO. 6156  
 ENGROSSED SENATE BILL NO. 6166  
 ENGROSSED SECOND SUBSTITUTE SENATE  
 BILL NO. 6242  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6248  
 SUBSTITUTE SENATE BILL NO. 6264  
 SENATE BILL NO. 6274  
 SUBSTITUTE SENATE BILL NO. 6283  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6293  
 SUBSTITUTE SENATE BILL NO. 6314  
 SENATE BILL NO. 6325  
 SUBSTITUTE SENATE BILL NO. 6327  
 ENGROSSED SENATE BILL NO. 6349  
 SUBSTITUTE SENATE BILL NO. 6358  
 SENATE BILL NO. 6400  
 SENATE BILL NO. 6405  
 SUBSTITUTE SENATE BILL NO. 6449  
 SENATE BILL NO. 6475

ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6513  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6525  
 SUBSTITUTE SENATE BILL NO. 6558  
 ENGROSSED SENATE BILL NO. 6589  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6605  
 SENATE BILL NO. 6626  
 SENATE JOINT MEMORIAL NO. 8019  
 SENATE JOINT RESOLUTION NO. 8210

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:00 a.m., March 4, 2016, the 54th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FOURTH LEGISLATURE - REGULAR SESSION

FIFTY FOURTH DAY

House Chamber, Olympia, Friday, March 4, 2016

The House was called to order at 9:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Matt McColl and Sultan Hernandez. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Moeller presiding) asked the body to observe a moment of silence to reflect on the tragic loss of the three children of Brad Tower.

**MESSAGES FROM THE SENATE**

March 3, 2016

MR. SPEAKER:

The President has signed:

- SENATE BILL NO. 5265,
- SENATE BILL NO. 5342,
- SENATE BILL NO. 5458,
- SENATE BILL NO. 5549,
- SUBSTITUTE SENATE BILL NO. 5767,
- SUBSTITUTE SENATE BILL NO. 6219,
- SENATE BILL NO. 6220,
- SUBSTITUTE SENATE BILL NO. 6286,
- SUBSTITUTE SENATE BILL NO. 6341,
- SUBSTITUTE SENATE BILL NO. 6354,
- SENATE BILL NO. 6401,
- SUBSTITUTE SENATE BILL NO. 6421,
- SUBSTITUTE SENATE BILL NO. 6463,
- SUBSTITUTE SENATE BILL NO. 6466,
- SENATE BILL NO. 6491,
- SUBSTITUTE SENATE BILL NO. 6498,
- SUBSTITUTE SENATE BILL NO. 6569,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6606,
- SENATE BILL NO. 6633,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 3, 2016

MR. SPEAKER:

The President has signed:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5145,
- SUBSTITUTE SENATE BILL NO. 5864,
- SENATE BILL NO. 6148,
- SENATE BILL NO. 6162,

- SENATE BILL NO. 6170,
- SUBSTITUTE SENATE BILL NO. 6177,
- SENATE BILL NO. 6196,
- SENATE BILL NO. 6202,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6206,
- SUBSTITUTE SENATE BILL NO. 6281,
- SENATE BILL NO. 6282,
- SUBSTITUTE SENATE BILL NO. 6284,
- SUBSTITUTE SENATE BILL NO. 6290,
- SUBSTITUTE SENATE BILL NO. 6295,
- SUBSTITUTE SENATE BILL NO. 6326,
- SUBSTITUTE SENATE BILL NO. 6342,
- SENATE BILL NO. 6376,
- SENATE BILL NO. 6398,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

**RESOLUTION**

**HOUSE RESOLUTION NO. 2016-4679, by Representatives Nealey, Walsh, Johnson, and Senn**

WHEREAS, Walla Walla Frontier Days is the oldest fair in the state of Washington; and

WHEREAS, 2016 represents the 150th anniversary of the Walla Walla Frontier Days; and

WHEREAS, In 1866, the Walla Walla Agricultural Society staged a large agricultural and industrial exposition that would showcase the valley crops and the latest farming methods; and

WHEREAS, The first county fair was held October 4, 5, and 6, 1866, on the horse-track racing grounds which had been built in 1862, three miles west of the then present city limits; and

WHEREAS, The historic pavilion was erected in 1906 for a fruit exhibit and concert hall; and

WHEREAS, During World War II, the exhibition hall was used to house German prisoners of war; and

WHEREAS, In 1913, the management decided to inaugurate a new order of business and, as a result, the "Frontier Days" came into existence with its spectacular display of bull dogging, relay races, stagecoach races, cowboys, cowgirls, and other local participants, representing one of the last stands of the Wild West "How the West was Won"; and

WHEREAS, In 1935, the fair royalty was added, in which young women throughout the region competed to be on the court, a tradition which continues to date, with the exception of the World War II years; and

WHEREAS, In 1974, an annual concert was added to the fair featuring world class entertainment; and

WHEREAS, In 2006, the pavilion underwent its first major renovation in many years for the pavilion's century celebration; and

WHEREAS, In 2008, the Rodeo Legends award was implemented, acknowledging the outstanding men and women of the valley who have attained a high level of achievement in the sport of rodeo; and

WHEREAS, Throughout the years, the 4-H and FFA programs have become the annual showcase of the region's younger population, fostering the next generation of the agricultural community; and

WHEREAS, Fair board members, fair managers, county commissioners, state elected officials, community leaders, businesses, sponsors, and many thousands of volunteers collectively are to be acknowledged for their commitment and support over 150 years;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the Walla Walla Frontier Days sesquicentennial, and a storied past of being a place "where memories are made to last a lifetime"; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Walla Walla Fair Board and the Walla Walla County Commissioners.

The Speaker (Representative Moeller presiding) stated the question before the House to be adoption of House Resolution No. 4679.

HOUSE RESOLUTION NO. 4679 was adopted.

### RESOLUTION

#### **HOUSE RESOLUTION NO. 2016-4680, by Representative Nealey**

WHEREAS, It is the policy of the Washington state legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Prosser High School Mustangs football team displayed extraordinary excellence in winning the 2015 Class 2A state championship; and

WHEREAS, Under the leadership of Head Coach Corey Ingvalson, the Mustangs went undefeated at home this season, finishing with a spectacular regular season record of 9-1 and an overall record of 13-1; and

WHEREAS, In the first round of the 2A Playoff Tournament, held November 11, 2015, the Prosser Mustangs held the Clarkston Bantams scoreless in their 14-0 victory; and

WHEREAS, In the quarterfinals of the 2A Playoff Tournament, held November 21, 2015, the Prosser

Mustangs held their opponent scoreless and defeated the Ellensburg Bulldogs 31-0; and

WHEREAS, In the semifinals of the 2A Playoff Tournament, held November 28, 2015, the Prosser Mustangs' high-powered offense and strong defense united to lead the team to a 33-21 victory over the Sedro-Woolley Cubs; and

WHEREAS, On December 5, 2015, in front of hundreds of fans at the Tacoma Dome in Tacoma, Washington, the Prosser Mustangs defeated the Tumwater Thunderbirds by a score of 22-15 to go on to win their fifth 2A state championship; and

WHEREAS, Linebacker Kolby Swift, with 1:09 remaining in the championship game, forced the fumble which was recovered by lineman Riley Lusk in a play that sealed the victory for the Mustangs; and

WHEREAS, Junior quarterback, Tanner Bolt, was awarded with the Associated Press Class 2A All-State Player of the Year award after throwing for 280 yards and three touchdowns in the 2A championship game, and received honorable mention on the CWAC all-league team; and

WHEREAS, The Mustangs garnered a total of eight Associated Press 2A all-state selections, which included Riley Lusk, David Ledesma, Michael Kernan, Kason Blair, Thomas Niemeyer, and Tanner Bolt; and

WHEREAS, Riley Lusk, Michael Kernan, Kason Blair, David Ledesma, and Thomas Niemeyer were selected for the 2015 CWAC All-League First Team for extraordinary efforts on offense, defense, or both; and

WHEREAS, The Mustangs' defense led the conference in defense, allowing only seven points per game; and

WHEREAS, The Mustangs' offense led the conference in scoring with 601 points over the course of the season; and

WHEREAS, Prosser High School has a history of successful football teams, winning the state championships in 1992, 1993, 1999, 2007, and 2015; and

WHEREAS, Prosser Head Coach Cory Ingvalson played on the 1999 state championship team and coached the 2015 state championship team; and

WHEREAS, Prosser High School alumnus Kellen Moore set Washington state records in total completions with 787 and total touchdown passes with 173, and went on to represent the Prosser community in the National Football League, where he played for the Detroit Lions and the Dallas Cowboys;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the Prosser High School Mustangs football team for its outstanding accomplishment and storied past of excellence in football; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Prosser High School Mustangs football team and to Head Coach Cory Ingvalson.

The Speaker (Representative Moeller presiding) stated the question before the House to be adoption of House Resolution No. 4680.

HOUSE RESOLUTION NO. 4680 was adopted.

The Speaker (Representative Moeller presiding) called upon Representative Farrell to preside.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

- HOUSE BILL NO. 1022
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1213
- HOUSE BILL NO. 1345
- ENGROSSED HOUSE BILL NO. 1578
- ENGROSSED HOUSE BILL NO. 1752
- HOUSE BILL NO. 1858
- HOUSE BILL NO. 2023
- HOUSE BILL NO. 2398
- ENGROSSED HOUSE BILL NO. 2400
- SUBSTITUTE HOUSE BILL NO. 2405
- SUBSTITUTE HOUSE BILL NO. 2425
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2433
- SUBSTITUTE HOUSE BILL NO. 2443
- HOUSE BILL NO. 2444
- HOUSE BILL NO. 2457
- HOUSE BILL NO. 2476
- HOUSE BILL NO. 2516
- HOUSE BILL NO. 2520
- HOUSE BILL NO. 2521
- HOUSE BILL NO. 2557
- HOUSE BILL NO. 2587
- HOUSE BILL NO. 2597
- HOUSE BILL NO. 2623
- HOUSE BILL NO. 2624
- HOUSE BILL NO. 2634
- HOUSE BILL NO. 2663
- SUBSTITUTE HOUSE BILL NO. 2678
- SECOND SUBSTITUTE HOUSE BILL NO. 2726
- ENGROSSED HOUSE BILL NO. 2745
- HOUSE BILL NO. 2772
- HOUSE BILL NO. 2781
- HOUSE BILL NO. 2800
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2852
- SUBSTITUTE HOUSE BILL NO. 2859
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925
- SUBSTITUTE HOUSE BILL NO. 1111
- SUBSTITUTE HOUSE BILL NO. 1830
- FOURTH SUBSTITUTE HOUSE BILL NO. 1999
- HOUSE BILL NO. 2262
- HOUSE BILL NO. 2309

- SUBSTITUTE HOUSE BILL NO. 2410
- SUBSTITUTE HOUSE BILL NO. 2413
- HOUSE BILL NO. 2807
- HOUSE BILL NO. 2815
- SUBSTITUTE HOUSE BILL NO. 2875
- SUBSTITUTE HOUSE BILL NO. 2900
- ENGROSSED HOUSE BILL NO. 1409
- HOUSE BILL NO. 2280
- HOUSE BILL NO. 2317
- HOUSE BILL NO. 2322
- HOUSE BILL NO. 2332
- SUBSTITUTE HOUSE BILL NO. 2357
- HOUSE BILL NO. 2360
- HOUSE BILL NO. 2371
- HOUSE BILL NO. 2384
- HOUSE BILL NO. 2403
- HOUSE BILL NO. 2432
- SUBSTITUTE HOUSE BILL NO. 2448
- SUBSTITUTE HOUSE BILL NO. 2498
- SUBSTITUTE HOUSE BILL NO. 2539
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2540
- HOUSE BILL NO. 2565
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2591
- SUBSTITUTE HOUSE BILL NO. 2598
- HOUSE BILL NO. 2599
- HOUSE BILL NO. 2605
- HOUSE BILL NO. 2651
- SUBSTITUTE HOUSE BILL NO. 2765
- HOUSE BILL NO. 2768
- HOUSE BILL NO. 2773
- SUBSTITUTE HOUSE BILL NO. 2884
- HOUSE BILL NO. 2886
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5145
- SENATE BILL NO. 5265
- SENATE BILL NO. 5342
- SENATE BILL NO. 5458
- SENATE BILL NO. 5549
- SUBSTITUTE SENATE BILL NO. 5767
- SUBSTITUTE SENATE BILL NO. 5864
- SENATE BILL NO. 6148
- SENATE BILL NO. 6162
- SENATE BILL NO. 6170
- SUBSTITUTE SENATE BILL NO. 6177
- SENATE BILL NO. 6196
- SENATE BILL NO. 6202
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6206
- SUBSTITUTE SENATE BILL NO. 6219
- SENATE BILL NO. 6220
- SUBSTITUTE SENATE BILL NO. 6281
- SENATE BILL NO. 6282
- SUBSTITUTE SENATE BILL NO. 6284
- SUBSTITUTE SENATE BILL NO. 6286
- SUBSTITUTE SENATE BILL NO. 6290
- SUBSTITUTE SENATE BILL NO. 6295
- SUBSTITUTE SENATE BILL NO. 6326
- SUBSTITUTE SENATE BILL NO. 6341
- SUBSTITUTE SENATE BILL NO. 6342
- SUBSTITUTE SENATE BILL NO. 6354
- SENATE BILL NO. 6376
- SENATE BILL NO. 6398

SENATE BILL NO. 6401  
 SUBSTITUTE SENATE BILL NO. 6421  
 SUBSTITUTE SENATE BILL NO. 6463  
 SUBSTITUTE SENATE BILL NO. 6466  
 SENATE BILL NO. 6491  
 SUBSTITUTE SENATE BILL NO. 6498  
 SUBSTITUTE SENATE BILL NO. 6569  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6606  
 SENATE BILL NO. 6633

The Speaker (Representative Farrell presiding) called upon Representative Moeller to preside.

There being no objection, the House advanced to the sixth order of business.

### SECOND READING

**SUBSTITUTE SENATE BILL NO. 6179, by Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senator Honeyford)**

#### Concerning water banking.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 26, 2016).

Representative Stanford moved the adoption of amendment (914) to the committee amendment:

Beginning on page 1, line 3 of the amendment, strike all of section 1

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Stanford and Chandler spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (914), to the committee amendment, was adopted.

The committee amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Stanford and Buys spoke in favor of the passage of the bill.

### MOTION

On motion of Representative Harris, Representative Scott was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6179, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6179, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea and Taylor.  
 Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6179, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5109, by Senate Committee on Ways & Means (originally sponsored by Senator Brown)**

#### Concerning infrastructure financing for local governments.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Community Development, Housing & Tribal Affairs was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ryu and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5109, as amended by the House.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5109, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea and Taylor.

Excused: Representative Scott.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5109, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5670, by Senate Committee on Energy, Environment & Telecommunications (originally sponsored by Senators Braun, Chase, Kohl-Welles, Sheldon, Hatfield, Rivers, Bailey, Dansel, Ericksen, Becker and Hewitt)**

**Clarifying expenditures under the state universal communications services program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer and Wilcox spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5670.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5670, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey,

Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 5670, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6156, by Senators Rivers, Keiser, Frockt, Miloscia, Pedersen, Litzow, O'Ban, Sheldon, Rolfes, Conway, Mullet, Hasegawa and Benton**

**Reauthorizing the medicaid fraud false claims act.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jinkins and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6156.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6156, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Caldier.

Excused: Representative Scott.

SENATE BILL NO. 6156, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6242, by Senate Committee on Ways & Means (originally sponsored by Senators O'Ban, Pedersen, Padden, Roach, Hargrove, Pearson, Darneille, Frockt and Sheldon)**

**Requiring the indeterminate sentence review board to provide certain notices upon receiving a petition for early release.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6242.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6242, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6242, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6264, by Senate Committee on Ways & Means (originally sponsored by Senators Dammeier, Conway, Bailey, Rivers, Hasegawa, O'Ban, Frockt, Schoesler, Darneille, Liias and Rolfes)**

**Allowing certain law enforcement officers' and firefighters' plan 2 retirees to purchase annuities. Revised for 1st Substitute: Allowing certain**

**Washington state patrol retirement system and law enforcement officers' and firefighters' members to purchase annuities.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Ormsby spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6264, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6264, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6264, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6283, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Benton, Mullet and Angel)**

**Addressing the securities act of Washington.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6283.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6283, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Shea.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6283, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute Senate Bill No. 6283.

Representative Shea, 4th District

### SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6293, by Senate Committee on Commerce & Labor (originally sponsored by Senators Braun, Bailey, Rivers, Conway and Sheldon)**

**Addressing student volunteers. Revised for 1st Substitute: Addressing student volunteers and unpaid students.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Labor & Workplace Standards was not

adopted. (For Committee amendment, see Journal, Day 47, February 26, 2016).

Representative Manweller moved the adoption of amendment (916):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that: (1) School-sponsored, unpaid work-based learning, including cooperative education, clinical experiences, and internship programs are a valuable component of many college certifications and degrees; (2) the opportunity to provide labor and industries' medical aid coverage to students in these programs will encourage employers to participate in school-sponsored, unpaid work-based learning, potentially improving employment opportunities for students; and (3) education improves economic viability in communities and in the state of Washington.

**Sec. 2.** RCW 51.12.170 and 1994 c 246 s 1 are each amended to read as follows:

(1) An employer covered under this title may elect to include student volunteers or unpaid students as employees or workers for all purposes relating to medical aid benefits under chapter 51.36 RCW. The employer shall give notice of its intent to cover all of its student volunteers or unpaid students to the director prior to the occurrence of the injury or contraction of an occupational disease.

(2) A student volunteer is an enrolled student in a public school as defined in RCW 28A.150.010, a private school governed under chapter 28A.195 RCW, or a state public or private institution of higher education, who is participating as a volunteer under a program authorized by the ((public)) school. The student volunteer shall perform duties for the employer without wages. The student volunteer shall be deemed to be a volunteer even if the student is granted maintenance and reimbursement for actual expenses necessarily incurred in performing his or her assigned or authorized duties. A person who earns wages for the services performed is not a student volunteer.

(3) An unpaid student is an enrolled student in a state public or private institution of higher education who is participating in an unpaid work-based learning program authorized by the school. The unpaid student shall perform duties for the employer without wages but receives credit towards completing the school program, certification, or degree in return for the services provided.

(4) Any and all premiums or assessments due under this title on account of service by a student volunteer or unpaid student shall be paid by the employer who has registered and accepted the services of student volunteers or engaged in an approved student work-based learning program authorized by the school and has exercised its option to secure the medical aid benefits under chapter 51.36 RCW for the student volunteers or unpaid students.

(5) For the purposes of this section, "unpaid student" includes a student in school-sponsored, unpaid work-based learning, including cooperative education, clinical experiences, and internship programs.

NEW SECTION. Sec. 3. A new section is added to chapter 51.12 RCW to read as follows:

An employer who has registered and accepted the services of volunteers, student volunteers, or unpaid students, who are eligible for medical aid benefits under this chapter, may annually elect to pay the premiums and assessments due under this title at the rate due for one hundred hours of volunteer service for each volunteer, student volunteer, or unpaid student instead of tracking the actual number of hours for each volunteer, student volunteer, or unpaid student. An employer selecting this option must use the method to cover all their volunteers, student volunteers, or unpaid students for the calendar year."

Representatives Manweller and Sells spoke in favor of the adoption of the amendment.

Amendment (916) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Manweller and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6293, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6293, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6293, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6325, by Senators Baumgartner, Ranker and Bailey**

**Aligning the alcohol content definition of cider with the federal definition.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6325.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6325, and the bill passed the House by the following vote: Yeas, 88; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Santos, Sawyer, Schmick, Sells, Shea, Short, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Goodman, Harris, Kagi, Kilduff, Klippert, Ryu, Senn, Smith and Van De Wege.

Excused: Representative Scott.

SENATE BILL NO. 6325, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6327, by Senate Committee on Health Care (originally sponsored by Senators Bailey, Keiser, Nelson, Conway, Mullet and Dammeier)**

**Providing for hospital discharge planning with lay caregivers.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 26, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Tharinger spoke in favor of the passage of the bill.

Representative Harris spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6327, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6327, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Pike, Schmick, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Wilcox, Wilson, Young and Zeiger.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6327, as amended by the House, having received the necessary constitutional majority, was declared passed.

### **ENGROSSED SENATE BILL NO. 6349, by Senators Benton and Mullet**

#### **Concerning public funds and deposits.**

The bill was read the second time.

Representative Kirby moved the adoption of amendment (915):

On page 8, after line 7, insert the following:

"Sec. 8. RCW 28B.07.040 and 2012 c 229 s 508 are each amended to read as follows:

The authority is authorized and empowered to do the following, on such terms, with such security and undertakings, subject to such conditions, and in return for such consideration, as the authority shall determine in its

discretion to be necessary, useful, or convenient in accomplishing the purposes of this chapter:

(1) To promulgate rules in accordance with chapter 34.05 RCW;

(2) To adopt an official seal and to alter the same at pleasure;

(3) To maintain an office at any place or places as the authority may designate;

(4) To sue and be sued in its own name, and to plead and be impleaded;

(5) To make and execute agreements with participants and others and all other instruments necessary, useful, or convenient for the accomplishment of the purposes of this chapter;

(6) To provide long-term or short-term financing or refinancing to participants for project costs, by way of loan, lease, conditional sales contract, mortgage, option to purchase, or other financing or security device or any such combination;

(7) If, in order to provide to participants the financing or refinancing of project costs described in subsection (6) of this section, the authority deems it necessary or convenient for it to own a project or projects or any part of a project or projects, for any period of time, it may acquire, contract, improve, alter, rehabilitate, repair, manage, operate, mortgage, subject to a security interest, lease, sell, or convey the project;

(8) To fix, revise from time to time, and charge and collect from participants and others rates, rents, fees, charges, and repayments as necessary to fully and timely reimburse the authority for all expenses incurred by it in providing the financing and refinancing and other services under this section and for the repayment, when due, of all the principal of, redemption premium, if any, and interest on all bonds issued under this chapter to provide the financing, refinancing, and services;

(9) To accept and receive funds, grants, gifts, pledges, guarantees, mortgages, trust deeds, and other security instruments, and property from the federal government or the state or other public body, entity, or agency and from any public or private institution, association, corporation, or organization, including participants. It shall not accept or receive from the state or any taxing agency any money derived from taxes, except money to be devoted to the purposes of a project of the state or of a taxing agency;

(10) To open and maintain a bank account or accounts in one or more qualified public depositories in this state and to deposit all or any part of authority funds therein;

(11) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, an executive director, and such other employees and agents as may be necessary in its judgment to carry out the purposes of this chapter, and to fix their compensation;

(12) To provide financing or refinancing to two or more participants for a single project or for several projects in such combinations as the authority deems necessary, useful, or convenient;

(13) To charge to and equitably apportion among participants the administrative costs and expenses incurred

in the exercise of the powers and duties conferred by this chapter;

(14) To consult with the student achievement council to determine project priorities under the purposes of this chapter; ~~((and))~~

(15) Provide for the investment of any funds, including funds held in reserve, not required for immediate disbursement, and provide for the selection of investments; and

(16) To do all other things necessary, useful, or convenient to carry out the purposes of this chapter.

In the exercise of any of these powers, the authority shall incur no expense or liability which shall be an obligation, either general or special, of the state, or a general obligation of the authority, and shall pay no expense or liability from funds other than funds of the authority. Funds of the state shall not be used for such purpose.

**Sec. 9.** RCW 39.59.010 and 2015 c 225 s 50 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Bond" means any agreement which may or may not be represented by a physical instrument, including but not limited to bonds, notes, warrants, or certificates of indebtedness, that evidences an obligation under which the issuer agrees to pay a specified amount of money, with or without interest, at a designated time or times either to registered owners or bearers.

(2) "Local government" means any county, city, town, special purpose district, political subdivision, municipal corporation, or quasi-municipal corporation, including any public corporation, authority, or other instrumentality created by such an entity.

~~(3) ("Money market fund" means a mutual fund the portfolio which consists of only bonds having maturities or demand or tender provisions of not more than one year, managed by an investment advisor who has posted with the office of risk management in the department of enterprise services a bond or other similar instrument in the amount of at least five percent of the amount invested in the fund pursuant to RCW 39.59.030 (2) or (3).~~

~~(4) "Mutual fund" means a diversified mutual fund registered with the federal securities and exchange commission and which is managed by an investment advisor with assets under management of at least five hundred million dollars and with at least five years' experience in investing in bonds authorized for investment by this chapter and who has posted with the office of risk management in the department of enterprise services a bond or other similar instrument in the amount of at least five percent of the amount invested in the fund pursuant to RCW 39.59.030(1).~~

~~(5)) "State" includes ((a state, agencies, authorities, and instrumentalities of a state, and public corporations created by a state or agencies, authorities, or instrumentalities of a state)) any state in the United States, other than the state of Washington.~~

**Sec. 10.** RCW 39.59.020 and 1988 c 281 s 2 are each amended to read as follows:

~~((In addition to any other investment authority granted by law and notwithstanding any provision of law to the contrary, the state of Washington and)) (1) Local governments in the state of Washington are authorized to invest their funds and money in their custody or possession, eligible for investment, in((:~~

~~(1) Bonds of the state of Washington and any local government in the state of Washington, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency;~~

~~(2) General obligation bonds of a state other than the state of Washington and general obligation bonds of a local government of a state other than the state of Washington, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency;~~

~~(3) Subject to compliance with RCW 39.56.030, registered warrants of a local government in the same county as the government making the investment; or~~

~~(4) Any investments authorized by law for the treasurer of the state of Washington or any local government of the state of Washington other than a metropolitan municipal corporation but, except as provided in chapter 39.58 RCW, such investments shall not include certificates of deposit of banks or bank branches not located in the state of Washington)) investments authorized by this chapter.~~

(2) Nothing in this section is intended to limit or otherwise restrict a local government from investing in additional authorized investments if that local government has specific authority to do so.

**NEW SECTION. Sec. 11.** A new section is added to chapter 39.59 RCW to read as follows:

Any local government in the state of Washington may invest in:

(1) Bonds of the state of Washington and any local government in the state of Washington;

(2) General obligation bonds of a state and general obligation bonds of a local government of a state, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency;

(3) Subject to compliance with RCW 39.56.030, registered warrants of a local government in the same county as the government making the investment;

(4) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States; or United States dollar denominated bonds, notes, or other obligations that are issued or guaranteed by supranational institutions, provided that, at the time of investment, the institution has the United States government as its largest shareholder;

(5) Federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may

become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

(6) Bankers' acceptances purchased on the secondary market;

(7) Commercial paper purchased in the secondary market, provided that any local government of the state of Washington that invests in such commercial paper must adhere to the investment policies and procedures adopted by the state investment board; and

(8) Corporate notes purchased on the secondary market, provided that any local government of the state of Washington that invests in such notes must adhere to the investment policies and procedures adopted by the state investment board.

**NEW SECTION. Sec. 12.** RCW 39.59.030 (Authorized investments—Mutual funds and money market funds) and 1988 c 281 s 3 are each repealed.

**Sec. 13.** RCW 39.60.010 and 1939 c 32 s 1 are each amended to read as follows:

Notwithstanding the provisions of any other statute of the state of Washington to the contrary, it shall be lawful ~~((for the state of Washington and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivision of the state, or any political or public corporation of the state, or))~~ for any insurance company, savings and loan association, or for any bank, trust company or other financial institution, operating under the laws of the state of Washington, or for any executor, administrator, guardian or conservator, trustee or other fiduciary to invest its funds or the moneys in its custody or possession, eligible for investment, in notes or bonds secured by mortgage which the Federal Housing Administrator has insured or has made a commitment to insure in obligations of national mortgage associations, in debentures issued by the Federal Housing Administrator, and in the bonds of the Home Owner's Loan Corporation, a corporation organized under and by virtue of the authority granted in H.R. 5240, designated as the Home Owner's Loan Act of 1933, passed by the congress of the United States and approved June 13, 1933, and in bonds of any other corporation which is or hereafter may be created by the United States, as a governmental agency or instrumentality.

**Sec. 14.** RCW 39.60.020 and 1933 ex.s. c 37 s 2 are each amended to read as follows:

Notwithstanding the provisions of any other statute of the state of Washington to the contrary, it shall be also lawful ~~((for the state of Washington and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivisions of the state, or any political or public corporation of the state, or))~~ for any insurance company, savings and loan association, building and loan association, or for any bank, trust company or other financial institution, operating under the laws of the state of Washington, or for any executor, administrator,

guardian or conservator, trustee or other fiduciary, to exchange any mortgages, contracts, judgments or liens owned or held by it, for the bonds of the Home Owners' Loan Corporation, a corporation organized under and by virtue of the authority granted in H.R. 5240, designated as The Home Owners' Loan Act of 1933, passed by the congress of the United States and approved June 13, 1933, or for the bonds of any other corporation which is or hereafter may be created by the United States as a governmental agency or instrumentality; and to accept said bonds at their par value in any such exchange.

**Sec. 15.** RCW 39.60.030 and 1939 c 32 s 2 are each amended to read as follows:

Wherever, by statute of this state, collateral is required as security for the deposit of ~~((public or other))~~ funds; or deposits are required to be made with any public official or department; or an investment of capital or surplus, or a reserve or other fund is required to be maintained consisting of designated securities, the bonds and other securities herein made eligible for investment shall also be eligible for such purpose.

**Sec. 16.** RCW 39.60.040 and 1967 ex.s. c 48 s 1 are each amended to read as follows:

The obligations issued pursuant to said Federal Home Loan Bank Act and to said Title IV of the National Housing Act as such acts are now or hereafter amended, and the shares, deposits or accounts of any institution which has the insurance protection provided by Title IV of the National Housing Act, as now or hereafter amended, may be used at face value or withdrawal value, and bonds or other interest bearing obligations as to which the payment of some but less than the full principal and interest is guaranteed by the United States of America or any agency thereof may be used to the extent of the portion so guaranteed, wherever, by statute of this state or otherwise, collateral is required as security for the deposit of ~~((public or other))~~ funds, or deposits are required to be made with any public official or department, or an investment of capital or surplus, or a reserve or other fund, is required to be maintained consisting of designated security, or wherever by statute of this state or otherwise, any surety, whether personal, corporate, or otherwise, or any collateral or security, is required or permitted for any purpose, including without limitation on the generality of the foregoing, any bond, recognizance, or undertaking.

**Sec. 17.** RCW 39.60.050 and 1970 ex.s. c 93 s 1 are each amended to read as follows:

Notwithstanding the provisions of any other statute of the state of Washington to the contrary, it shall be lawful ~~((for the state of Washington and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivision, or any political or public corporation of the state, or))~~ for any executor, administrator, guardian, or conservator, trustee or other fiduciary, to invest its funds or the moneys in its custody or possession, eligible for investment, in notes, bonds, or

debentures of savings and loan associations, banks, mutual savings banks, savings and loan service corporations operating with approval of the federal home loan bank, and corporate mortgage companies: PROVIDED, That the notes, bonds or debentures are rated not less than "A" by a nationally recognized rating agency, or are insured or guaranteed by an agency of the federal government or by private insurer authorized to do business in the state: PROVIDED FURTHER, That the notes, bonds and debentures insured or guaranteed by a private insurer shall also be backed by a pool of mortgages equal to the amount of the notes, bonds or debentures.

**Sec. 18.** RCW 43.84.080 and 1982 c 148 s 1 are each amended to read as follows:

Wherever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state treasurer may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following ~~((defined securities or classes of investments))~~:

(1) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States or United States dollar denominated bonds, notes, or other obligations that are issued or guaranteed by supranational institutions, provided that, at the time of investment, the institution has the United States government as its largest shareholder;

(2) In state, county, municipal, or school district bonds, notes, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state treasurer may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable;

(3) ~~((In motor vehicle fund warrants when authorized by agreement between the state treasurer and the department of transportation requiring repayment of invested funds from any moneys in the motor vehicle fund available for state highway construction;~~

~~((4)))~~ In federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

~~((5)))~~ (4) Bankers' acceptances purchased on the secondary market;

~~((6))~~ Negotiable certificates of deposit of any national or state commercial or mutual savings bank or savings and loan association doing business in the United States: PROVIDED, That the treasurer shall adhere to the investment policies and procedures adopted by the state investment board;

~~((7)))~~ (5) Commercial paper~~((: PROVIDED,))~~ purchased on the secondary market, provided that the state

treasurer ~~((shall))~~ adheres to the investment policies and procedures adopted by the state investment board;

(6) General obligation bonds of any state and general obligation bonds of local governments of other states, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency; and

(7) Corporate notes purchased on the secondary market, provided that the state treasurer adheres to the investment policies and procedures adopted by the state investment board.

**Sec. 19.** RCW 43.250.020 and 2010 1st sp.s. c 10 s 2 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Authorized tribal official" means any officer or employee of a qualifying federally recognized tribe who has been expressly designated by tribal constitution, ordinance, or resolution as the officer having the authority to invest the funds of the qualifying federally recognized tribe or federally recognized political subdivisions thereof.

(2) "Eligible governmental entity" means any county, city, town, municipal corporation, quasi-municipal corporation, public corporation, political subdivision, or special purpose taxing district in the state, an instrumentality of any of the foregoing governmental entities created under chapter 39.34 RCW, any agency of state government, any entity issuing or executing and delivering bonds or certificates of participation with respect to financing contracts approved by the state finance committee under RCW 39.94.040, and any qualifying federally recognized tribe or federally recognized political subdivisions thereof.

(3) "Financial officer" means the board-appointed treasurer of a community or technical college district, the state board for community and technical colleges, or a public four-year institution of higher education.

(4) "Funds" means:

(a) Funds of an eligible governmental entity under the control of or in the custody of any government finance official or local funds, as defined by the office of financial management publication "Policies, Regulations and Procedures," under the control of or in the custody of a financial officer by virtue of the official's authority that are not immediately required to meet current demands~~((;~~

~~((b) State funds deposited in the investment pool by the state treasurer that are the proceeds of bonds, notes, or other evidences of indebtedness authorized by the state finance committee under chapter 39.42 RCW, or the proceeds of bonds or certificates of participation with respect to financing contracts approved by the state finance committee under RCW 39.94.040, or payments pursuant to financing contracts under chapter 39.94 RCW, when the investments are made in order to comply with the Internal Revenue Code of 1986, as amended)); and~~

~~((c))~~ (b) Tribal funds under the control of or in the custody of any qualifying federally recognized tribe or federally recognized political subdivisions thereof, where the tribe warrants that the use or disposition of the funds

are either not subject to, or are used and deposited with federal approval, and where the tribe warrants that the funds are not immediately required to meet current demands.

(5) "Government finance official" means any officer or employee of an eligible governmental entity who has been designated by statute or by local charter, ordinance, resolution, or other appropriate official action, as the officer having the authority to invest the funds of the eligible governmental entity. However, the county treasurer shall be deemed the only government finance official for all public agencies for which the county treasurer has exclusive statutory authority to invest the funds thereof.

(6) "Public funds investment account" or "investment pool" means the aggregate of all funds as defined in subsection (4) of this section that are placed in the custody of the state treasurer for investment and reinvestment.

(7) "Qualifying federally recognized tribe or federally recognized political subdivisions thereof" means any federally recognized tribe, located in the state of Washington, authorized and empowered by its constitution or ordinance to invest its surplus funds pursuant to this section, and whose authorized tribal official has executed a deposit agreement with the office of the treasurer.

**NEW SECTION. Sec. 20.** RCW 43.250.090 (Administration of chapter—Rules) and 1986 c 294 s 9 are each repealed.

**NEW SECTION. Sec. 21.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) The following definitions apply throughout this section unless the context clearly requires otherwise.

(a) "Bond" means any agreement which may or may not be represented by a physical instrument, including but not limited to bonds, notes, warrants, or certificates of indebtedness, that evidences an obligation under which the issuer agrees to pay a specified amount of money, with or without interest, at a designated time or times either to registered owners or bearers.

(b) "Local government" means any county, city, town, special purpose district, political subdivision, municipal corporation, or quasi-municipal corporation, including any public corporation, authority, or other instrumentality created by such an entity.

(c) "State" includes any state in the United States, other than the state of Washington.

(2) In addition to any other statutorily authorized investments permissible pursuant to chapters 28B.20, 28B.30, 28B.35, 28B.40, and 28B.50 RCW, institutions of higher education may invest in:

(a) Bonds of the state of Washington and any local government in the state of Washington, which bonds have at the time of investment one of the three highest credit ratings of a nationally recognized rating agency;

(b) General obligation bonds of a state and general obligation bonds of a local government of a state, which bonds have at the time of investment one of the three

highest credit ratings of a nationally recognized rating agency;

(c) Subject to compliance with RCW 39.56.030, registered warrants of a local government in the same county as the institution of higher education making the investment;

(d) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States; or United States dollar denominated bonds, notes, or other obligations that are issued or guaranteed by supranational institutions, provided that, at the time of investment, the institution has the United States government as its largest shareholder;

(e) Federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

(f) Bankers' acceptances purchased on the secondary market;

(g) Commercial paper purchased in the secondary market, provided that any institution of higher education that invests in such commercial paper must adhere to the investment policies and procedures adopted by the state investment board; and

(h) Corporate notes purchased on the secondary market, provided that any institution of higher education that invests in such notes must adhere to the investment policies and procedures adopted by the state investment board.

(3) Nothing in this section limits the investment authority granted pursuant to chapters 28B.20, 28B.30, 28B.35, 28B.40, and 28B.50 RCW."

Correct the title.

Representatives Kirby and Vick spoke in favor of the adoption of the amendment.

Amendment (915) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6349, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6349, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, McCaslin, Shea and Taylor.

Excused: Representative Scott.

ENGROSSED SENATE BILL NO. 6349, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6475, by Senators Dansel, King, Takko and Frockt**

**Addressing political subdivisions purchasing health coverage through the public employees' benefits board program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ormsby and Harris spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6475.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6475, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh,

Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SENATE BILL NO. 6475, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SENATE BILL NO. 6151

SENATE BILL NO. 6607

The Speaker (Representative Moeller presiding) called upon Representative Springer to preside.

There being no objection, the Committee on Appropriations was relieved of SENATE BILL NO. 6245 and the bill was placed on the second reading calendar.

The Speaker (Representative Springer presiding) called upon Representative Moeller to preside.

**MESSAGE FROM THE SENATE**

March 3, 2016

MR. SPEAKER:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553,  
 SUBSTITUTE HOUSE BILL NO. 2017,  
 HOUSE BILL NO. 2320,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2335,  
 HOUSE BILL NO. 2350,  
 SUBSTITUTE HOUSE BILL NO. 2519,  
 SUBSTITUTE HOUSE BILL NO. 2541,  
 SUBSTITUTE HOUSE BILL NO. 2584,  
 SUBSTITUTE HOUSE BILL NO. 2730,  
 HOUSE BILL NO. 2741,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2746,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2785,  
 HOUSE BILL NO. 2838,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

There being no objection, the House reverted to the sixth order of business.

**SECOND READING**

**ENGROSSED SENATE BILL NO. 6589, by Senators Bailey, Pearson and Warnick**

**Concerning a feasibility study to examine whether water storage would provide noninterruptible water resources to users of permit exempt wells.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Stanford and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6589.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6589, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representative Scott.

ENGROSSED SENATE BILL NO. 6589, having received the necessary constitutional majority, was declared passed.

#### **SUBSTITUTE SENATE BILL NO. 6314, by Senate Committee on Transportation (originally sponsored by Senators Fain and Mullet)**

##### **Concerning county road administration and maintenance.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was adopted. (For Committee amendment, see Journal, Day 46, February 25, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Appleton spoke in favor of the passage of the bill.

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6314, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6314, as amended by the House, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hargrove, Harris, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Griffey, Haler, Harmsworth, Hawkins, Hayes, Holy, Klippert, Kretz, Kristiansen, MacEwen, McCaslin, Pike, Schmick, Shea, Short, Smith, Taylor, Van Werven and Vick.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6314, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### **SENATE BILL NO. 5143, by Senators Becker, Bailey, Dammeier, Rivers, Frockt, Brown and Parlette**

##### **Concerning the availability of childhood immunization resources for expecting parents.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5143.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5143, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SENATE BILL NO. 5143, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6400, by Senators Hewitt, Hargrove and Warnick**

**Concerning technical changes that clarify fish and wildlife enforcement laws.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6400.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6400, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SENATE BILL NO. 6400, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6405, by Senators Benton, Roach, McCoy, O'Ban, Angel and Conway**

**Addressing the civilian health and medical program for the veterans affairs administration.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6405.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6405, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SENATE BILL NO. 6405, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6449, by Senate Committee on Commerce & Labor (originally sponsored by Senators Hewitt and Conway)**

**Concerning enhanced raffles.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6449.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6449, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6449, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6513, by Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Warnick, Hobbs, Parlette, Takko, Hargrove and Honeyford)**

**Concerning reservations of water. Revised for 1st Substitute: Concerning reservations of water in water resource inventory area 45. (REVISED FOR ENGROSSED: Concerning reservations of water in water resource inventory areas 18 and 45.)**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6513.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6513, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea, Taylor and Young.

Excused: Representative Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6513, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6558, by Senate Committee on Health Care (originally sponsored by Senators Parlette and Cleveland)**

**Allowing a hospital pharmacy license to include individual practitioner offices and multipractitioner clinics owned and operated by a hospital and ensuring such offices and clinics are inspected according to the level of service provided.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 47, February 26, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Riccelli and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6558, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6558, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6558, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6605, by Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Warnick, Becker, Brown and Honeyford)**

**Ensuring that solid waste management requirements prevent the spread of disease, plant pathogens, and pests.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environment was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Fitzgibbon and Dent spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6605, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6605, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Rodne, Rossetti, Ryu,

Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6605, as amended by the House, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2839, by Representatives Springer and Nealey**

**Providing a sales and use tax exemption for certain new building construction to be used by maintenance repair operators for airplane repair and maintenance.**

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2839 was substituted for House Bill No. 2839 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2839 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2839.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2839, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Fey, Fitzgibbon, Goodman, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hurst, Jinkins, Johnson, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Rodne, Rossetti, Ryu,

Santos, Sawyer, Schmick, Sells, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

Voting nay: Representatives Farrell, Frame, Gregerson, Hunt, Kagi, Kuderer, Ormsby, Riccelli, Robinson, Senn, Walkinshaw, Wylie and Mr. Speaker.

Excused: Representative Scott.

SECOND SUBSTITUTE HOUSE BILL NO. 2839, having received the necessary constitutional majority, was declared passed.

**SENATE JOINT MEMORIAL NO. 8019, by Senators Conway, Dammeier, Hobbs, Darneille, King, O'Ban, Roach and Hasegawa**

**Requesting that a portion of state route number 509 be named the Philip Martin Lelli Memorial Highway.**

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representative Tarleton spoke in favor of the passage of the memorial.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8019.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8019, and the joint memorial passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Holy, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCaslin, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Shea, Short, Taylor, Van Werven, Vick, Walsh, Wilson and Young.

Excused: Representative Scott.

SENATE JOINT MEMORIAL NO. 8019, having received the necessary constitutional majority, was declared passed.

**SENATE JOINT RESOLUTION NO. 8210, by Senators Schoesler, Nelson and Mullet**

**Amending the Constitution to advance the date for completion of the redistricting plan.**

The joint resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint resolution was placed on final passage.

Representatives Hunt and Holy spoke in favor of the passage of the resolution.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Joint Resolution No. 8210.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Joint Resolution No. 8210, and the joint resolution passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SENATE JOINT RESOLUTION NO. 8210, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5435, by Senate Committee on Ways & Means (originally sponsored by Senators Bailey and Schoesler)**

**Expanding participation in the Washington state deferred compensation program. Revised for 1st Substitute: Expanding participation in the Washington state deferred compensation program. (REVISED FOR ENGROSSED: Addressing optional salary deferral programs.)**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was not adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

Representative Van De Wege moved the adoption of amendment (920):

On page 12, after line 3, insert the following:

"**NEW SECTION. Sec. 5.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Van De Wege spoke in favor of the adoption of the amendment.

Amendment (920) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Van De Wege spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5435, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5435, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea and Taylor.

Excused: Representative Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5435, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 5605, by Senators Darneille, Jayapal, Kohl-Welles and McAuliffe

#### Concerning the arrest of sixteen and seventeen year olds for domestic violence assault.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Human Services was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 26, 2016).

Representative Kagi moved the adoption of amendment (927) to the committee amendment:

On page 2, beginning on line 34 of the striking amendment, after "(3)" strike all material through "arrest." on line 37 and insert "A police officer shall, at the request of a parent or guardian, arrest the sixteen or seventeen year old child of that parent or guardian if the officer has probable cause to believe that the child has assaulted a family or household member as defined in RCW 10.99.020 in the preceding four hours. Nothing in this subsection removes a police officer's existing authority provided in this section to make an arrest."

Representative Kagi spoke in favor of the adoption of the amendment to the committee amendment.

Representative Hayes spoke against the adoption of the amendment to the committee amendment.

Amendment (927), to the committee amendment, was adopted.

Representative Hayes moved the adoption of amendment (924) to the committee amendment:

On page 5, line 3 of the striking amendment, after "years." insert the following:

"(18) A juvenile detention facility shall book into detention any person under age 18 brought to that detention facility pursuant to an arrest for assaulting a family or household member as defined in RCW 10.99.020."

Representatives Hayes and Kagi spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (924), to the committee amendment, was adopted.

Representative Hayes moved the adoption of amendment (919) to the committee amendment:

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

"**NEW SECTION, Sec. 1.** The legislature finds that the arrest of sixteen and seventeen year olds for domestic violence assault is a critical element in protecting victims of domestic violence and providing a cooling off period for families in crisis. However, the legislature further recognizes that early

intervention services, coupled with a cooling off period, can improve long-term outcomes for juvenile offenders while protecting victims of domestic violence. Connecting youth involved in domestic violence assault with appropriate therapeutic and rehabilitative intervention services will help prevent recidivism and promote a transition to productive, responsible adult lives. For these reasons, the legislature intends to encourage policies that reverse the cycles of domestic violence by providing services to sixteen and seventeen year olds after domestic violence assault arrest.

**Sec. 2.** RCW 10.31.100 and 2014 c 202 s 307 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the

victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse. After arrest for domestic violence assault under this section and subsequent placement in detention, juvenile detention facilities shall provide persons sixteen and seventeen years of age appropriate services that may include a family violence assessment, development of a safety plan, behavioral therapy, aggression replacement training, or other services designed to prevent domestic violence.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of

RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW 77.15.160(4) may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(16) A police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years.

Correct the title."

Representative Hayes spoke in favor of the adoption of the amendment to the committee amendment.

Representative Kagi spoke against the adoption of the amendment to the committee amendment.

Amendment (919), to the committee amendment, was not adopted.

With the consent of the house, amendment (928) was withdrawn.

The committee amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Kagi, Hurst and Goodman spoke in favor of the passage of the bill.

Representatives Hayes and Klippert spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5605, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5605, as amended by the House, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Nealey, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Yylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Orcutt, Parker, Pike, Rodne, Schmick, Shea, Short, Smith, Stokesbary, Taylor, Van Werven, Vick, Wilcox, Wilson, Young and Zeiger.

Excused: Representative Scott.

SENATE BILL NO. 5605, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6274, by Senators Parlette, Takko, Pearson, Rolfes, Hargrove, Schoesler, Becker, Warnick and Hewitt**

**Concerning the Columbia river recreational salmon and steelhead endorsement program.**

The bill was read the second time.

Representative Buys moved the adoption of amendment (921):

On page 3, line 13, after "By December 1," strike "~~(2014)~~ 2020" and insert "2014"

On page 4, line 8, after "~~(2016)~~" strike "2022" and insert "2017"

On page 4, line 11, after "~~(2016)~~" strike "2022" and insert "2017"

On page 4, line 13, after "June 30," strike "2022" and insert "2017"

Representatives Buys and Blake spoke in favor of the adoption of the amendment.

Amendment (921) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Blake and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6274, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6274, as amended by the House, and the bill passed the House by the following vote: Yeas, 80; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Hawkins, Hayes, Hickel, Hudgins, S. Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Barkis, Chandler, DeBolt, Hargrove, Harris, Holy, McCabe, McCaslin, Orcutt, Parker, Rossetti, Shea, Taylor, Vick, Wilcox, Wilson and Young.

Excused: Representative Scott.

SENATE BILL NO. 6274, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6358, by Senate Committee on Transportation (originally sponsored by Senators King and Hobbs)**

**Concerning rail fixed guideway system safety and security oversight. Revised for 1st Substitute: Concerning rail fixed guideway public transportation system safety and security oversight.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Moscoso and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6358.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6358, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6358, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6525, by Senate Committee on Government Operations & Security (originally sponsored by Senators Angel, Liias, Rolfes, Dammeier and Schoesler)**

**Concerning the state building code council.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government was adopted. (For Committee amendment, see Journal, Day 50, February 29, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Senn, Buys and Morris spoke in favor of the passage of the bill.

Representative MacEwen spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6525, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6525, as amended by the House, and the bill passed the House by the following vote: Yeas, 52; Nays, 45; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Buys, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Johnson, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Parker, Pike, Rodne, Schmick, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

Excused: Representative Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6525, as amended by the House, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 6607, by Senators Baumgartner and Schoesler

#### Removing state route number 276 from the state highway system.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Moscoso spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6607.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6607, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SENATE BILL NO. 6607, having received the necessary constitutional majority, was declared passed.

### SENATE BILL NO. 5270, by Senators Roach, Liias and Benton

#### Concerning a nonoperating advisory board reporting to the state patrol.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5270.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5270, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller,

McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SENATE BILL NO. 5270, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5597, by Senate Committee on Commerce & Labor (originally sponsored by Senator Roach)**

**Concerning requirements for real estate appraisers. Revised for 1st Substitute: Concerning the licensing of real estate appraisers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5597.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5597, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 5597, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6455, by Senate Committee on Ways & Means (originally sponsored by Senators Dammeier, Rolfes, Litzow, Billig, Rivers, Conway and McAuliffe)**

**Expanding the professional educator workforce by increasing career opportunities in education, creating a more robust enrollment forecasting, and enhancing recruitment efforts.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education (For Committee amendment see Journal, Day 47, February 26, 2016) and the Committee on Appropriations (For Committee amendment see Journal, Day 50, February 29, 2016) were not adopted.

With the consent of the house, amendments (884), (899), and (900), to the committee amendments, were withdrawn.

Representative Santos moved the adoption of amendment (898):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 28A.300 RCW to read as follows:

Subject to an appropriation specifically provided for this purpose, the superintendent of public instruction, in consultation with school district and educational service district personnel, shall develop and implement a comprehensive, statewide initiative to increase the number of qualified individuals who apply for teaching positions in Washington. In developing and implementing the initiative, the superintendent shall:

(1) Include a teacher recruitment component that targets groups of individuals who may be interested in teaching in Washington public schools, such as: College students who have not chosen a major; out-of-state teachers; military personnel and their spouses; and individuals with teaching certificates who are not currently employed as teachers;

(2) Contract for the development of a statewide system to provide recruitment and hiring services, including a centralized hiring portal, to school districts, and a statewide central depository for applications of individuals interested in applying for certificated positions that can be accessed by school districts in the state for purposes of hiring teachers and other certificated positions. The services and tools developed under this subsection must be made available initially to small school districts, and to larger districts as resources are available. When defining small districts for the purpose of this subsection, the office of the superintendent of public instruction must consider whether a district has fewer than three hundred certificated staff;

(3) Create or enhance an existing web site that provides useful information to individuals who are interested in teaching in Washington; and

(4) Take other actions to increase the number of qualified individuals who apply for teaching positions in Washington.

**NEW SECTION. Sec. 2.** (1) Subject to an appropriation specifically provided for this purpose, the workforce training and education coordinating board, in collaboration with the professional educator standards board, shall work with the student achievement council, the office of the superintendent of public instruction, school districts, educational service districts, the state board for community and technical colleges, the institutions of higher education, major employers, and other parties to develop and disseminate information designed to increase recruitment into professional educator standards board-approved teacher preparation programs. The information must be disseminated statewide through existing channels.

(2) This section expires July 1, 2019.

**NEW SECTION. Sec. 3.** (1) Subject to an appropriation specifically provided for this purpose, the professional educator standards board shall create and administer the recruitment specialists grant program to provide funds to professional educator standards board-approved teacher preparation programs to hire, or contract with, recruitment specialists that focus on recruitment of individuals who are from traditionally underrepresented groups among teachers in Washington when compared to the common school population.

(2) This section expires July 1, 2018.

**Sec. 4.** RCW 28A.410.250 and 2005 c 498 s 2 are each amended to read as follows:

The agency responsible for educator certification shall adopt rules for professional certification that:

(1) Provide maximum program choice for applicants, promote portability among programs, and promote maximum efficiency for applicants in attaining professional certification;

(2) Require professional certification no earlier than the fifth year following the year that the teacher first completes provisional status, with an automatic two-year extension upon enrollment;

(3) Grant professional certification to any teacher who attains certification from the national board for professional teaching standards;

(4) Permit any teacher currently enrolled in or participating in a program leading to professional certification to continue the program under administrative rules in place when the teacher began the program;

(5) Provide criteria for the approval of educational service districts, beginning no later than August 31, 2007, to offer programs leading to professional certification. The rules shall be written to encourage institutions of higher education and educational service districts to partner with local school districts or consortia of school districts, as

appropriate, to provide instruction for teachers seeking professional certification;

(6) Encourage institutions of higher education to offer professional certificate coursework as continuing education credit hours. This shall not prevent an institution of higher education from providing the option of including the professional certification requirements as part of a master's degree program;

(7) Provide criteria for a liaison relationship between approved programs and school districts in which applicants are employed;

(8) Identify an expedited professional certification process for out-of-state teachers who have five years or more of successful teaching experience ~~((to demonstrate skills and impact on student learning commensurate with Washington requirements for professional certification. The rules may require these teachers, within one year of the time they begin to teach in the state's public schools, take a course in or show evidence that they can teach to the state's essential academic learning requirements)), including a method to determine the comparability of rigor between the Washington professional certification process and the second-level teacher certification process of other states. A professional certificate must be issued to these experienced out-of-state teachers if the teacher holds: (a) A valid teaching certificate issued by the national board for professional teaching standards; or (b) a second-level teacher certificate from another state that has been determined to be comparable to the Washington professional certificate;~~ and

(9) Identify an evaluation process of approved programs that includes a review of the program coursework and applicant coursework load requirements, linkages of programs to individual teacher professional growth plans, linkages to school district and school improvement plans, and, to the extent possible, linkages to school district professional enrichment and growth programs for teachers, where such programs are in place in school districts. The agency shall provide a preliminary report on the evaluation process to the senate and house of representatives committees on education policy by November 1, 2005. The board shall identify:

(a) A process for awarding conditional approval of a program that shall include annual evaluations of the program until the program is awarded full approval;

(b) A less intensive evaluation cycle every three years once a program receives full approval unless the responsible agency has reason to intensify the evaluation;

(c) A method for investigating programs that have received numerous complaints from students enrolled in the program and from those recently completing the program;

(d) A method for investigating programs at the reasonable discretion of the agency; and

(e) A method for using, in the evaluation, both program completer satisfaction responses and data on the impact of educators who have obtained professional certification on student work and achievement.

**NEW SECTION. Sec. 5.** A new section is added to chapter 41.32 RCW under the subchapter heading

"provisions applicable to plan 2 and plan 3" to be codified between RCW 41.32.067 and 41.32.215 to read as follows:

In addition to the postretirement employment options available in RCW 41.32.802 or 41.32.862, and only until August 1, 2020, a teacher in plan 2 or plan 3 who has retired under the alternate early retirement provisions of RCW 41.32.765(3)(b) or 41.32.875(3)(b) may be employed with an employer for up to eight hundred sixty-seven hours per calendar year without suspension of his or her benefit, provided that the retired teacher reenters employment more than one calendar month after his or her accrual date and after the effective date of this section, and is employed exclusively as either:

- (1) A substitute teacher as defined in RCW 41.32.010(48)(a) in an instructional capacity, as opposed to other capacities identified in RCW 41.32.010(49); or
- (2) A mentor to teachers or an adviser to students in a professional educator standards board-approved teacher preparation program if the retired teacher has received appropriate training as defined by the office of the superintendent of public instruction, including training to become national board certified or other specialized training.

**NEW SECTION. Sec. 6.** A new section is added to chapter 41.32 RCW to read as follows:

A school district that employs a retired teacher exclusively as a substitute teacher under section 5(1) of this act must compensate its substitute teachers at an amount that is equal to or greater than the full daily amount allocated by the state to the district for substitute teacher compensation.

**NEW SECTION. Sec. 7.** (1) Subject to an appropriation specifically provided for this purpose, the professional educator standards board shall coordinate meetings between the school districts that do not have professional educator standards board-approved alternative route teacher certification programs and the nearest public or private institution of higher education with a professional educator standards board-approved teacher preparation program. The purpose of the meetings is to determine whether the districts and institutions can partner to apply to the professional educator standards board to operate an alternative route teacher certification program.

(2) Subject to an appropriation specifically provided for this purpose, an institution of higher education, as defined in RCW 28B.10.016, with a professional educator standards board-approved teacher preparation program that does not operate a professional educator standards board-approved alternative route teacher certification program must seek approval from the professional educator standards board to offer an alternative route teacher certification program by submitting the proposal developed under RCW 28A.410.290, or an updated version of the proposal, by September 1, 2016. If approved, the institution of higher education must implement an alternative route teacher certification program according to a timeline suggested by the professional educator standards board.

(3) This section expires July 1, 2017.

**NEW SECTION. Sec. 8.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) By July 1, 2018, each institution of higher education with a professional educator standards board-approved alternative route teacher certification program must develop a plan describing how the institution of higher education will partner with school districts in the general geographic region of the school, or where its programs are offered, regarding placement of resident teachers. The plans must be developed in collaboration with school districts desiring to partner with the institutions of higher education, and may include use of unexpended federal or state funds to support residencies and mentoring for students who are likely to continue teaching in the district in which they have a supervised student teaching residency.

(2) The plans required under subsection (1) of this section must be updated at least biennially.

**Sec. 9.** RCW 28A.415.265 and 2013 2nd sp.s. c 18 s 401 are each amended to read as follows:

(1) For the purposes of this section, a mentor is an educator who has achieved appropriate training in assisting, coaching, and advising beginning teachers or student teaching residents as defined by the office of the superintendent of public instruction, such as national board certification or other specialized training.

(2)(a) The educator support program is established to provide professional development and mentor support for beginning educators, candidates in alternative route teacher programs under RCW 28A.660.040, and educators on probation under RCW 28A.405.100, to be composed of the beginning educator support team for beginning educators and continuous improvement coaching for educators on probation, as provided in this section.

~~((2)(a))~~ (b) The superintendent of public instruction shall notify school districts about the educator support program and encourage districts to apply for program funds.

(3) Subject to funds appropriated for this specific purpose, the office of the superintendent of public instruction shall allocate funds for the beginning educator support team on a competitive basis to individual school districts or consortia of districts. School districts are encouraged to include educational service districts in creating regional consortia. In allocating funds, the office of the superintendent of public instruction shall give priority to:

(a) School districts with low-performing schools identified under RCW 28A.657.020 as being challenged schools in need of improvement; and

(b) School districts with a large influx of beginning classroom teachers.

(4) A portion of the appropriated funds may be used for program coordination and provision of statewide or regional professional development through the office of the superintendent of public instruction.

~~((b))~~ (5) A beginning educator support team must include the following components:

~~((i))~~ (a) A paid orientation or individualized assistance before the start of the school year for beginning educators;

~~((ii))~~ (b) Assignment of a trained and qualified mentor for the first three years for beginning educators, with intensive support in the first year and decreasing support over the following years depending on the needs of the beginning educator;

~~((iii))~~ (c) A goal to provide beginning teachers from underrepresented populations with a mentor who has strong ties to underrepresented populations;

(d) Professional development for beginning educators that is designed to meet their unique needs for supplemental training and skill development;

~~((iv))~~ (e) Professional development for mentors;

~~((v))~~ (f) Release time for mentors and their designated educators to work together, as well as time for educators to observe accomplished peers; and

~~((vi))~~ (g) A program evaluation using a standard evaluation tool provided from the office of the superintendent of public instruction that measures increased knowledge, skills, and positive impact on student learning for program participants.

~~((3))~~ (6) Subject to funds separately appropriated for this specific purpose, the beginning educator support team components under subsection ~~((2))~~ (3) of this section may be provided for continuous improvement coaching to support educators on probation under RCW 28A.405.100.

**NEW SECTION. Sec. 10.** (1) In fiscal year 2017, the office of the superintendent of public instruction, in collaboration with the professional educator standards board and institutions of higher education with professional educator standards board-approved teacher preparation programs, shall develop mentor training program goals for the institutions to use in their teacher preparation program curricula.

(2) Once the mentor training program goals are developed as required under subsection (1) of this section, the institutions of higher education with professional educator standards board-approved teacher preparation programs are encouraged to develop and implement curricula that meet the mentor training program goals.

(3) This section expires July 1, 2019.

**NEW SECTION. Sec. 11.** A new section is added to chapter 28A.330 RCW to read as follows:

By June 15th of each year, a school district shall report to the office of the superintendent of public instruction the number of classroom teachers the district projects will be hired in the following school year.

**Sec. 12.** RCW 28A.660.050 and 2015 3rd sp.s. c 9 s 2 are each amended to read as follows:

Subject to the availability of amounts appropriated for these purposes, the conditional scholarship programs in this chapter are created under the following guidelines:

(1) The programs shall be administered by the student achievement council. In administering the programs, the council has the following powers and duties:

(a) To adopt necessary rules and develop guidelines to administer the programs;

(b) To collect and manage repayments from participants who do not meet their service obligations; and

(c) To accept grants and donations from public and private sources for the programs.

(2) Requirements for participation in the conditional scholarship programs are as provided in this subsection (2).

(a) The alternative route conditional scholarship program is limited to interns of professional educator standards board-approved alternative routes to teaching programs under RCW 28A.660.040. For fiscal year 2011, priority must be given to fiscal year 2010 participants in the alternative route partnership program. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment in alternative certification routes through a professional educator standards board-approved program;

(ii) Continue to make satisfactory progress toward completion of the alternative route certification program and receipt of a residency teaching certificate; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed eight thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The council may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(b) The pipeline for paraeducators conditional scholarship program is limited to qualified paraeducators as provided by RCW 28A.660.042. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment at a community and technical college for no more than two years and attain an associate of arts degree;

(ii) Continue to make satisfactory progress toward completion of an associate of arts degree. This progress requirement is a condition for eligibility into a route one program of the alternative routes to teacher certification program for a mathematics, special education, or English as a second language endorsement; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed four thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The student achievement council may adjust the annual award by the average rate of tuition and fee increases at the state community and technical colleges.

(c) The educator retooling conditional scholarship program is limited to current K-12 teachers. In order to receive conditional scholarship awards:

(i) Individuals currently employed as teachers shall pursue an endorsement in a subject or geographic

endorsement shortage area, as defined by the professional educator standards board, including but not limited to((=)) mathematics, science, special education, elementary education, early childhood education, bilingual education, English language learner, computer science education, or environmental and sustainability education; or

(ii) Individuals who are certificated with an elementary education endorsement shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to((=)) mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education; and

(iii) Individuals shall use one of the pathways to endorsement processes to receive an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to((=)) mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education, which shall include passing an endorsement test plus observation and completing applicable coursework to attain the proper endorsement; and

(iv) Individuals shall receive no more than the annual amount of the scholarship, not to exceed three thousand dollars, for the cost of tuition, test fees, and educational expenses, including books, supplies, and transportation for the endorsement pathway being pursued.

(3) The Washington professional educator standards board shall select individuals to receive conditional scholarships. In selecting recipients, preference shall be given to eligible veterans or national guard members. In awarding conditional scholarships to support additional bilingual education or English language learner endorsements, the board shall also give preference to teachers assigned to schools required under state or federal accountability measures to implement a plan for improvement, and to teachers assigned to schools whose enrollment of English language learner students has increased an average of more than five percent per year over the previous three years.

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients who fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The student achievement council shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) The student achievement council may deposit all appropriations, collections, and any other funds received

for the program in this chapter in the future teachers conditional scholarship account authorized in RCW 28B.102.080.

**NEW SECTION. Sec. 13.** A new section is added to chapter 28B.102 RCW to read as follows:

(1) Subject to an appropriation specifically provided for this purpose, the office shall develop and administer the teacher shortage conditional grant program as a subprogram within the future teachers conditional scholarship and loan repayment program. The purpose of the teacher shortage conditional grant program is to encourage individuals to become teachers by providing financial aid to individuals enrolled in professional educator standards-approved teacher preparation programs.

(2) The office has the power and duty to develop and adopt rules as necessary under chapter 34.05 RCW to administer the program described in this section.

(3) As part of the rule-making process under subsection (2) of this section, the office must collaborate with the professional educator standards board, the Washington state school directors' association, and the professional educator standards board-approved teacher preparation programs to develop a framework for the teacher shortage conditional grant program, including eligibility requirements, contractual obligations, conditional grant amounts, and loan repayment requirements.

(4)(a) In developing the eligibility requirements, the office must consider: Whether the individual has a financial need, is a first-generation college student, or is from a traditionally underrepresented group among teachers in Washington; whether the individual is completing an alternative route to teacher certification program; whether the individual plans to obtain an endorsement in a hard-to-fill subject, as defined by the professional educator standards board; the characteristic of any geographic shortage area, as defined by the professional educator standards board, that the individual plans to teach in; and whether a school district has committed to offering the individual employment once the individual obtains a residency teacher certificate.

(b) In developing the contractual obligations, the office must consider requiring the individual to: Obtain a Washington state residency teacher certificate; teach in a subject or geographic endorsement shortage area, as defined by the professional educator standards board; and commit to teach for five school years in an approved education program with a need for a teacher with such an endorsement at the time of hire.

(c) In developing the conditional grant award amounts, the office must consider whether the individual is: Enrolled in a public or private institution of higher education, a resident, in a baccalaureate or postbaccalaureate program, or in an alternative route to teacher certification program. In addition, the award amounts must not result in a reduction of the individual's federal or state grant aid, including Pell grants, state need grants, college bound scholarships, or opportunity scholarships.

(d) In developing the repayment requirements for a conditional grant that is converted into a loan, the terms

and conditions of the loan must follow the interest rate and repayment terms of the federal direct subsidized loan program. In addition, the office must consider the following repayment schedule:

(i) For less than one school year of teaching completed, the loan obligation is eighty-five percent of the conditional grant the student received, plus interest and an equalization fee;

(ii) For less than two school years of teaching completed, the loan obligation is seventy percent of the conditional grant the student received, plus interest and an equalization fee;

(iii) For less than three school years of teaching completed, the loan obligation is fifty-five percent of the conditional grant the student received, plus interest and an equalization fee; and

(iv) For less than four school years of teaching completed, the loan obligation is forty percent of the conditional grant the student received, plus interest and an equalization fee.

(5) By November 1, 2018, and November 1, 2020, the office shall submit reports, in accordance with RCW 43.01.036, to the appropriate committees of the legislature that recommend whether the teacher shortage conditional grant program under this section should be continued, modified, or terminated, and that include information about the recipients of the grants under this program.

**NEW SECTION. Sec. 14.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) Subject to funds specifically appropriated for this purpose, the teacher endorsement and certification help pilot project, known as the TEACH pilot, is created. The scale of the TEACH pilot is dependent on the level of funding appropriated.

(2) The student achievement council, after consultation with the professional educator standards board, shall have the power and duty to develop and adopt rules as necessary under chapter 34.05 RCW to administer the pilot project described in this section. The rules, which must be adopted by August 1, 2016, must include:

- (a) A TEACH pilot grant application process;
- (b) A financial need verification process;
- (c) The order of priority in which the applications will be approved; and
- (d) A process for disbursing TEACH pilot grant awards to selected applicants.

(3) A student seeking a TEACH pilot grant to cover the costs of basic skills and content tests required for teacher certification and endorsement must submit an application to the student achievement council, following the rules developed under this section.

(4) To qualify for financial assistance, an applicant must meet the following criteria:

- (a) Be enrolled in, have applied to, or have completed a professional educator standards board-approved teacher preparation program;
- (b) Demonstrate financial need, as defined by the office of student financial assistance and consistent with the income criteria required to receive the state need grant established in chapter 28B.92 RCW;

(c) Apply for a TEACH pilot grant under this section; and

(d) Register for an endorsement competency test in one or more endorsement shortage areas.

(5) Beginning September 1, 2016, the student achievement council, in collaboration with the professional educator standards board, shall award a TEACH pilot grant to a student who meets the qualifications listed in this section and in rules developed under this section. The TEACH pilot grant award must cover the costs of basic skills and content tests required for teacher certification. The council shall prioritize TEACH pilot grant awards first to applicants registered for competency tests in endorsement shortage areas and second to applicants with greatest financial need. The council shall scale the number of TEACH pilot grant awards to the amount of funds appropriated for this purpose.

(6) The student achievement council and the professional educator standards board shall include information about the TEACH pilot in materials distributed to schools and students.

(7) By December 31, 2018, and in compliance with RCW 43.01.036, the student achievement council, in collaboration with the professional educator standards board, shall submit a preliminary report to the appropriate committees of the legislature that details the effectiveness and costs of the pilot project. The preliminary report must (a) compare the numbers and demographic information of students taking and passing tests in the endorsement shortage areas before and after implementation of the pilot project, and (b) determine the amount of TEACH pilot grant award financial assistance awarded each pilot year and per student.

(8) By December 31, 2020, and in compliance with RCW 43.01.036, the student achievement council, in collaboration with the professional educator standards board, shall submit a final report to the appropriate committees of the legislature that details the effectiveness and costs of the pilot project. In addition to updating the preliminary report, the final report must (a) compare the numbers and demographic information of students obtaining teaching certificates with endorsement competencies in the endorsement shortage areas before and after implementation of the pilot project, and (b) recommend whether the pilot project should be modified, continued, and expanded.

(9) This section expires June 30, 2021.

**NEW SECTION. Sec. 15.** A new section is added to chapter 28B.76 RCW to read as follows:

(1) Subject to funds appropriated specifically for this purpose, the office shall administer a student teaching residency grant program to provide additional funds to individuals completing student teaching residencies at public schools in Washington.

(2) To qualify for the grant, recipients must be enrolled in a professional educator standards board-approved teacher preparation program, be completing or about to start a student teaching residency at a Title I school, and demonstrate financial need, as defined by the office and consistent with the income criteria required to

receive the state need grant established in chapter 28B.92 RCW.

(3) The office shall establish rules for administering the grants under this section.

**NEW SECTION. Sec. 16.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void.

**NEW SECTION. Sec. 17.** Sections 5 and 6 of this act expire July 1, 2021."

Correct the title.

Representative Klippert moved the adoption of amendment (901) to amendment(898):

On page 5, line 6 of the striking amendment, after "its" insert "fully qualified"

On page 5, line 7 of the striking amendment, after "teachers" insert "who hold or have held a Washington state teaching certificate"

Representative Klippert and Klippert (again) spoke in favor of the adoption of the amendment to the amendment.

Representative Santos spoke against the adoption of the amendment to the amendment.

Amendment (901) to amendment (898) was not adopted.

Amendment (898) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos and Magendanz spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6455, as amended by the House.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6455, as amended by the House, and the bill passed the House by the following vote: Yeas, 76; Nays, 21; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, Magendanz, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson,

Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Hargrove, Holy, Kretz, Kristiansen, MacEwen, Manweller, McCaslin, Orcutt, Parker, Pike, Schmick, Shea, Short, Stokesbary, Taylor and Vick.

Excused: Representative Scott.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6455, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6245, by Senators Litzow, Hill, Fain, Rolfes, McAuliffe and Mullet**

#### **Concerning visual screening in schools.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Magendanz, Santos, Johnson and Griffey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6245.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6245, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representative Scott.

SENATE BILL NO. 6245, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6117, by Senate Committee on Law & Justice (originally sponsored by Senator Sheldon)**

**Concerning notice against trespass.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6117.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6117, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Pollet.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6117, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SENATE BILL NO. 6166, by Senators Takko, Rivers, Ericksen, Chase, Roach, Becker, Sheldon and Benton**

**Allowing incremental electricity produced as a result of certain capital investment projects to qualify as an eligible renewable resource under the energy independence act.**

The bill was read the second time.

With the consent of the house, amendment (933) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris, DeBolt and Rossetti spoke in favor of the passage of the bill.

Representative Stanford spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6166.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6166, and the bill passed the House by the following vote: Yeas, 66; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Blake, Buys, Caldier, Chandler, Clibborn, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hurst, Johnson, Kirby, Klippert, Kochmar, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Moeller, Morris, Muri, Nealey, Orcutt, Parker, Pettigrew, Pike, Reykdal, Riccelli, Rodne, Rossetti, Ryu, Santos, Schmick, Sells, Shea, Short, Smith, Springer, Stambaugh, Stokesbary, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Appleton, Bergquist, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hudgins, Hunt, Jinkins, Kagi, Kilduff, Kuderer, Lytton, McBride, Moscoso, Ormsby, Ortiz-Self, Orwall, Peterson, Pollet, Robinson, Sawyer, Senn, Stanford, Tarleton, Walkinshaw and Wylie.

Excused: Representative Scott.

ENGROSSED SENATE BILL NO. 6166, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6248, by Senate Committee on Energy, Environment & Telecommunications (originally sponsored by Senators Ericksen and Ranker)**

**Concerning risk mitigation plans to promote the transition of eligible coal units. Revised for 1st Substitute: Concerning risk mitigation plans to promote the transition of eligible coal units. (REVISED FOR ENGROSSED: Regarding a pathway for a transition of eligible coal units.)**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6248.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6248, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, McCaslin, Shea, Taylor and Van De Wege.

Excused: Representative Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6248, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Farrell to preside.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of SUBSTITUTE SENATE BILL NO. 6261 and the bill was placed on the second reading calendar.

The Speaker (Representative Farrell presiding) called upon Representative Orwall to preside.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**SENATE BILL NO. 6171, by Senators Roach, Liias and Benton**

**Concerning civil penalties for knowing attendance by a member of a governing body at a meeting held in violation of the open public meetings act.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt spoke in favor of the passage of the bill.

Representative Holy spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 6171.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6171, and the bill passed the House by the following vote: Yeas, 72; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Harmsworth, Hickel, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, McBride, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dent, Dye, Griffey, Hargrove, Harris, Hawkins, Hayes, Holy, Hurst, Klippert, Kretz, Manweller, McCabe, McCaslin, Nealey, Reykdal, Schmick, Shea, Short, Smith, Taylor, Vick and Walsh.

Excused: Representative Scott.

SENATE BILL NO. 6171, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6261, by Senate Committee on Law & Justice (originally sponsored by Senators Padden, Pedersen and Miloscia)**

**Concerning human remains.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety was adopted. (For Committee amendment, see Journal, Day 47, February 26, 2016).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Klippert and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6261, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6261, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Scott.

SUBSTITUTE SENATE BILL NO. 6261, as amended by the House, having received the necessary constitutional majority, was declared passed.

### FIFTH ENGROSSED SUBSTITUTE SENATE BILL NO. 5857, by Senate Committee on Ways & Means (originally sponsored by Senators Parlette, Conway, Becker and Pearson)

#### Addressing registration and regulation of pharmacy benefit managers.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government & Information Technology was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 26, 2016).

With the consent of the house, amendment (918) was withdrawn.

Representative Cody moved the adoption of amendment (934) to the committee amendment:

On page 2, line 5 of the striking amendment, after "appeal" insert "under RCW 19.340.100(6)"

On page 4, line 28 of the striking amendment, after "appeal" insert "of a pharmacy with fewer than fifteen retail

outlets, within the state of Washington, under its corporate umbrella"

On page 5, line 6 of the striking amendment, after "drug" insert ". A pharmacy with fifteen or more retail outlets, within the state of Washington, under its corporate umbrella may submit information to the commissioner about an appeal under subsection (3) of this section for purposes of information collection and analysis"

On page 5, after line 34 of the striking amendment, insert the following:

"(d) A pharmacy benefit manager may not retaliate against a pharmacy for pursuing an appeal under this subsection (6).

(e) This subsection (6) applies only to a pharmacy with fewer than fifteen retail outlets, within the state of Washington, under its corporate umbrella."

On page 5, beginning on line 37 of the striking amendment, after "(8)" strike all material through "umbrella." on page 7, line 33 and insert "A pharmacy benefit manager shall comply with any requests for information from the commissioner for purposes of the study of the pharmacy chain of supply conducted under section 7 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 8, line 32 of the striking amendment, after "(d)" insert "Review data submitted under RCW 19.340.100(4)(b) for patterns and trends in the denials of internal pharmacy benefit manager appeals involving pharmacies with fifteen or more retail outlets, within the state of Washington, under their corporate umbrellas;

(e)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Cody and Short spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (934), to the committee amendment, was adopted.

The committee amendment, as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Cody, Short and DeBolt spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Fifth Engrossed Substitute Senate Bill No. 5857, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Fifth Engrossed Substitute Senate Bill No. 5857, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody,

Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, S. Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea and Taylor.

Excused: Representative Scott.

FIFTH ENGROSSED SUBSTITUTE SENATE BILL NO. 5857, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6149, by Senate Committee on Commerce & Labor (originally sponsored by Senators Keiser, Conway, Jayapal, Cleveland, Rolfes, Fraser, Litzow, Fain, Nelson, Habib, Chase, Mullet, Liias, Pedersen, Takko, Hasegawa, Ranker, Frockt, Hill, Benton and Billig)**

**Providing reasonable accommodations in the workplace for pregnant women.**

The bill was read the second time.

There being no objection, the committee amendment was not adopted.

Amendments (940) and (939) to the committee amendment were ruled out of order.

With the consent of the house, amendments (917), (942), (931) and (938) were withdrawn.

Representative Farrell moved the adoption of amendment (913):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.10 RCW to read as follows:

(1) An employer must provide reasonable accommodations to an employee for pregnancy or a pregnancy-related or childbirth-related health condition if so requested, with written certification from a licensed health care provider, unless the employer demonstrates that the accommodation would impose an undue hardship on the operation of the employer's business. The written certification must describe the specific physical needs, limitations, or conditions that require reasonable accommodation.

(2) Notwithstanding subsection (1) of this section, an employee who is requesting reasonable accommodation for pregnancy or a pregnancy-related or childbirth-related health condition shall not be required to provide written certification from a licensed health care provider, nor may an employer claim undue hardship, for the following accommodations: (a) More frequent, longer, or flexible restroom, food, and water breaks; (b) seating; and (c) limits on lifting over twenty pounds.

(3) The employee and employer shall engage in an interactive process with respect to an employee's request for a reasonable accommodation. To assist in this process, the department shall post information in a printable format, such as a brochure, explaining the respective rights and responsibilities of the employer and the employee regarding reasonable accommodation for pregnancy or a pregnancy-related or childbirth-related health condition. In addition, the department shall, within existing resources, include information in the "Your Rights as a Worker" poster, or similar required workplace poster, regarding these respective rights and responsibilities.

(4) Unless otherwise required under provisions of law related to sex discrimination or disability discrimination, an employer shall not be required to create a new or additional position in order to accommodate an employee pursuant to this section, and shall not be required to discharge any employee, transfer any other employee with greater seniority, or promote any employee.

(5) An employer shall not require an employee who is requesting reasonable accommodation for pregnancy or a pregnancy-related or childbirth-related health condition to accept an accommodation, if such accommodation is unnecessary to enable the employee to perform the job.

(6) An employer shall not:

(a) Take adverse action against an employee who requests or uses an accommodation under this section that affects the terms, conditions, or privileges of employment;

(b) Deny employment opportunities to an otherwise qualified employee if such denial is based on the employer's need to make reasonable accommodation required by this section; or

(c) Require an employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy or pregnancy-related or childbirth-related health condition.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Employee" means an individual employed by an employer.

(b) "Employer" has the same meaning as RCW 49.60.040(11).

(c) "Reasonable accommodation" includes, but is not limited to:

(i) Making existing facilities used by employees readily accessible to and usable by an employee requesting accommodation for pregnancy or a pregnancy-related or childbirth-related health condition;

(ii) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, or appropriate adjustment or modifications of examinations;

(iii) Temporary transfer to a less strenuous or hazardous position;  
 (iv) Limits on heavy lifting;  
 (v) Scheduling flexibility for prenatal and postnatal visits.

(d) "Undue hardship" means that the cost or difficulty is unreasonable in view of:

(i) The size of the employer and the financial and other resources available to the employer;  
 (ii) Whether the cost can be included in planned remodeling or maintenance; and  
 (iii) The requirements of other laws and contracts, and other appropriate considerations.

(8) This section does not preempt, limit, diminish, or otherwise affect any other provision of law relating to sex discrimination, disability discrimination, or pregnancy, or in any way diminish or limit the coverage for pregnancy or a pregnancy-related or childbirth-related health condition.

(9) The attorney general shall investigate complaints and enforce this section. The attorney general may issue civil investigative demands for the inspection of documents, interrogatory responses, and oral testimony in the enforcement of this section. The attorney general may seek all appropriate relief in the superior courts for violations of this section, including costs and a reasonable attorneys' fee. In addition to the complaint process with the attorney general, any aggrieved person injured by any act in violation of this section has a civil cause of action in court to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by state or federal law."

Representative Buys moved the adoption of amendment (941) to amendment (913):

On page 4, after line 2 of the amendment, insert the following:

"(10) This section does not apply to on-site multistory commercial or industrial construction."

Representative Buys spoke in favor of the adoption of the amendment to the amendment.

Representative Sells spoke against the adoption of the amendment to the amendment.

Amendment (941) to amendment (913) was not adopted.

Representative Short moved the adoption of amendment (929) to amendment (913):

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 43.10 RCW to read as follows:

(1) An employer must provide reasonable accommodations to an employee for a pregnancy-related or childbirth-related health condition if so requested, with

written certification from a licensed health care provider, unless the employer demonstrates that the accommodation would impose an undue hardship on the operation of the employer's business. The employee must provide written notice to the employer stating that a health condition related to pregnancy or related to childbirth requires accommodation.

(2) Notwithstanding subsection (1) of this section, an employee who is pregnant or has a health condition related to pregnancy or childbirth shall not be required to obtain the advice of a licensed health care provider, nor may an employer claim undue hardship, for the following accommodations: (a) More frequent, longer, or flexible restroom, food, and water breaks; (b) seating; and (c) limits on lifting over twenty pounds.

(3) The employee and employer shall engage in an interactive process with respect to an employee's request for a reasonable accommodation. To assist in this process, the department shall post information in a printable format, such as a brochure, explaining the respective rights and responsibilities of the employer and the employee who has a health condition related to pregnancy or childbirth. Additionally, the department shall include information in the "Your Rights as a Worker" poster, or similar required workplace poster, regarding these respective rights and responsibilities.

(4) Notwithstanding any other provision of this section, an employer shall not be required to create a new or additional position in order to accommodate an employee pursuant to this section, and shall not be required to discharge any employee, transfer any other employee with greater seniority, or promote any employee.

(5) An employer shall not require an employee who has a pregnancy-related or childbirth-related health condition to accept an accommodation, if such accommodation is unnecessary to enable the employee to perform the job.

(6) An employer shall not:

(a) Take adverse action against an employee who requests or uses an accommodation under this section that affects the terms, conditions, or privileges of employment;  
 (b) Deny employment opportunities to an otherwise qualified employee if such denial is based on the employer's need to make reasonable accommodation required by this section; or

(c) Require an employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy-related or childbirth-related health condition.

(7) This section does not preempt, limit, diminish, or otherwise affect any other provision of law relating to sex discrimination or pregnancy, or in any way diminish or limit the coverage for pregnancy, childbirth, or a pregnancy-related health condition.

(8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Department" means the department of labor and industries.

(b) "Director" means the director of labor and industries.

(c) "Employee" means an individual employed by an employer.

(d) "Employer" means a person engaged in an industry who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, except that this section does not apply to an entity that is exempt from federal taxation under 26 U.S.C., Sec. 501(c).

(e) "Reasonable accommodation" means:

(i) Making existing facilities used by employees readily accessible to and usable by employees who have a pregnancy-related or childbirth-related disability;

(ii) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, or appropriate adjustment or modifications of examinations;

(iii) Temporary transfer to a less strenuous or hazardous position;

(iv) Limits on heavy lifting; and

(v) Scheduling flexibility for prenatal visits.

(f) "Undue hardship" means an action requiring significant difficulty or expense.

(9) The attorney general shall investigate complaints and enforce this section. In addition to the complaint process with the attorney general, any aggrieved person injured by any act in violation of this section has a civil cause of action in court to enjoin further violations, or to recover the actual damages sustained by the person, or both, together with the cost of suit including reasonable attorneys' fees or any other appropriate remedy authorized by state or federal law."

Representative Short spoke in favor of the adoption of the amendment to the amendment.

Representative Farrell spoke against the adoption of the amendment to the amendment.

Amendment (929) to amendment (913) was not adopted.

Amendment (913) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Farrell, Senn, Kuderer and Bergquist spoke in favor of the passage of the bill.

Representatives Short, Smith and Walsh spoke against the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6149, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6149, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, McBride, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Johnson, Klippert, Kretz, Kristiansen, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Nealey, Orcutt, Parker, Pike, Rodne, Schmick, Shea, Short, Smith, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson and Zeiger.

Excused: Representative Scott.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6149, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 1:00 p.m., March 7, 2016, the 57th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

HOUSE JOURNAL  
OF THE  
Sixty-Fourth Legislature  
OF THE  
STATE OF WASHINGTON  
AT  
Olympia, the State Capitol

2016 Regular Session  
Convened January 11, 2016  
Adjourned Sine Die March 10, 2016  
2016 First Special Session  
Convened March 10, 2016  
Adjourned Sine Die March 29, 2016

VOLUME 2



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Frank Chopp, *Speaker*

Jim Moeller, *Speaker Pro Tempore*    Tina Orwall, *Deputy Speaker Pro Tempore*  
Barbara Baker, *Chief Clerk*        Bernard Dean, *Deputy Chief Clerk*  
Patty Moore, *Minute Clerk*        Sean Kochaniewicz, *Journal Clerk*

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COMPILED, EDITED AND INDEXED BY  
SEAN T. KOCHANIEWICZ  
CHAMBER OPERATIONS COORDINATOR

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SIXTY FOURTH LEGISLATURE - REGULAR SESSION

FIFTY SEVENTH DAY

House Chamber, Olympia, Monday, March 7, 2016

The House was called to order at 1:00 p.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Alyssa Mills and Sydney Norton. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Doctor William Adam, Senior Investigator, Office of the Attorney General and Chaplain for the Mason County Sheriff's Office, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 4, 2016

MR. SPEAKER:

The Senate has passed:

- SECOND SUBSTITUTE HOUSE BILL NO. 1408,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2323,
- HOUSE BILL NO. 2326,
- HOUSE BILL NO. 2391,
- HOUSE BILL NO. 2771,
- HOUSE BILL NO. 2842,
- SUBSTITUTE HOUSE BILL NO. 2876,
- ENGROSSED HOUSE BILL NO. 2883,
- HOUSE BILL NO. 2918,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 4, 2016

MR. SPEAKER:

The President has signed:

- HOUSE BILL NO. 1022,
- SUBSTITUTE HOUSE BILL NO. 1111,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1213,
- HOUSE BILL NO. 1345,
- ENGROSSED HOUSE BILL NO. 1409,
- ENGROSSED HOUSE BILL NO. 1578,
- ENGROSSED HOUSE BILL NO. 1752,
- SUBSTITUTE HOUSE BILL NO. 1830,
- FOURTH SUBSTITUTE HOUSE BILL NO. 1999,
- HOUSE BILL NO. 2023,
- HOUSE BILL NO. 2262,
- HOUSE BILL NO. 2280,
- HOUSE BILL NO. 2309,
- HOUSE BILL NO. 2317,
- HOUSE BILL NO. 2322,
- HOUSE BILL NO. 2332,
- SUBSTITUTE HOUSE BILL NO. 2357,
- HOUSE BILL NO. 2360,
- HOUSE BILL NO. 2371,
- HOUSE BILL NO. 2384,

- HOUSE BILL NO. 2398,
  - ENGROSSED HOUSE BILL NO. 2400,
  - HOUSE BILL NO. 2403,
  - SUBSTITUTE HOUSE BILL NO. 2405,
  - SUBSTITUTE HOUSE BILL NO. 2410,
  - SUBSTITUTE HOUSE BILL NO. 2413,
  - SUBSTITUTE HOUSE BILL NO. 2425,
  - HOUSE BILL NO. 2432,
  - ENGROSSED SUBSTITUTE HOUSE BILL NO. 2433,
  - SUBSTITUTE HOUSE BILL NO. 2443,
  - HOUSE BILL NO. 2444,
  - SUBSTITUTE HOUSE BILL NO. 2448,
  - HOUSE BILL NO. 2457,
  - HOUSE BILL NO. 2476,
  - SUBSTITUTE HOUSE BILL NO. 2498,
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  - SUBSTITUTE HOUSE BILL NO. 2539,
  - ENGROSSED SUBSTITUTE HOUSE BILL NO. 2540,
  - HOUSE BILL NO. 2557,
  - HOUSE BILL NO. 2565,
  - HOUSE BILL NO. 2587,
  - ENGROSSED SUBSTITUTE HOUSE BILL NO. 2591,
  - HOUSE BILL NO. 2597,
  - SUBSTITUTE HOUSE BILL NO. 2598,
  - HOUSE BILL NO. 2605,
  - HOUSE BILL NO. 2623,
  - HOUSE BILL NO. 2624,
  - HOUSE BILL NO. 2634,
  - HOUSE BILL NO. 2651,
  - HOUSE BILL NO. 2663,
  - SUBSTITUTE HOUSE BILL NO. 2678,
  - SECOND SUBSTITUTE HOUSE BILL NO. 2726,
  - ENGROSSED HOUSE BILL NO. 2745,
  - SUBSTITUTE HOUSE BILL NO. 2765,
  - HOUSE BILL NO. 2768,
  - HOUSE BILL NO. 2772,
  - HOUSE BILL NO. 2773,
  - HOUSE BILL NO. 2781,
  - HOUSE BILL NO. 2800,
  - HOUSE BILL NO. 2807,
  - HOUSE BILL NO. 2815,
  - ENGROSSED SUBSTITUTE HOUSE BILL NO. 2852,
  - SUBSTITUTE HOUSE BILL NO. 2859,
  - SUBSTITUTE HOUSE BILL NO. 2875,
  - SUBSTITUTE HOUSE BILL NO. 2884,
  - HOUSE BILL NO. 2886,
  - SUBSTITUTE HOUSE BILL NO. 2900,
  - ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925,
- and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 4, 2016

MR. SPEAKER:

The President has signed:

- SENATE BILL NO. 5046,
- SECOND ENGROSSED SENATE BILL NO. 5251,

SENATE BILL NO. 5581,  
 ENGROSSED SENATE BILL NO. 5873,  
 SENATE BILL NO. 6200,  
 SENATE BILL NO. 6205,  
 SUBSTITUTE SENATE BILL NO. 6254,  
 SENATE BILL NO. 6263,  
 SENATE BILL NO. 6296,  
 SENATE BILL NO. 6299,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6309,  
 SENATE BILL NO. 6345,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6356,  
 SUBSTITUTE SENATE BILL NO. 6363,  
 SENATE BILL NO. 6371,  
 SUBSTITUTE SENATE BILL NO. 6519,  
 and the same are herewith transmitted.

Hunter G. Goodman, Secretary

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Moeller presiding) introduced a group representing the Walla Walla Frontier Days, the oldest fair in the state of Washington, Walla Walla Frontier Queen Josilyn Fullerton, Princess Natalia Mauri, Princess Katie Woodhall, Director Charlie Barron and Royalty Advisor Cindy Granger to the Chamber and asked the members to acknowledge them.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

SECOND SUBSTITUTE HOUSE BILL NO. 1408  
 SECOND ENGROSSED SUBSTITUTE HOUSE  
 BILL NO. 1553  
 SUBSTITUTE HOUSE BILL NO. 2017  
 HOUSE BILL NO. 2320  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2323  
 HOUSE BILL NO. 2326  
 SECOND SUBSTITUTE HOUSE BILL NO. 2335  
 HOUSE BILL NO. 2350  
 HOUSE BILL NO. 2391  
 SUBSTITUTE HOUSE BILL NO. 2519  
 SUBSTITUTE HOUSE BILL NO. 2541  
 SUBSTITUTE HOUSE BILL NO. 2584  
 SUBSTITUTE HOUSE BILL NO. 2730  
 HOUSE BILL NO. 2741  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2746  
 HOUSE BILL NO. 2771  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2785  
 HOUSE BILL NO. 2838  
 HOUSE BILL NO. 2842  
 SUBSTITUTE HOUSE BILL NO. 2876  
 ENGROSSED HOUSE BILL NO. 2883  
 HOUSE BILL NO. 2918  
 SENATE BILL NO. 5046  
 SECOND ENGROSSED SENATE BILL NO. 5251  
 SENATE BILL NO. 5581  
 ENGROSSED SENATE BILL NO. 5873  
 SENATE BILL NO. 6200  
 SENATE BILL NO. 6205  
 SUBSTITUTE SENATE BILL NO. 6254

SENATE BILL NO. 6263  
 SENATE BILL NO. 6296  
 SENATE BILL NO. 6299  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6309  
 SENATE BILL NO. 6345  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6356  
 SUBSTITUTE SENATE BILL NO. 6363  
 SENATE BILL NO. 6371  
 SUBSTITUTE SENATE BILL NO. 6519

The Speaker called upon Representative Moeller to preside.

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Moeller presiding) introduced Dr. Bruce Shepard, President of Western Washington University and his wife Cindi Shepard to the Chamber and asked the members to acknowledge them.

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

**MESSAGE FROM THE SENATE**

March 2, 2016

MR. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2928, with the following amendment(s): 2928-S.E AMS NRP S4919.1 and the same are herewith transmitted.

Hunter G. Goodman, Secretary

Mr. Speaker:

The Senate has passed ESHB 2928 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 2.** (1) The department of natural resources shall conduct a forest resiliency burning pilot project. The goal of the pilot project is to monitor and evaluate the benefits of forest resiliency burning and the impacts on ambient air quality. The department of natural resources is responsible for establishing the processes and procedures necessary to administer the pilot project, including the review and approval of qualifying forest resiliency burning proposals. The department of natural resources may consider forest resiliency burning proposals that include treatments to reduce fuel loads prior to burning, including the thinning of forest stands and grazing to clear brush.

(2) The department of natural resources must, as the primary focus of the pilot project, arrange with interested third parties to perform forest resiliency burning on land prone to forest or wildland fires in coordination with the following forest health collaboratives as recognized by the United States forest service:

- (a) North Central Washington forest health collaborative;
  - (b) Northeast Washington forestry collaborative;
- and
- (c) Tapash sustainable forest collaborative.

(3)(a) The department of natural resources must, as part of the pilot project, approve single day or multiple day forest resiliency burns if the burning is unlikely to significantly contribute to an exceedance of air quality standards established by chapter 70.94 RCW. Once approved, forest resiliency burns spanning multiple days may only be revoked or postponed midway through the duration of the approved burn if necessary for the safety of adjacent property or upon a determination by the department of natural resources or the department of ecology that the burn has significantly contributed to an exceedance of air quality standards under chapter 70.94 RCW.

(b) Approved forest resiliency burning must be initiated no later than twenty-four hours after being approved by the department of natural resources.

(4) Forest resiliency burning, when conducted under the pilot project authorized by this section, is not subject to the outdoor burning restrictions in RCW 70.94.6512 and 70.94.6514.

(5) The implementation of the pilot project authorized in this section is not:

- (a) Intended to require the department of natural resources to update the smoke management plan defined in RCW 70.94.6536. However, information obtained through the pilot project's implementation may be used to inform any future updates to the smoke management plan; and
- (b) Subject to the provisions of chapter 43.21C RCW.

(6) Forest resiliency burning, and the implementation of the pilot project authorized in this section, must not be conducted at a scale that would require a revision to the state implementation plan under the federal clean air act.

(7) The department of natural resources shall submit a report to the legislature, consistent with RCW 43.01.036, by December 1, 2018. The report must include information and analyses regarding the following elements:

- (a) The amount of forest resiliency burns proposed, approved, and conducted;
- (b) The quantity and severity of air quality exceedances by pollutant type;
- (c) A comparative analysis between the predicted smoke conditions and the actual smoke conditions observed on location by qualified meteorological personnel or trained prescribed burning professionals during the forest resiliency burn; and

(d) Recommendations relating to continuing or expanding forest resiliency burning and creating forest resiliency burning as a new type of outdoor burning permitted by the department of natural resources.

(8) The report to the legislature required by this section may include recommendations for the updating of the smoke management plan defined in RCW 70.94.6536.

(9) For the purposes of this section, "forest resiliency burning" means silvicultural burning carried out under the supervision of qualified silvicultural, ecological, or fire management professionals and used to improve fire dependent ecosystems, mitigate wildfire potential, decrease forest susceptibility to forest insect or disease as defined in RCW 76.06.020, or otherwise enhance forest resiliency to fire.

(10) This section expires July 1, 2019.

**NEW SECTION. Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "fires;" strike the remainder of the title and insert "creating a new section; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Hunter G. Goodman Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ESHB 2928 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 2, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2061 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.20.050 and 2011 c 27 s 1 are each amended to read as follows:

(1)(a) The state board of health shall provide a forum for the development of public health policy in Washington state. It is authorized to recommend to the secretary means for obtaining appropriate citizen and professional involvement in all public health policy formulation and other matters related to the powers and duties of the department. It is further empowered to hold hearings and explore ways to improve the health status of the citizenry.

(b) In fulfilling its responsibilities under this subsection, the state board may create ad hoc committees or other such committees of limited duration as necessary.

(2) In order to protect public health, the state board of health shall:

(a) Adopt rules for group A public water systems, as defined in RCW 70.119A.020, necessary to ((assure)) ensure safe and reliable public drinking water and to protect the public health. Such rules shall establish requirements regarding:

(i) The design and construction of public water system facilities, including proper sizing of pipes and storage for the number and type of customers;

(ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

(iii) Public water system management and reporting requirements;

(iv) Public water system planning and emergency response requirements;

(v) Public water system operation and maintenance requirements;

(vi) Water quality, reliability, and management of existing but inadequate public water systems; and

(vii) Quality standards for the source or supply, or both source and supply, of water for bottled water plants;

(b)(i) Adopt rules as necessary for group B public water systems, as defined in RCW 70.119A.020. The rules shall, at a minimum, establish requirements regarding the initial design and construction of a public water system. The state board of health rules may waive some or all requirements for group B public water systems with fewer than five connections.

(ii) Irrespective of the rules adopted pursuant to (b)(i) of this subsection and consistent with section 2 of this act, until January 1, 2021, a county legislative authority of a county east of the crest of the Cascade mountains that is contiguous with the border with Canada and that has a population of less than fifty thousand residents may act to approve the operation of a group B public water system, as defined in RCW 70.119A.020, serving nine or fewer connections. A county legislative authority may choose to seek the advice of a local health jurisdiction, as defined in RCW 70.119A.020, in determining whether to approve the operation of a group B public water system under this section;

(c) Adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains;

(d) Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, and cleanliness in public facilities including but not limited to food service establishments, schools, recreational facilities, and transient accommodations;

(e) Adopt rules for the imposition and use of isolation and quarantine;

(f) Adopt rules for the prevention and control of infectious and noninfectious diseases, including food and vector borne illness, and rules governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as may best be controlled by universal rule; and

(g) Adopt rules for accessing existing databases for the purposes of performing health related research.

(3) The state board shall adopt rules for the design, construction, installation, operation, and maintenance of those on site sewage systems with design flows of less than three thousand five hundred gallons per day.

(4) The state board may delegate any of its rule-adopting authority to the secretary and rescind such delegated authority.

(5) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he or she shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

(6) The state board may advise the secretary on health policy issues pertaining to the department of health and the state.

NEW SECTION. Sec. 2. A new section is added to chapter 36.01 RCW to read as follows:

(1)(a) The county legislative authority of a county east of the crest of the Cascade mountains that is contiguous with the border with Canada and that has a population of less than fifty thousand residents may act to approve the operation of a group B public water system, as defined in RCW 70.119A.020, serving nine or fewer connections if:

(i) The raw groundwater source does not meet local water quality standards; and

(ii) The system has provided evidence to the county legislative authority that the water provided meets local potable water quality standards at the point at which the water is delivered for potable use.

(b) A group B public water system that was authorized under the rules adopted pursuant to RCW 43.20.050, as of the effective date of this section, and that adds connections to the group B public water system, may receive approval from the county legislative authority pursuant to (a) of this section to expand the number of connections in the group B public water system, but only if the total number of connections does not exceed nine connections.

(2)(a) A group B public water system must submit test results to the county legislative authority by December 15th of each year demonstrating that the potable water delivered meets local potable water standards, if the group B public water system was approved by the county legislative authority under subsection (1) of this section. By December 15th of each year, a group B public water system must also provide a copy of the test results submitted to the county legislative authority to each customer connection served by the group B public water system. The county legislative authority must provide submitted test results to the local health jurisdiction.

(b) The county legislative authority must designate at least one county employee as a point of contact for questions, problems, and other issues relating to group B public water systems. The county legislative authority must provide a notice identifying the county's point of contact to a group B public water system owner and operator upon the system's approval under this section, and either party must notify the other if there is a change in ownership, operator, or the county's point of contact.

(3) Prior to a county's approval of a group B public water system where raw groundwater does not meet water quality standards under this section, the group B public water system must review alternate sources of water and share that review with its owners and the county. The alternative sources that a group B public water system should consider includes, but

is not limited to, rainwater collection, truck and storage systems, or other nontraditional conveyance methods. The county legislative authority may require that a group B public water system treat any alternative water sources that it relies upon.

(4) By January 15, 2019, a county that approves a group B public water system under the authority granted in this section must submit a report to the appropriate fiscal and policy committees of the legislature consistent with RCW 43.01.036. The report must summarize information pertinent to the county's implementation of this section, including but not limited to:

(a) The number of group B public water systems and associated new connections that were approved by the county legislative authority after January 1, 2016, under the authority granted in this section;

(b) The test results submitted to the county legislative authority under subsection (2) of this section and analysis of whether those test results indicate that group B public water systems delivered water that met local potable water quality standards; and

(c) The contaminants that were present in water sources used by the group B public water systems approved under this section and the types of treatment used to address each contaminant by the group B public water systems.

(5) For the purposes of this section "local potable water quality standards" means water quality standards that apply to private water wells exempted under RCW 90.44.050 that are located in the same county as the group B public water system, including but not limited to standards for known contaminants identified by and in consultation with a local health jurisdiction.

(6) The authority established in this section for a county legislative authority to approve a group B public water system expires January 1, 2021."

On page 1, line 3 of the title, after "standards;" strike the remainder of the title and insert "amending RCW 43.20.050; and adding a new section to chapter 36.01 RCW."

and the same is herewith transmitted.

Hunter Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2061 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Short and Fitzgibbon spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Harris, Representatives Stokesbary and Zeiger were excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2061, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2061, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 75; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Blake, Buys, Caldier, Chandler, Clibborn, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hurst, Johnson, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Moscoso, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Rodne, Rossetti, Ryu, Sawyer, Schmick, Scott, Sells, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Mr. Speaker.

Voting nay: Representatives Bergquist, Cody, Dunshee, Goodman, Hudgins, Hunt, Jinkins, Kagi, Kilduff, Kuderer, Morris, Ormsby, Pollet, Riccelli, Robinson, Santos, Senn, Taylor, Tharinger, Walkinshaw and Wylie.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2061, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 2, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2274 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 4.** RCW 46.12.650 and 2015 3rd sp.s. c 44 s 214 are each amended to read as follows:

(1) **Releasing interest.** An owner releasing interest in a vehicle shall:

(a) Sign the release of interest section provided on the certificate of title or on a release of interest document or form approved by the department;

(b) Give the certificate of title or most recent evidence of ownership to the person gaining the interest in the vehicle;

(c) Give the person gaining interest in the vehicle an odometer disclosure statement if one is required; and

(d) Report the vehicle sold as provided in subsection (2) of this section.

(2) **Report of sale.** An owner shall notify the department, county auditor or other agent, or subagent

appointed by the director in writing within (~~twenty-one~~) five business days after a vehicle is or has been:

- (a) Sold;
- (b) Given as a gift to another person;
- (c) Traded, either privately or to a dealership;
- (d) Donated to charity;
- (e) Turned over to an insurance company or wrecking yard; or
- (f) Disposed of.

(3) **Report of sale properly filed.** A report of sale is properly filed if it is received by the department, county auditor or other agent, or subagent appointed by the director within (~~twenty-one~~) five business days after the date of sale or transfer and it includes:

- (a) The date of sale or transfer;
- (b) The owner's full name and complete, current address;

(c) The full name and complete, current address of the person acquiring the vehicle, including street name and number, and apartment number if applicable, or post office box number, city or town, and postal code;

(d) The vehicle identification number and license plate number;

(e) A date or stamp by the department showing it was received on or before the (~~twenty-first~~) fifth business day after the date of sale or transfer; and

(f) Payment of the fees required under RCW 46.17.050.

(4) **Report of sale - administration.** (a) The department shall:

- (i) Provide or approve reports of sale forms;
- (ii) Provide a system enabling an owner to submit reports of sale electronically;
- (iii) Immediately update the department's vehicle record when a report of sale has been filed;
- (iv) Provide instructions on release of interest forms that allow the seller of a vehicle to release their interest in a vehicle at the same time a financial institution, as defined in RCW 30A.22.040, releases its lien on the vehicle; and

(v) Send a report to the department of revenue that lists vehicles for which a report of sale has been received but no transfer of ownership has taken place. The department shall send the report once each quarter.

(b) (~~A report of sale that is received by the department, county auditor or other agent, or subagent appointed by the director after the twenty-first day becomes effective on the day it is received by the department, county auditor or other agent, or subagent appointed by the director.~~) A report of sale is not proof of a completed vehicle transfer for purposes of the collection of expenses related to towing, storage, and auction of an abandoned vehicle in situations where there is no evidence indicating the buyer knew of or was a party to acceptance of the vehicle transfer. A contract signed by the prior owner and the new owner, a certificate of title, a receipt, a purchase order or wholesale order, or other legal proof or record of acceptance of the vehicle by the new owner may be provided to establish legal responsibility for the abandoned vehicle.

(5)(a) **Transferring ownership.** A person who has recently acquired a vehicle by purchase, exchange, gift,

lease, inheritance, or legal action shall apply to the department, county auditor or other agent, or subagent appointed by the director for a new certificate of title within fifteen days of delivery of the vehicle. A secured party who has possession of the certificate of title shall either:

(i) Apply for a new certificate of title on behalf of the owner and pay the fee required under RCW 46.17.100; or

(ii) Provide all required documents to the owner, as long as the transfer was not a breach of its security agreement, to allow the owner to apply for a new certificate of title.

(b) Compliance with this subsection does not affect the rights of the secured party.

(6) **Certificate of title delivered to secured party.** The certificate of title must be kept by or delivered to the person who becomes the secured party when a security interest is reserved or created at the time of the transfer of ownership. The parties must comply with RCW 46.12.675.

(7) **Penalty for late transfer.** A person who has recently acquired a motor vehicle by purchase, exchange, gift, lease, inheritance, or legal action who does not apply for a new certificate of title within fifteen calendar days of delivery of the vehicle is charged a penalty, as described in RCW 46.17.140, when applying for a new certificate of title. It is a misdemeanor to fail or neglect to apply for a transfer of ownership within forty-five days after delivery of the vehicle. The misdemeanor is a single continuing offense for each day that passes regardless of the number of days that have elapsed following the forty-five day time period.

(8) **Penalty for late transfer - exceptions.** The penalty is not charged if the delay in application is due to at least one of the following:

(a) The department requests additional supporting documents;

(b) The department, county auditor or other agent, or subagent fails to perform or is neglectful;

(c) The owner is prevented from applying due to an illness or extended hospitalization;

(d) The legal owner fails or neglects to release interest;

(e) The owner did not know of the filing of a report of sale by the previous owner and signs an affidavit to the fact; or

(f) The department finds other conditions exist that adequately explain the delay.

(9) **Review and issue.** The department shall review applications for certificates of title and issue certificates of title when it has determined that all applicable provisions of law have been complied with.

(10) **Rules.** The department may adopt rules as necessary to implement this section.

**Sec. 5.** RCW 46.55.105 and 2010 c 161 s 1119 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, the abandonment of any vehicle creates a prima facie presumption that the last registered owner of record is responsible for the abandonment and is liable for costs

incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(2) If an unauthorized vehicle is found abandoned under subsection (1) of this section and removed at the direction of law enforcement, the last registered owner of record is guilty of the traffic infraction of "littering—abandoned vehicle," unless the vehicle is redeemed as provided in RCW 46.55.120. In addition to any other monetary penalty payable under chapter 46.63 RCW, the court shall not consider all monetary penalties as having been paid until the court is satisfied that the person found to have committed the infraction has made restitution in the amount of the deficiency remaining after disposal of the vehicle under RCW 46.55.140.

(3) A vehicle theft report filed with a law enforcement agency relieves the last registered owner of liability under subsection (2) of this section for failure to redeem the vehicle. However, the last registered owner remains liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle under subsection (1) of this section. Nothing in this section limits in any way the registered owner's rights in a civil action or as restitution in a criminal action against a person responsible for the theft of the vehicle.

(4) Properly filing a report of sale or transfer regarding the vehicle involved in accordance with RCW 46.12.650 (1) through (3) relieves the last registered owner of liability under subsections (1) and (2) of this section. However, if there is a reason to believe that a report of sale has been filed in which the reported buyer did not know of the alleged transfer or did not accept the vehicle transfer, the liability remains with the last registered owner to prove the vehicle transfer was made pursuant to a legal transfer or accepted by the person reported as the new owner on the report of sale. If the date of sale as indicated on the report of sale is ~~((on or))~~ before the date of impoundment, the buyer identified on the latest properly filed report of sale with the department is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction. If the date of sale is after the date of impoundment, the previous registered owner is assumed to be liable for such costs. A licensed vehicle dealer is not liable under subsections (1) and (2) of this section if the dealer, as transferee or assignee of the last registered owner of the vehicle involved, has complied with the requirements of RCW 46.70.122 upon selling or otherwise disposing of the vehicle, or if the dealer has timely filed a transitional ownership record or report of sale under RCW 46.12.660. In that case the person to whom the licensed vehicle dealer has sold or transferred the vehicle is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(5) For the purposes of reporting notices of traffic infraction to the department under RCW 46.20.270 and 46.52.101, and for purposes of reporting notices of failure to appear, respond, or comply regarding a notice of traffic infraction to the department under RCW 46.63.070(6), a traffic infraction under subsection (2) of this section is not considered to be a standing, stopping, or parking violation.

(6) A notice of infraction for a violation of this section may be filed with a court of limited jurisdiction

organized under Title 3, 35, or 35A RCW, or with a violations bureau subject to the court's jurisdiction.

(7)(a) A person named as a buyer in a report of sale filed under RCW 46.12.650(3) in which there was no acceptance of the transfer has a cause of action against the person who filed the report to recover costs associated with towing, storage, auction, or any other damages incurred as a result of being named as the buyer in the report of sale, including reasonable attorneys' fees and litigation costs. The cause of action provided in this subsection (7)(a) is in addition to any other remedy available to the person at law or in equity.

(b) A person named as a seller in a report of sale filed under RCW 46.12.650(3) in which the named buyer falsely alleges that there was no acceptance of the transfer has a cause of action against the named buyer to recover damages incurred as a result of the allegation, including reasonable attorneys' fees and litigation costs. The cause of action in this subsection (7)(b) is in addition to any other remedy available to the person at law or in equity.

**NEW SECTION. Sec. 6.** A new section is added to chapter 46.64 RCW to read as follows:

If a court has declared that a fraudulent report of sale has been filed with the department, county auditor or other agent, or subagent appointed by the director, the court must notify the department in writing with a copy of the court order. Once notified, the department may remove the fraudulent report of sale from the vehicle record.

**Sec. 7.** RCW 19.16.250 and 2013 c 148 s 2 are each amended to read as follows:

No licensee or employee of a licensee shall:

(1) Directly or indirectly aid or abet any unlicensed person to engage in business as a collection agency in this state or receive compensation from such unlicensed person: PROVIDED, That nothing in this chapter shall prevent a licensee from accepting, as forwarder, claims for collection from a collection agency or attorney whose place of business is outside the state.

(2) Collect or attempt to collect a claim by the use of any means contrary to the postal laws and regulations of the United States postal department.

(3) Publish or post or cause to be published or posted, any list of debtors commonly known as "bad debt lists" or threaten to do so. For purposes of this chapter, a "bad debt list" means any list of natural persons alleged to fail to honor their lawful debts. However, nothing herein shall be construed to prohibit a licensee from communicating to its customers or clients by means of a coded list, the existence of a check dishonored because of insufficient funds, not sufficient funds or closed account by the financial institution servicing the debtor's checking account: PROVIDED, That the debtor's identity is not readily apparent: PROVIDED FURTHER, That the licensee complies with the requirements of subsection (10)(e) of this section.

(4) Have in his or her possession or make use of any badge, use a uniform of any law enforcement agency or any simulation thereof, or make any statements which

might be construed as indicating an official connection with any federal, state, county, or city law enforcement agency, or any other governmental agency, while engaged in collection agency business.

(5) Perform any act or acts, either directly or indirectly, constituting the unauthorized practice of law.

(6) Advertise for sale or threaten to advertise for sale any claim as a means of endeavoring to enforce payment thereof or agreeing to do so for the purpose of soliciting claims, except where the licensee has acquired claims as an assignee for the benefit of creditors or where the licensee is acting under court order.

(7) Use any name while engaged in the making of a demand for any claim other than the name set forth on his or her or its current license issued hereunder.

(8) Give or send to any debtor or cause to be given or sent to any debtor, any notice, letter, message, or form, other than through proper legal action, process, or proceedings, which represents or implies that a claim exists unless it shall indicate in clear and legible type:

(a) The name of the licensee and the city, street, and number at which he or she is licensed to do business;

(b) The name of the original creditor to whom the debtor owed the claim if such name is known to the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall provide this name to the debtor or cease efforts to collect on the debt until this information is provided;

(c) If the notice, letter, message, or form is the first notice to the debtor or if the licensee is attempting to collect a different amount than indicated in his or her or its first notice to the debtor, an itemization of the claim asserted must be made including:

(i) Amount owing on the original obligation at the time it was received by the licensee for collection or by assignment;

(ii) Interest or service charge, collection costs, or late payment charges, if any, added to the original obligation by the original creditor, customer or assignor before it was received by the licensee for collection, if such information is known by the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee shall make a reasonable effort to obtain information on such items and provide this information to the debtor;

(iii) Interest or service charge, if any, added by the licensee or customer or assignor after the obligation was received by the licensee for collection;

(iv) Collection costs, if any, that the licensee is attempting to collect;

(v) Attorneys' fees, if any, that the licensee is attempting to collect on his or her or its behalf or on the behalf of a customer or assignor; and

(vi) Any other charge or fee that the licensee is attempting to collect on his or her or its own behalf or on the behalf of a customer or assignor;

(d) If the notice, letter, message, or form concerns a judgment obtained against the debtor, no itemization of the amounts contained in the judgment is required, except postjudgment interest, if claimed, and the current account balance;

(e) If the notice, letter, message, or form is the first notice to the debtor, an itemization of the claim asserted must be made including the following information:

(i) The original account number or redacted original account number assigned to the debt, if known to the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee must make a reasonable effort to obtain this information or cease efforts to collect on the debt until this information is provided; and

(ii) The date of the last payment to the creditor on the subject debt by the debtor, if known to the licensee or employee: PROVIDED, That upon written request of the debtor, the licensee must make a reasonable effort to obtain this information or cease efforts to collect on the debt until this information is provided.

(9) Communicate in writing with a debtor concerning a claim through a proper legal action, process, or proceeding, where such communication is the first written communication with the debtor, without providing the information set forth in subsection (8)(c) of this section in the written communication.

(10) Communicate or threaten to communicate, the existence of a claim to a person other than one who might be reasonably expected to be liable on the claim in any manner other than through proper legal action, process, or proceedings except under the following conditions:

(a) A licensee or employee of a licensee may inform a credit reporting bureau of the existence of a claim. If the licensee or employee of a licensee reports a claim to a credit reporting bureau, the licensee shall, upon receipt of written notice from the debtor that any part of the claim is disputed, notify the credit reporting bureau of the dispute by written or electronic means and create a record of the fact of the notification and when the notification was provided;

(b) A licensee or employee in collecting or attempting to collect a claim may communicate the existence of a claim to a debtor's employer if the claim has been reduced to a judgment;

(c) A licensee or employee in collecting or attempting to collect a claim that has not been reduced to judgment, may communicate the existence of a claim to a debtor's employer if:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his or her last known address or place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing to the licensee disputed any part of the claim: PROVIDED, That the licensee or employee may only communicate the existence of a claim which has not been reduced to judgment to the debtor's employer once unless the debtor's employer has agreed to additional communications.

(d) A licensee may for the purpose of locating the debtor or locating assets of the debtor communicate the existence of a claim to any person who might reasonably be expected to have knowledge of the whereabouts of a debtor or the location of assets of the debtor if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee or employee has notified or attempted to notify the debtor in writing at his or her last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(e) A licensee may communicate the existence of a claim to its customers or clients if the claim is reduced to judgment, or if not reduced to judgment, when:

(i) The licensee has notified or attempted to notify the debtor in writing at his or her last known address or last known place of employment concerning the claim and the debtor after a reasonable time has failed to pay the claim or has failed to agree to make payments on the claim in a manner acceptable to the licensee, and

(ii) The debtor has not in writing disputed any part of the claim.

(11) Threaten the debtor with impairment of his or her credit rating if a claim is not paid: PROVIDED, That advising a debtor that the licensee has reported or intends to report a claim to a credit reporting agency is not considered a threat if the licensee actually has reported or intends to report the claim to a credit reporting agency.

(12) Communicate with the debtor after notification in writing from an attorney representing such debtor that all further communications relative to a claim should be addressed to the attorney: PROVIDED, That if a licensee requests in writing information from an attorney regarding such claim and the attorney does not respond within a reasonable time, the licensee may communicate directly with the debtor until he or she or it again receives notification in writing that an attorney is representing the debtor.

(13) Communicate with a debtor or anyone else in such a manner as to harass, intimidate, threaten, or embarrass a debtor, including but not limited to communication at an unreasonable hour, with unreasonable frequency, by threats of force or violence, by threats of criminal prosecution, and by use of offensive language. A communication shall be presumed to have been made for the purposes of harassment if:

(a) It is made with a debtor or spouse in any form, manner, or place, more than three times in a single week, unless the licensee is responding to a communication from the debtor or spouse;

(b) It is made with a debtor at his or her place of employment more than one time in a single week, unless the licensee is responding to a communication from the debtor;

(c) It is made with the debtor or spouse at his or her place of residence between the hours of 9:00 p.m. and 7:30 a.m. A call to a telephone is presumed to be received in the local time zone to which the area code of the number called is assigned for landline numbers, unless the licensee reasonably believes the telephone is located in a different time zone. If the area code is not assigned to landlines in any specific geographic area, such as with toll-free telephone numbers, a call to a telephone is presumed to be received in the local time zone of the debtor's last known

place of residence, unless the licensee reasonably believes the telephone is located in a different time zone.

(14) Communicate with the debtor through use of forms or instruments that simulate the form or appearance of judicial process, the form or appearance of government documents, or the simulation of a form or appearance of a telegraphic or emergency message.

(15) Communicate with the debtor and represent or imply that the existing obligation of the debtor may be or has been increased by the addition of attorney fees, investigation fees, service fees, or any other fees or charges when in fact such fees or charges may not legally be added to the existing obligation of such debtor.

(16) Threaten to take any action against the debtor which the licensee cannot legally take at the time the threat is made.

(17) Send any telegram or make any telephone calls to a debtor or concerning a debt or for the purpose of demanding payment of a claim or seeking information about a debtor, for which the charges are payable by the addressee or by the person to whom the call is made: PROVIDED, That:

(a) This subsection does not prohibit a licensee from attempting to communicate by way of a cellular telephone or other wireless device: PROVIDED, That a licensee cannot cause charges to be incurred to the recipient of the attempted communication more than three times in any calendar week when the licensee knows or reasonably should know that the number belongs to a cellular telephone or other wireless device, unless the licensee is responding to a communication from the debtor or the person to whom the call is made.

(b) The licensee is not in violation of (a) of this subsection if the licensee at least monthly updates its records with information provided by a commercial provider of cellular telephone lists that the licensee in good faith believes provides reasonably current and comprehensive data identifying cellular telephone numbers, calls a number not appearing in the most recent list provided by the commercial provider, and does not otherwise know or reasonably should know that the number belongs to a cellular telephone.

(c) This subsection may not be construed to increase the number of communications permitted pursuant to subsection (13)(a) of this section.

(18) Call, or send a text message or other electronic communication to, a cellular telephone or other wireless device more than twice in any day when the licensee knows or reasonably should know that the number belongs to a cellular telephone or other wireless device, unless the licensee is responding to a communication from the debtor or the person to whom the call, text message, or other electronic communication is made. The licensee is not in violation of this subsection if the licensee at least monthly updates its records with information provided by a commercial provider of cellular telephone lists that the licensee in good faith believes provides reasonably current and comprehensive data identifying cellular telephone numbers, calls a number not appearing in the most recent list provided by the commercial provider, and does not otherwise know or reasonably should know that the number belongs to a cellular telephone. Nothing in this subsection

may be construed to increase the number of communications permitted pursuant to subsection (13)(a) of this section.

(19) Intentionally block its telephone number from displaying on a debtor's telephone.

(20) In any manner convey the impression that the licensee is vouched for, bonded to or by, or is an instrumentality of the state of Washington or any agency or department thereof.

(21) Collect or attempt to collect in addition to the principal amount of a claim any sum other than allowable interest, collection costs or handling fees expressly authorized by statute, and, in the case of suit, attorney's fees and taxable court costs. A licensee may collect or attempt to collect collection costs and fees, including contingent collection fees, as authorized by a written agreement or contract, between the licensee's client and the debtor, in the collection of a commercial claim. The amount charged to the debtor for collection services shall not exceed thirty-five percent of the commercial claim.

(22) Procure from a debtor or collect or attempt to collect on any written note, contract, stipulation, promise or acknowledgment under which a debtor may be required to pay any sum other than principal, allowable interest, except as noted in subsection (21) of this section, and, in the case of suit, attorney's fees and taxable court costs.

(23) Bring an action or initiate an arbitration proceeding on a claim when the licensee knows, or reasonably should know, that such suit or arbitration is barred by the applicable statute of limitations.

(24) Upon notification by a debtor that the debtor disputes all debts arising from a series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, initiate oral contact with a debtor more than one time in an attempt to collect from the debtor debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments when: (a) Within the previous one hundred eighty days, in response to the licensee's attempt to collect the initial debt assigned to the licensee and arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, the debtor in writing notified the licensee that the debtor's checkbook or other series of preprinted written instruments was stolen or fraudulently created; (b) the licensee has received from the debtor a certified copy of a police report referencing the theft or fraudulent creation of the checkbook, automated clearinghouse transactions on a demand deposit account, or series of preprinted written instruments; (c) in the written notification to the licensee or in the police report, the debtor identified the financial institution where the account was maintained, the account number, the magnetic ink character recognition number, the full bank routing and transit number, and the check numbers of the stolen checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, which check numbers included the number of the check that is the subject of the licensee's collection efforts; (d) the debtor provides, or within the previous one hundred eighty days provided, to

the licensee a legible copy of a government-issued photo identification, which contains the debtor's signature and which was issued prior to the date of the theft or fraud identified in the police report; and (e) the debtor advised the licensee that the subject debt is disputed because the identified check, automated clearinghouse transaction on a demand deposit account, or other preprinted written instrument underlying the debt is a stolen or fraudulently created check or instrument.

The licensee is not in violation of this subsection if the licensee initiates oral contact with the debtor more than one time in an attempt to collect debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments when: (i) The licensee acted in good faith and relied on their established practices and procedures for batching, recording, or packeting debtor accounts, and the licensee inadvertently initiates oral contact with the debtor in an attempt to collect debts in the identified series subsequent to the initial debt assigned to the licensee; (ii) the licensee is following up on collection of a debt assigned to the licensee, and the debtor has previously requested more information from the licensee regarding the subject debt; (iii) the debtor has notified the licensee that the debtor disputes only some, but not all the debts arising from the identified series of dishonored checks, automated clearinghouse transactions on a demand deposit account, or other preprinted written instruments, in which case the licensee shall be allowed to initiate oral contact with the debtor one time for each debt arising from the series of identified checks, automated clearinghouse transactions on a demand deposit account, or written instruments and initiate additional oral contact for those debts that the debtor acknowledges do not arise from stolen or fraudulently created checks or written instruments; (iv) the oral contact is in the context of a judicial, administrative, arbitration, mediation, or similar proceeding; or (v) the oral contact is made for the purpose of investigating, confirming, or authenticating the information received from the debtor, to provide additional information to the debtor, or to request additional information from the debtor needed by the licensee to accurately record the debtor's information in the licensee's records.

(25) Bring an action or initiate an arbitration proceeding on a claim for any amounts related to a transfer of sale of a vehicle when:

(a) The licensee has been informed or reasonably should know that the department of licensing transfer of sale form was filed in accordance with RCW 46.12.650 (1) through (3);

(b) The licensee has been informed or reasonably should know that the transfer of the vehicle either (i) was not made pursuant to a legal transfer or (ii) was not voluntarily accepted by the person designated as the purchaser/transferee; and

(c) Prior to the commencement of the action or arbitration, the licensee has received from the putative transferee a copy of a police report referencing that the transfer of sale of the vehicle either (i) was not made pursuant to a legal transfer or (ii) was not voluntarily

accepted by the person designated as the purchaser/transferee.

(26) Submit an affidavit or other request pursuant to chapter 6.32 RCW asking a superior or district court to transfer a bond posted by a debtor subject to a money judgment to the licensee, when the debtor has appeared as required.

**Sec. 8.** RCW 9.94A.753 and 2003 c 379 s 16 are each amended to read as follows:

This section applies to offenses committed after July 1, 1985.

(1) When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within one hundred eighty days except as provided in subsection (7) of this section. The court may continue the hearing beyond the one hundred eighty days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have.

(2) During the period of supervision, the community corrections officer may examine the offender to determine if there has been a change in circumstances that warrants an amendment of the monthly payment schedule. The community corrections officer may recommend a change to the schedule of payment and shall inform the court of the recommended change and the reasons for the change. The sentencing court may then reset the monthly minimum payments based on the report from the community corrections officer of the change in circumstances.

(3) Except as provided in subsection (6) of this section, restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime.

(4) For the purposes of this section, for an offense committed prior to July 1, 2000, the offender shall remain under the court's jurisdiction for a term of ten years following the offender's release from total confinement or ten years subsequent to the entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial ten-year period, the superior court may extend jurisdiction under the criminal judgment an additional ten years for payment of restitution. For an offense committed on or after July 1, 2000, the offender shall remain under the court's jurisdiction until the obligation is completely satisfied, regardless of the statutory maximum for the crime. The portion of the sentence concerning restitution may be modified as to amount, terms, and conditions during any period of time the offender remains under the court's jurisdiction,

regardless of the expiration of the offender's term of community supervision and regardless of the statutory maximum sentence for the crime. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The offender's compliance with the restitution shall be supervised by the department only during any period which the department is authorized to supervise the offender in the community under RCW 9.94A.728, 9.94A.501, or in which the offender is in confinement in a state correctional institution or a correctional facility pursuant to a transfer agreement with the department, and the department shall supervise the offender's compliance during any such period. The department is responsible for supervision of the offender only during confinement and authorized supervision and not during any subsequent period in which the offender remains under the court's jurisdiction. The county clerk is authorized to collect unpaid restitution at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations.

(5) Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property or as provided in subsection (6) of this section unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

(6) Restitution for the crime of rape of a child in the first, second, or third degree, in which the victim becomes pregnant, shall include: (a) All of the victim's medical expenses that are associated with the rape and resulting pregnancy; and (b) child support for any child born as a result of the rape if child support is ordered pursuant to a civil superior court or administrative order for support for that child. The clerk must forward any restitution payments made on behalf of the victim's child to the Washington state child support registry under chapter 26.23 RCW. Identifying information about the victim and child shall not be included in the order. The offender shall receive a credit against any obligation owing under the administrative or superior court order for support of the victim's child. For the purposes of this subsection, the offender shall remain under the court's jurisdiction until the offender has satisfied support obligations under the superior court or administrative order for the period provided in RCW 4.16.020 or a maximum term of twenty-five years following the offender's release from total confinement or twenty-five years subsequent to the entry of the judgment and sentence, whichever period is longer. The court may not reduce the total amount of restitution ordered because the offender may lack the ability to pay the total amount. The department shall supervise the offender's compliance with the restitution ordered under this subsection.

(7) Regardless of the provisions of subsections (1) through (6) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the

crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the judgment and sentence for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(8) In addition to any sentence that may be imposed, an offender who has been found guilty of an offense involving fraud or other deceptive practice or an organization which has been found guilty of any such offense may be ordered by the sentencing court to give notice of the conviction to the class of persons or to the sector of the public affected by the conviction or financially interested in the subject matter of the offense by mail, by advertising in designated areas or through designated media, or by other appropriate means.

(9) This section does not limit civil remedies or defenses available to the victim, survivors of the victim, or offender including support enforcement remedies for support ordered under subsection (6) of this section for a child born as a result of a rape of a child victim. The court shall identify in the judgment and sentence the victim or victims entitled to restitution and what amount is due each victim. The state or victim may enforce the court-ordered restitution in the same manner as a judgment in a civil action. Restitution collected through civil enforcement must be paid through the registry of the court and must be distributed proportionately according to each victim's loss when there is more than one victim.

(10) If a person has caused a victim to lose money or property through the filing of a vehicle report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale, upon conviction or when the offender pleads guilty and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim, the court may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the filing of the vehicle report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale. Such an amount may be used to provide restitution to the victim at the order of the court. It is the duty of the prosecuting attorney to investigate the alternative of restitution, and to recommend it to the court, when the prosecuting attorney believes that restitution is appropriate and feasible. If the court orders restitution, the court must make a finding as to the amount of the victim's loss due to the filing of the report of sale in which the designated buyer had no knowledge of the vehicle transfer or the fraudulent filing of the report of sale, and if the record does not contain sufficient evidence to support such finding, the court may conduct a hearing upon the issue. For purposes of this section, "loss" refers to the amount of money or the value of property or services lost.

On page 1, line 2 of the title, after "vehicle;" strike the remainder of the title and insert "amending RCW

46.12.650, 46.55.105, 19.16.250, and 9.94A.753; and adding a new section to chapter 46.64 RCW."

and the same is herewith transmitted.

Hunter Goodman , Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2274 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Harmsworth and Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2274, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2274, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmicke, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2274, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 2, 2016

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2356 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 9. RCW 48.110.015 and 2006 c 274 s 2 and 2006 c 36 s 16 are each reenacted and amended to read as follows:

(1) The following are exempt from this title:  
 (a) Warranties;  
 (b) Maintenance agreements;  
 (c) Service contracts:  
 (i) Paid for with separate and additional consideration;  
 (ii) Issued at the point of sale, or within sixty days of the original purchase date of the property; and  
 (iii) On tangible property when the tangible property for which the service contract is sold has a purchase price of fifty dollars or less, exclusive of sales tax; and

(d) Agreements whereby a third party contracted by an employer provides mileage reimbursement and incidental maintenance and repairs to the employer's employees for personal vehicles used for business purposes, provided that such agreement does not provide indemnification or repairs for a loss caused by theft, collision, fire, or other peril typically covered in the comprehensive section of an automobile insurance policy.

(2) This chapter does not apply to:  
 (a) Vehicle mechanical breakdown insurance;  
 (b) Service contracts on tangible personal property purchased by persons who are not consumers; and  
 (c) Home heating fuel service contracts offered by home heating energy providers."

On page 1, line 3 of the title, after "purposes;" strike the remainder of the title and insert "and reenacting and amending RCW 48.110.015."

and the same is herewith transmitted.

Hunter Goodman , Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2356 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2356, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2356, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler,

Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Stokesbary and Zeiger.

HOUSE BILL NO. 2356, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 1, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2375 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 10.** The legislature finds that the rapid pace of technological change and information computerization in the digital age generates a never ending sequence of anxiety inducing reports highlighting how the latest device or innovation is being used to harm consumers. The legislature finds that this generates an ongoing pattern of legislation being proposed to regulate each new technology. The legislature finds that a more systemic approach is needed to better protect consumers and address these rapidly advancing technologies. The legislature finds that the application of traditional criminal enforcement measures that apply long-standing concepts of trespass, fraud, and theft to activities in the electronic frontier has not provided the essential clarity, certainty, and predictability that regulators, entrepreneurs, and innovators need. The legislature finds that an integrated, comprehensive methodology, rather than a piecemeal approach, will provide significant economic development benefits by providing certainty to the innovation community about the actions and activities that are prohibited. Therefore, the legislature intends to create a new chapter of crimes to the criminal code to punish and deter misuse or abuse of technology, rather than the perceived threats of individual technologies. This new chapter of crimes has been developed from an existing and proven system of computer security threat modeling known as the STRIDE system.

The legislature intends to strike a balance between public safety and civil liberties in the digital world, including creating sufficient space for white hat security research and whistleblowers. The state whistleblower and

public record laws prevent this act from being used to hide any deleterious actions by government officials under the guise of security. Furthermore, this act is not intended to criminalize activity solely on the basis that it violates any terms of service.

The purpose of the Washington cybercrime act is to provide prosecutors the twenty-first century tools they need to combat twenty-first century crimes.

**NEW SECTION. Sec. 11.** This act may be known and cited as the Washington cybercrime act.

**NEW SECTION. Sec. 12.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Access" means to gain entry to, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of electronic data, data network, or data system, including via electronic means.

(2) "Cybercrime" includes crimes of this chapter.

(3) "Data" means a digital representation of information, knowledge, facts, concepts, data software, data programs, or instructions that are being prepared or have been prepared in a formalized manner and are intended for use in a data network, data program, data services, or data system.

(4) "Data network" means any system that provides digital communications between one or more data systems or other digital input/output devices including, but not limited to, display terminals, remote systems, mobile devices, and printers.

(5) "Data program" means an ordered set of electronic data representing coded instructions or statements that when executed by a computer causes the device to process electronic data.

(6) "Data services" includes data processing, storage functions, internet services, email services, electronic message services, web site access, internet-based electronic gaming services, and other similar system, network, or internet-based services.

(7) "Data system" means an electronic device or collection of electronic devices, including support devices one or more of which contain data programs, input data, and output data, and that performs functions including, but not limited to, logic, arithmetic, data storage and retrieval, communication, and control. This term does not include calculators that are not programmable and incapable of being used in conjunction with external files.

(8) "Identifying information" means information that, alone or in combination, is linked or linkable to a trusted entity that would be reasonably expected to request or provide credentials to access a targeted data system or network. It includes, but is not limited to, recognizable names, addresses, telephone numbers, logos, HTML links, email addresses, registered domain names, reserved IP addresses, usernames, social media profiles, cryptographic keys, and biometric identifiers.

(9) "Malware" means any set of data instructions that are designed, without authorization and with malicious

intent, to disrupt computer operations, gather sensitive information, or gain access to private computer systems. "Malware" does not include software that installs security updates, removes malware, or causes unintentional harm due to some deficiency. It includes, but is not limited to, a group of data instructions commonly called viruses or worms, that are self-replicating or self-propagating and are designed to infect other data programs or data, consume data resources, modify, destroy, record, or transmit data, or in some other fashion usurp the normal operation of the data, data system, or data network.

(10) "White hat security research" means accessing a data program, service, or system solely for purposes of good faith testing, investigation, identification, and/or correction of a security flaw or vulnerability, where such activity is carried out, and where the information derived from the activity is used, primarily to promote security or safety.

(11) "Without authorization" means to knowingly circumvent technological access barriers to a data system in order to obtain information without the express or implied permission of the owner, where such technological access measures are specifically designed to exclude or prevent unauthorized individuals from obtaining such information, but does not include white hat security research or circumventing a technological measure that does not effectively control access to a computer. The term "without the express or implied permission" does not include access in violation of a duty, agreement, or contractual obligation, such as an acceptable use policy or terms of service agreement, with an internet service provider, internet web site, or employer. The term "circumvent technological access barriers" may include unauthorized elevation of privileges, such as allowing a normal user to execute code as administrator, or allowing a remote person without any privileges to run code.

**NEW SECTION. Sec. 13.** (1) A person is guilty of computer trespass in the first degree if the person, without authorization, intentionally gains access to a computer system or electronic database of another; and

(a) The access is made with the intent to commit another crime in violation of a state law not included in this chapter; or

(b) The violation involves a computer or database maintained by a government agency.

(2) Computer trespass in the first degree is a class C felony.

**NEW SECTION. Sec. 14.** (1) A person is guilty of computer trespass in the second degree if the person, without authorization, intentionally gains access to a computer system or electronic database of another under circumstances not constituting the offense in the first degree.

(2) Computer trespass in the second degree is a gross misdemeanor.

**NEW SECTION. Sec. 15.** (1) A person is guilty of electronic data service interference if the person maliciously and without authorization causes the transmission of data, data program, or other electronic command that intentionally interrupts or suspends access to or use of a data network or data service.

(2) Electronic data service interference is a class C felony.

**NEW SECTION. Sec. 16.** (1) A person is guilty of spoofing if he or she, without authorization, knowingly initiates the transmission, display, or receipt of the identifying information of another organization or person for the purpose of gaining unauthorized access to electronic data, a data system, or a data network, and with the intent to commit another crime in violation of a state law not included in this chapter.

(2) Spoofing is a gross misdemeanor.

**NEW SECTION. Sec. 17.** (1) A person is guilty of electronic data tampering in the first degree if he or she maliciously and without authorization:

(a)(i) Alters data as it transmits between two data systems over an open or unsecure network; or

(ii) Introduces any malware into any electronic data, data system, or data network; and

(b)(i) Doing so is for the purpose of devising or executing any scheme to defraud, deceive, or extort, or commit any other crime in violation of a state law not included in this chapter, or of wrongfully controlling, gaining access to, or obtaining money, property, or electronic data; or

(ii) The electronic data, data system, or data network is maintained by a governmental agency.

(2) Electronic data tampering in the first degree is a class C felony.

**NEW SECTION. Sec. 18.** (1) A person is guilty of electronic data tampering in the second degree if he or she maliciously and without authorization:

(a) Alters data as it transmits between two data systems over an open or unsecure network under circumstances not constituting the offense in the first degree; or

(b) Introduces any malware into any electronic data, data system, or data network under circumstances not constituting the offense in the first degree.

(2) Electronic data tampering in the second degree is a gross misdemeanor.

**NEW SECTION. Sec. 19.** (1) A person is guilty of electronic data theft if he or she intentionally, without authorization, and without reasonable grounds to believe that he or she has such authorization, obtains any electronic data with the intent to:

(a) Devise or execute any scheme to defraud, deceive, extort, or commit any other crime in violation of a state law not included in this chapter; or

(b) Wrongfully control, gain access to, or obtain money, property, or electronic data.

(2) Electronic data theft is a class C felony.

**NEW SECTION. Sec. 20.** A person who, in the commission of a crime under this chapter, commits any other crime may be punished for that other crime as well as for the crime under this chapter and may be prosecuted for each crime separately.

**Sec. 21.** RCW 9A.52.010 and 2011 c 336 s 369 are each reenacted and amended to read as follows:

The following definitions apply in this chapter:

(1) (~~"Access" means to approach, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, directly or by electronic means.~~

(2) ~~"Computer program" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.~~

(3) ~~"Data" means a representation of information, knowledge, facts, concepts, or instructions that are being prepared or have been prepared in a formalized manner and are intended for use in a computer.~~

(4)) "Enter." The word "enter" when constituting an element or part of a crime, shall include the entrance of the person, or the insertion of any part of his or her body, or any instrument or weapon held in his or her hand and used or intended to be used to threaten or intimidate a person or to detach or remove property((§)).

((§)) (2) "Enters or remains unlawfully." A person "enters or remains unlawfully" in or upon premises when he or she is not then licensed, invited, or otherwise privileged to so enter or remain.

A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him or her by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner. Land that is used for commercial aquaculture or for growing an agricultural crop or crops, other than timber, is not unimproved and apparently unused land if a crop or any other sign of cultivation is clearly visible or if notice is given by posting in a conspicuous manner. Similarly, a field fenced in any manner is not unimproved and apparently unused land. A license or privilege to enter or remain on improved and apparently used land that is open to the public at particular times, which is neither fenced nor otherwise enclosed in a manner to exclude intruders, is not a license or privilege to enter or remain on the land at other times if notice of prohibited times of entry is posted in a conspicuous manner.

((6)) (3) "Premises" includes any building, dwelling, structure used for commercial aquaculture, or any real property.

**Sec. 22.** RCW 9.94A.515 and 2015 c 261 s 11 are each amended to read as follows:

TABLE 2	
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL	
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(3))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
X	Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run—Death (RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Robbery 1 (RCW 9A.56.200)
	Sexual Exploitation (RCW 9.68A.040)
VIII	Arson 1 (RCW 9A.48.020)
	Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
	Manslaughter 2 (RCW 9A.32.070)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Theft of Ammonia (RCW 69.55.010)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
VII	Burglary 1 (RCW 9A.52.020)
	Child Molestation 2 (RCW 9A.44.086)
	Civil Disorder Training (RCW 9A.48.120)
	Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
	Drive-by Shooting (RCW 9A.36.045)
	Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
	Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)

Commercial Bribery (RCW 9A.68.060)	Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
Counterfeiting (RCW 9.16.035(4))	Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))
Endangerment with a Controlled Substance (RCW 9A.42.100)	Willful Failure to Return from Furlough (RCW 72.66.060)
Escape 1 (RCW 9A.76.110)	III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
Hit and Run—Injury (RCW 46.52.020(4)(b))	Assault 3 (Except Assault of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))	Assault of a Child 3 (RCW 9A.36.140)
Identity Theft 1 (RCW 9.35.020(2))	Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)	Burglary 2 (RCW 9A.52.030)
Influencing Outcome of Sporting Event (RCW 9A.82.070)	Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Malicious Harassment (RCW 9A.36.080)	Criminal Gang Intimidation (RCW 9A.46.120)
Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))	Custodial Assault (RCW 9A.36.100)
Residential Burglary (RCW 9A.52.025)	Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
Robbery 2 (RCW 9A.56.210)	Escape 2 (RCW 9A.76.120)
Theft of Livestock 1 (RCW 9A.56.080)	Extortion 2 (RCW 9A.56.130)
Threats to Bomb (RCW 9.61.160)	Harassment (RCW 9A.46.020)
Trafficking in Stolen Property 1 (RCW 9A.82.050)	Intimidating a Public Servant (RCW 9A.76.180)
Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))	Introducing Contraband 2 (RCW 9A.76.150)
Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))	Malicious Injury to Railroad Property (RCW 81.60.070)
Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))	Mortgage Fraud (RCW 19.144.080)
Unlawful transaction of insurance business (RCW 48.15.023(3))	Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
Unlicensed practice as an insurance professional (RCW 48.17.063(2))	Organized Retail Theft 1 (RCW 9A.56.350(2))
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))	Perjury 2 (RCW 9A.72.030)
Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))	Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)	<u>Electronic Data Theft (section 10 of this act)</u>
Promoting Prostitution 2 (RCW 9A.88.080)	Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))
Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))	Escape from Community Custody (RCW 72.09.310)
Securities Act violation (RCW 21.20.400)	Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)
Tampering with a Witness (RCW 9A.72.120)	Health Care False Claims (RCW 48.80.030)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))	Identity Theft 2 (RCW 9.35.020(3))
Theft of Livestock 2 (RCW 9A.56.083)	Improperly Obtaining Financial Information (RCW 9.35.010)
Theft with the Intent to Resell 1 (RCW 9A.56.340(2))	Malicious Mischief 1 (RCW 9A.48.070)
Trafficking in Stolen Property 2 (RCW 9A.82.055)	Organized Retail Theft 2 (RCW 9A.56.350(3))
Unlawful Hunting of Big Game 1 (RCW 77.15.410(3)(b))	Possession of Stolen Property 1 (RCW 9A.56.150)
Unlawful Imprisonment (RCW 9A.40.040)	Possession of a Stolen Vehicle (RCW 9A.56.068)
Unlawful Misbranding of Food Fish or Shellfish 1 (RCW 69.04.938(3))	Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))
Unlawful possession of firearm in the second degree (RCW 9.41.040(2))	Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)
Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120(3)(b))	Theft 1 (RCW 9A.56.030)
Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260(3)(b))	Theft of a Motor Vehicle (RCW 9A.56.065)
Unlawful Use of a Nondesignated Vessel (RCW 77.15.530(4))	Theft of Rental, Leased, <del>((or))</del> Lease-purchased, or <u>Loaned</u> Property (valued at <del>((one))</del> <u>five</u> thousand <del>((five</del> <u>hundred</u> ) dollars or more) (RCW 9A.56.096(5)(a))
Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)	Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
Willful Failure to Return from Work Release (RCW 72.65.070)	Trafficking in Insurance Claims (RCW 48.30A.015)
II Commercial Fishing Without a License 1 (RCW 77.15.500(3)(b))	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
Computer Trespass 1 ( <del>((RCW 9A.52.110))</del> <u>section 4 of this act</u> )	Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
Counterfeiting (RCW 9.16.035(3))	Unlawful Practice of Law (RCW 2.48.180)
<u>Electronic Data Service Interference (section 6 of this act)</u>	Unlawful Purchase or Use of a License (RCW 77.15.650(3)(b))
<u>Electronic Data Tampering 1 (section 8 of this act)</u>	

Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260(3)(a))

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

Voyeurism (RCW 9A.44.115)

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

Forgery (RCW 9A.60.020)

Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)

Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Spotlighting Big Game 1 (RCW 77.15.450(3)(b))

Suspension of Department Privileges 1 (RCW 77.15.670(3)(b))

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, ~~((or))~~ Lease-purchased, or Loaned Property (valued at ~~((two))~~ seven hundred fifty dollars or more but less than ~~((one))~~ five thousand ~~((five hundred))~~ dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)

Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630(3)(b))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250(2)(b))

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Unlawful Use of Net to Take Fish 1 (RCW 77.15.580(3)(b))

Unlawful Use of Prohibited Aquatic Animal Species (RCW 77.15.253(3))

Vehicle Prowl 1 (RCW 9A.52.095)

Violating Commercial Fishing Area or Time 1 (RCW 77.15.550(3)(b))

**NEW SECTION. Sec. 23.** The following acts or parts of acts are each repealed:

- (1)RCW 9A.52.110 (Computer trespass in the first degree) and 1984 c 273 s 1;
- (2)RCW 9A.52.120 (Computer trespass in the second degree) and 1984 c 273 s 2; and
- (3)RCW 9A.52.130 (Computer trespass—Commission of other crime) and 1984 c 273 s 3.

**NEW SECTION. Sec. 24.** Sections 3 through 11 of this act constitute a new chapter in Title 9A RCW."

On page 1, line 1 of the title, after "cybercrime;" strike the remainder of the title and insert "amending RCW 9.94A.515; reenacting and amending RCW 9A.52.010; adding a new chapter to Title 9A RCW; creating new sections; repealing RCW 9A.52.110, 9A.52.120, and 9A.52.130; and prescribing penalties."

and the same is herewith transmitted.

Hunter Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2375 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Magendanz and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2375, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2375, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2375, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 2, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2458 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 25.** RCW 69.70.010 and 2013 c 260 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of health.

(2) "Drug manufacturer" means a facility licensed by the ~~(board of)~~ pharmacy quality assurance commission under chapter 18.64 RCW that engages in the manufacture of drugs or devices.

(3) "Drug wholesaler" means a facility licensed by the ~~(board of)~~ pharmacy quality assurance commission under chapter 18.64 RCW that buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.

(4) "Medical facility" means a hospital, pharmacy, nursing home, boarding home, adult family home, or medical clinic where the prescription drugs are under the control of a practitioner.

(5) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(6) "Pharmacist" means a person licensed by the ~~(board of)~~ pharmacy quality assurance commission under chapter 18.64 RCW to practice pharmacy.

(7) "Pharmacy" means a facility licensed by the ~~(board of)~~ pharmacy quality assurance commission under chapter 18.64 RCW in which the practice of pharmacy is conducted.

(8) "Practitioner" has the same meaning as in RCW 69.41.010.

(9) "Prescribing practitioner" means a person authorized to issue orders or prescriptions for legend drugs as listed in RCW 69.41.030.

(10) "Prescription drugs" has the same meaning as "legend drugs" as defined in RCW 69.41.010. The term includes cancer drugs and antirejection drugs. The term does not include controlled substances.

(11) "Supplies" means the supplies necessary to administer prescription drugs that are donated under the prescription drug redistribution program.

(12) "Time temperature indicator" means a device or smart label that shows the accumulated time-temperature history of a product by providing a nonreversible, accurate record of temperature exposure through the entire supply chain.

(13) "Uninsured" means a person who:

(a) Does not have private or public health insurance; or

(b) Has health insurance, but the health insurance does not provide coverage for a particular drug that has been prescribed to the person.

**Sec. 26.** RCW 69.70.020 and 2013 c 260 s 2 are each amended to read as follows:

(1) Any practitioner, pharmacist, medical facility, drug manufacturer, or drug wholesaler may donate prescription drugs and supplies to a pharmacy for redistribution without compensation or the expectation of compensation to individuals who meet the prioritization criteria established in RCW 69.70.040. Donations of prescription drugs and supplies may be made on the premises of a pharmacy that elects to participate in the provisions of this chapter. A pharmacy that receives prescription drugs or supplies may distribute the prescription drugs or supplies to another pharmacy, pharmacist, or prescribing practitioner for use pursuant to the program.

(2) The person to whom a prescription drug was prescribed, or the person's representative, may donate prescription drugs under subsection (1) of this section if, as determined by the professional judgment of a pharmacist, the prescription drugs were stored under required temperature conditions using the prescription drugs' time temperature indicator information and the person, or the

person's representative, has completed and signed a donor form, adopted by the department, to release the prescription drug for distribution under this chapter and certifying that the donated prescription drug has never been opened, used, adulterated, or misbranded.

**Sec. 27.** RCW 69.70.040 and 2013 c 260 s 4 are each amended to read as follows:

Pharmacies, pharmacists, and prescribing practitioners that elect to dispense donated prescription drugs and supplies under this chapter shall give priority to individuals who are uninsured (~~and at or below two hundred percent of the federal poverty level~~). If an uninsured (~~and low income~~) individual has not been identified as in need of available prescription drugs and supplies, those prescription drugs and supplies may be dispensed to other individuals expressing need.

**Sec. 28.** RCW 69.70.050 and 2013 c 260 s 5 are each amended to read as follows:

(1) Prescription drugs or supplies may be accepted and dispensed under this chapter if all of the following conditions are met:

- (a) The prescription drug is in:
  - (i) Its original sealed and tamper evident packaging; or
  - (ii) An opened package if it contains single unit doses that remain intact;
- (b) The prescription drug bears an expiration date that is more than six months after the date the prescription drug was donated;
- (c) The prescription drug or supplies are inspected before the prescription drug or supplies are dispensed by a pharmacist employed by or under contract with the pharmacy, and the pharmacist determines that the prescription drug or supplies are not adulterated or misbranded;
- (d) The prescription drug or supplies are prescribed by a practitioner for use by an eligible individual and are dispensed by a pharmacist; and
- (e) Any other safety precautions established by the department have been satisfied.

(2)(a) If a person who donates prescription drugs or supplies to a pharmacy under this chapter receives a notice that the donated prescription drugs or supplies have been recalled, the person shall notify the pharmacy of the recall.

(b) If a pharmacy that receives and distributes donated prescription drugs to another pharmacy, pharmacist, or prescribing practitioner under this chapter receives notice that the donated prescription drugs or supplies have been recalled, the pharmacy shall notify the other pharmacy, pharmacist, or prescribing practitioner of the recall.

(c) If a person collecting or distributing donated prescription drugs or supplies under this chapter receives a recall notice from the drug manufacturer or the federal food and drug administration for donated prescription drugs or supplies, the person shall immediately remove all recalled medications from stock and comply with the instructions in the recall notice.

(3) Prescription drugs and supplies donated under this chapter may not be resold.

(4) Prescription drugs and supplies dispensed under this chapter shall not be eligible for reimbursement of the prescription drug or any related dispensing fees by any public or private health care payer.

(5) A prescription drug that can only be dispensed to a patient registered with the manufacturer of that drug, in accordance with the requirements established by the federal food and drug administration, may not be ~~((accepted or))~~ distributed under the program, unless the patient receiving the prescription drug is registered with the manufacturer at the time the drug is dispensed and the amount dispensed does not exceed the duration of the registration period.

**Sec. 29.** RCW 69.70.060 and 2013 c 260 s 6 are each amended to read as follows:

~~((1) The department must adopt rules establishing forms and procedures to: Reasonably verify eligibility and prioritize patients seeking to receive donated prescription drugs and supplies; and inform a person receiving prescription drugs donated under this program that the prescription drugs have been donated for the purposes of redistribution. A patient's eligibility may be determined by a form signed by the patient certifying that the patient is uninsured and at or below two hundred percent of the federal poverty level.~~

~~(2) The department may establish any other rules necessary to implement this chapter.)~~ The department shall develop a form for persons to use when releasing prescription drugs for distribution and certifying the condition of the drugs, as provided in RCW 69.70.020(2).

**Sec. 30.** RCW 69.70.070 and 2013 c 260 s 7 are each amended to read as follows:

(1) A drug manufacturer acting in good faith may not, in the absence of a finding of gross negligence, be subject to criminal prosecution or liability in tort or other civil action, for injury, death, or loss to person or property for matters relating to the donation, acceptance, or dispensing of ~~((a))~~ any drug manufactured by the drug manufacturer that is donated by any person under the program including, but not limited to ~~((c))~~:

(a) Liability for failure to transfer or communicate product or consumer information or the expiration date of the donated prescription drug; and

(b) Liability related to prescription drugs that can only be dispensed to a patient registered with the manufacturer of that drug, in accordance with the requirements established by the federal food and drug administration.

(2) Any person or entity, other than a drug manufacturer subject to subsection (1) of this section, acting in good faith in donating, accepting, or distributing prescription drugs under this chapter is immune from criminal prosecution, professional discipline, or civil liability of any kind for any injury, death, or loss to any person or property relating to such activities other than acts or omissions constituting gross negligence or willful or wanton misconduct.

(3) The immunity provided under subsection (1) of this section does not absolve a drug manufacturer of a criminal or civil liability that would have existed but for the donation, nor does such donation increase the liability of the drug manufacturer in such an action.

NEW SECTION. Sec. 31. This act may be known and cited as the cancer can't charitable pharmacy act.

NEW SECTION. Sec. 32. This act takes effect January 1, 2017."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 69.70.010, 69.70.020, 69.70.040, 69.70.050, 69.70.060, and 69.70.070; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2458 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Parker and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2458, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2458, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2458, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 1, 2016

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2478 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 33. (1) The state noxious weed control board shall conduct a pilot project that evaluates the options, methods, and costs of purposefully replacing pollen-rich and nectar-rich noxious weeds, such as knapweeds and nonnative thistles, which are productive forage plants for honey bees, with either native or noninvasive, nonnative forage plants that can produce similar levels of pollen and nectar with a similar bloom succession to support populations of honey bees and other pollinators. The goal of the pilot project is to develop optional guidance and best practices for landowners and land managers faced with the removal of noxious weeds. The pilot project must be developed to maximize the dual public benefits of reducing noxious weeds in Washington and supporting agricultural production through the maintenance of access to seasonally balanced pollen-rich and nectar-rich plants for honey bees and other pollinators.

(2)(a) In implementing the pilot project, the state noxious weed control board must coordinate with willing landowners to provide goods or services, such as plant starts and seed packs, necessary to replace noxious weeds with either native or noninvasive, nonnative plants or to create, in conjunction with noxious weed control efforts, new seasonally balanced forage patches for honey bees and other pollinators.

(b) Priority in participation in the pilot project must be given to interested private landowners located in areas where the dual benefits of the pilot project can be maximized. However, public landowners or managers may also be considered for participation. No landowner may be required to participate in the pilot project either directly or as a condition of a permit or other governmental action.

(3) The implementation details of the pilot project required by this section are at the sole discretion of the state noxious weed control board, including the selection of pilot project partners and participants. However, pilot project partners should be located in both eastern and western Washington. The state noxious weed control board:

(a) Shall coordinate with the county noxious weed control boards in which pilot projects are located, unless the county does not have a local noxious weed control board; and

(b) May coordinate with the state conservation commission or individual conservation districts in the implementation of the pilot project if the state noxious

weed control board finds that coordination would be beneficial.

(4) The state noxious weed control board must issue a report to the legislature, consistent with RCW 43.01.036, that outlines the successes and challenges of the pilot project, including the development of the tools in this subsection. This report must be presented by October 31, 2020, and include:

(a) A description of the following tools:

(i) A list of suitable pollen-rich forage plant alternatives to noxious weeds, taking into account traits such as nectar and pollen quality, bloom succession, growth requirements, and habitat type;

(ii) A list of seed and plant start suppliers that may be able to provide pollen-rich forage plant alternatives to noxious weeds. The list may only include suppliers who are willing to ensure the identity and purity of seed through appropriate testing performed or approved by the Washington state department of agriculture or by any other agency authorized under the laws of any state, territory, or possession that has standards and procedures approved by the United States secretary of agriculture to ensure the identity and purity of seed; and

(iii) A matrix, based on the pilot project, to provide guidelines to landowners and land managers when replacing noxious weeds or creating new pollen-rich forage patches;

(b) An assessment scale that may be used by landowners, land managers, and the apiary industry to rate the usefulness of the tools described in this subsection; and

(c) Any recommendations for extending the pilot project or using the lessons learned as part of Washington's overall noxious weed control strategy.

(5) This section expires June 30, 2021.

**Sec. 34.** RCW 17.10.145 and 1997 c 353 s 18 are each amended to read as follows:

(1) All state agencies shall control noxious weeds on lands they own, lease, or otherwise control through integrated pest management practices. Agencies shall develop plans in cooperation with county noxious weed control boards to control noxious weeds in accordance with standards in this chapter.

(2) All state agencies' lands must comply with this chapter, regardless of noxious weed control efforts on adjacent lands.

(3) While conducting planned projects to ensure compliance with this chapter, all agencies must give preference, when deemed appropriate by the acting agency for the project and targeted resource management goals, to replacing pollen-rich or nectar-rich noxious weeds with native forage plants that are beneficial for all pollinators, including honey bees.

**NEW SECTION. Sec. 35.** A new section is added to chapter 43.220 RCW to read as follows:

Any corps project that involves the removal of noxious weeds must, when deemed appropriate for the project goals by the project sponsor, include the planting of

pollen-rich and nectar-rich native plants to provide forage for all pollinators, including honey bees."

On page 1, line 3 of the title, after "pollinators;" strike the remainder of the title and insert "amending RCW 17.10.145; adding a new section to chapter 43.220 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2478 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Peterson and Buys spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2478, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2478, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representative Klippert.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED HOUSE BILL NO. 2478, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 2, 2016

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2580 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 36.** The legislature finds that maintaining public trust and confidence in the safety of the community blood supply is important to the health care system. Patients in Washington needing lifesaving transfusions rightly expect safe blood and blood donors in Washington rightly expect their contributions will be managed with diligent care and compliance with all regulatory standards and expectations so their donation will benefit patients in need. The United States food and drug administration establishes regulations, good manufacturing practices, and guidance that defines the minimum standards for blood establishments and, in cases of repeated violations and noncompliance by licensed blood establishments, may impose measures that include fines, judicial consent decrees, and suspension or revocation of licensure. It is therefore the intent of the legislature that blood-collecting or distributing establishments be registered with the department of health to help ensure public transparency.

**NEW SECTION. Sec. 37.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Blood-collecting or distributing establishment" or "establishment" means any organization that collects or distributes blood for allogeneic transfusion in Washington. This chapter does not apply to a hospital licensed under chapter 70.41 or 71.12 RCW unless the hospital collects blood directly from donors for the purpose of allogeneic transfusions. For the purposes of this chapter, "blood-collecting or distributing establishment" or "establishment" does not include organizations that collect source plasma for the production of plasma derivatives by fractionation.

(2) "Change in standing" means that a blood-collecting or distributing establishment is the subject of titled letters, fines, suspensions, or revocations of its United States food and drug administration license, or judicial consent decrees.

(3) "Department" means the Washington state department of health.

**NEW SECTION. Sec. 38.** (1) A blood-collecting or distributing establishment may not collect or distribute blood for transfusion in Washington, unless it is registered by the department.

(2) A blood-collecting or distributing establishment shall submit an application for registration to the department on a form prescribed by the department. The application must, at a minimum, contain the following information:

(a) The name, address, and telephone number of the blood-collecting or distributing establishment;

(b) A copy of the establishment's United States food and drug administration license, unless the applicant is a hospital that meets the criteria in section 2(1) of this act;

(c) A list of the establishment's clients in Washington;

(d) Any of the following issued upon, or active against, the establishment in the two years prior to the application:

(i) Titled letters, fines, or license suspensions or revocations issued by the United States food and drug administration; or

(ii) Judicial consent decrees; and

(e) Any other information required by the department.

(3) The department shall register a blood-collecting or distributing establishment if it holds a license issued by the United States food and drug administration, or if the applicant is a hospital that meets the criteria in section 2(1) of this act, and submits an application and fees as required by this section.

(4) The department shall deny or revoke the registration of an establishment upon a determination that it no longer holds a license issued by the United States food and drug administration.

(5) The department shall issue a summary suspension of the registration if the blood-collecting or distributing establishment no longer holds a license issued by the United States food and drug administration. The summary suspension remains in effect until proceedings under RCW 43.70.115 have been completed by the department. The issue in the proceedings is limited to whether the blood-collecting or distributing establishment is qualified to hold a registration under this section.

(6) A registration expires annually on the date specified on the registration. The department shall establish the administrative procedures and requirements for registration renewals, including a requirement that the establishment update the information provided under subsection (2) of this section both annually and within fourteen days of a change in standing of the establishment's United States food and drug administration license.

(7) An establishment applying for or renewing a registration under this section shall pay a fee in an amount set by the department in rule. In no case may the fee exceed the amount necessary to defray the costs of administering this chapter.

(8) This section does not apply in the case of individual patient medical need, as determined by a qualified provider.

**NEW SECTION. Sec. 39.** (1) The department shall create and maintain an online public registry of all registered blood-collecting or distributing establishments that supply blood products for transfusion in Washington.

(2) The department shall, within fourteen days of receipt, publish in the public registry the information received from each registered blood-collecting or distributing establishment under section 3 of this act, including changes in the standing of the establishment's United States food and drug administration license.

(3) The department shall notify all of a blood-collecting or distributing establishment's Washington clients within fourteen days of receiving notice under section 3 of this act that the establishment has experienced a change in standing in its United States food and drug administration license or no longer holds a license issued by the United States food and drug administration.

**NEW SECTION. Sec. 40.** The department may, in the manner provided by law and upon the advice of the attorney general, who shall represent the department in the proceedings, maintain an action in the name of the state for an injunction or other process against any blood-collecting or distributing establishment to restrain or prevent the operation of the establishment without a registration issued under this chapter.

**NEW SECTION. Sec. 41.** Sections 1 through 5 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 2 of the title, after "establishments;" strike the remainder of the title and insert "and adding a new chapter to Title 70 RCW."

and the same is herewith transmitted.

Hunter Goodman , Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2580 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2580, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2580, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli,

Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Stokesbary and Zeiger.

SUBSTITUTE HOUSE BILL NO. 2580, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 2, 2016

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2694 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 42.** RCW 26.44.240 and 2008 c 232 s 2 are each amended to read as follows:

(1) During an emergency situation when a child must be placed in out-of-home care due to the absence of appropriate parents or custodians, the department shall, or an authorized agency of a federally recognized tribe may, request a federal name-based criminal history record check of each adult residing in the home of the potential placement resource. Upon receipt of the results of the name-based check, the department shall, or an authorized agency of a federally recognized tribe may, provide a complete set of each adult resident's fingerprints to the Washington state patrol for submission to the federal bureau of investigation within (~~fourteen~~) fifteen calendar days from the date the name search was conducted. The child shall be removed from the home immediately if any adult resident fails to provide fingerprints and written permission to perform a federal criminal history record check when requested.

(2) When placement of a child in a home is denied as a result of a name-based criminal history record check of a resident, and the resident contests that denial, the resident shall, within fifteen calendar days, submit to the department or an authorized agency of a federally recognized tribe a complete set of the resident's fingerprints with written permission allowing the department or an authorized agency of a federally recognized tribe to forward the fingerprints to the Washington state patrol for submission to the federal bureau of investigation.

(3) The Washington state patrol and the federal bureau of investigation may each charge a reasonable fee for processing a fingerprint-based criminal history record check.

(4) As used in this section, "emergency placement" refers to those limited instances when the department or an authorized agency of a federally recognized tribe is placing a child in the home of private individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of the child's primary caretaker."

On page 1, line 2 of the title, after "tribes;" strike the remainder of the title and insert "and amending RCW 26.44.240."

and the same is herewith transmitted.

Hunter Goodman , Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2694 and advanced the bill as amended by the Senate to final passage.

### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives DeBolt and Ryu spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2694, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2694, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea and Taylor.

Excused: Representatives Stokesbary and Zeiger.

HOUSE BILL NO. 2694, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 1, 2016

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2749 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 43.** RCW 74.13.360 and 2013 c 205 s 4 are each amended to read as follows:

(1) No later than December 30, (~~2016~~) 2019:

(a) In the demonstration sites selected under RCW 74.13.368(4)(a), child welfare services shall be provided by supervising agencies with whom the department has entered into performance-based contracts. Supervising agencies may enter into subcontracts with other licensed agencies; and

(b) Except as provided in subsection (3) of this section, and notwithstanding any law to the contrary, the department may not directly provide child welfare services to families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a).

(2) No later than December 30, (~~2016~~) 2019, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a), the department is responsible for only the following:

(a) Monitoring the quality of services for which the department contracts under this chapter;

(b) Ensuring that the services are provided in accordance with federal law and the laws of this state, including the Indian child welfare act;

(c) Providing child protection functions and services, including intake and investigation of allegations of child abuse or neglect, emergency shelter care functions under RCW 13.34.050, and referrals to appropriate providers; and

(d) Issuing licenses pursuant to chapter 74.15 RCW.

(3) No later than December 30, (~~2016~~) 2019, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a), the department may provide child welfare services only:

(a) For the limited purpose of establishing a control or comparison group as deemed necessary by the child welfare transformation design committee, with input from the Washington state institute for public policy, to implement the demonstration sites selected and defined pursuant to RCW 74.13.368(4)(a) in which the performance in achieving measurable outcomes will be compared and evaluated pursuant to RCW 74.13.370; or

(b) In an emergency or as a provider of last resort. The department shall adopt rules describing the circumstances under which the department may provide those services. For purposes of this section, "provider of last resort" means the department is unable to contract with a private agency to provide child welfare services in a particular geographic area or, after entering into a contract with a private agency, either the contractor or the department terminates the contract.

(4) For purposes of this chapter, on and after September 1, 2010, performance-based contracts shall be structured to hold the supervising agencies accountable for achieving the following goals in order of importance: Child safety; child permanency, including reunification; and child well-being.

(5) A federally recognized tribe located in this state may enter into a performance-based contract with the

department to provide child welfare services to Indian children whether or not they reside on a reservation. Nothing in this section prohibits a federally recognized Indian tribe located in this state from providing child welfare services to its members or other Indian children pursuant to existing tribal law, regulation, or custom, or from directly entering into agreements for the provision of such services with the department, if the department continues to otherwise provide such services, or with federal agencies.

**Sec. 44.** RCW 74.13.370 and 2012 c 205 s 9 are each amended to read as follows:

(1) Based upon the recommendations of the child welfare transformation design committee, including the two sets of outcomes developed by the committee under RCW 74.13.368(4)(b), the Washington state institute for public policy is to conduct a review of measurable effects achieved by the supervising agencies and compare those measurable effects with the existing services offered by the state. The report on the measurable effects shall be provided to the governor and the legislature no later than April 1, 2018.

(2) No later than December 1, 2014, the Washington state institute for public policy shall provide the legislature and the governor an initial report on the department's conversion to the use of performance-based contracts as provided in RCW 74.13B.020 and 74.13B.030. No later than ~~((June 30, 2016))~~ April 1, 2023, the Washington state institute for public policy shall provide the governor and the legislature with a second report on the extent to which the use of performance-based contracting has resulted in:

(a) Increased use of evidence-based, research-based, and promising practices; and

(b) Improvements in outcomes for children, including child safety, child permanency, including reunification, and child well-being.

(3) The department and network administrators shall respond to the Washington institute for public policy's request for data and other information with which to complete these reports in a timely manner.

(4) The Washington state institute for public policy must consult with a university-based child welfare research entity to evaluate performance-based contracting.

**Sec. 45.** RCW 74.13.372 and 2012 c 205 s 11 are each amended to read as follows:

Not later than June 1, ~~((2018))~~ 2023, the governor shall, based on the report by the Washington state institute for public policy, determine whether to expand chapter 520, Laws of 2009 to the remainder of the state or terminate chapter 520, Laws of 2009. The governor shall inform the legislature of his or her decision within seven days of the decision. The department shall, regardless of the decision of the governor regarding the delivery of child welfare services, continue to purchase services through the use of performance-based contracts."

On page 1, line 3 of the title, after "system;" strike the remainder of the title and insert "and amending RCW 74.13.360, 74.13.370, and 74.13.372."

and the same is herewith transmitted.

Hunter Goodman , Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2749 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2749, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2749, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmic, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie and Mr. Speaker.

Voting nay: Representatives Holy, Scott, Shea, Taylor and Young.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED HOUSE BILL NO. 2749, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

#### POINT OF PERSONAL PRIVILEGE

Representative Harris: "Mr. Speaker, we are pleased to announce that the reason we have two members excused

today is that they are both at the hospital as their wives are giving birth today.”

There being no objection, the House reverted to the fourth order of business.

#### **INTRODUCTION & FIRST READING**

HB 3005 by Representative Young

AN ACT Relating to improving constituent access and representative engagement; adding a new section to chapter 44.04 RCW; and creating new sections.

Referred to Committee on State Government.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 11:00 a.m., March 8, 2016, the 58th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - REGULAR SESSION**

**FIFTY EIGHTH DAY**

House Chamber, Olympia, Tuesday, March 8, 2016

The House was called to order at 11:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Noemi Carmona Cruz and Owen Shaw. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Brian Wiele, River Ridge Covenant Church, Lacey, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGES FROM THE SENATE**

March 7, 2016

MR. SPEAKER:

The President has signed:

- SENATE BILL NO. 5143,
- SENATE BILL NO. 5270,
- SUBSTITUTE SENATE BILL NO. 5597,
- SUBSTITUTE SENATE BILL NO. 5670,
- SUBSTITUTE SENATE BILL NO. 6117,
- SENATE BILL NO. 6156,
- ENGROSSED SENATE BILL NO. 6166,
- SENATE BILL NO. 6171,
- SENATE BILL NO. 6245,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6248,
- SUBSTITUTE SENATE BILL NO. 6283,
- SENATE BILL NO. 6325,
- SUBSTITUTE SENATE BILL NO. 6358,
- SENATE BILL NO. 6400,
- SENATE BILL NO. 6405,
- SUBSTITUTE SENATE BILL NO. 6449,
- SENATE BILL NO. 6475,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6513,
- ENGROSSED SENATE BILL NO. 6589,
- SENATE BILL NO. 6607,
- SENATE JOINT MEMORIAL NO. 8019,
- SENATE JOINT RESOLUTION NO. 8210,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 7, 2016

MR. SPEAKER:

The President has signed:

- SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553,
- SUBSTITUTE HOUSE BILL NO. 2017,
- HOUSE BILL NO. 2320,
- SECOND SUBSTITUTE HOUSE BILL NO. 2335,
- HOUSE BILL NO. 2350,

- SUBSTITUTE HOUSE BILL NO. 2519,
- SUBSTITUTE HOUSE BILL NO. 2541,
- SUBSTITUTE HOUSE BILL NO. 2584,
- SUBSTITUTE HOUSE BILL NO. 2730,
- HOUSE BILL NO. 2741,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2746,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2785,
- HOUSE BILL NO. 2838,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 7, 2016

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5029,
- SENATE BILL NO. 5605,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5635,
- SUBSTITUTE SENATE BILL NO. 5728,
- SENATE BILL NO. 5879,
- SUBSTITUTE SENATE BILL NO. 6120,
- SUBSTITUTE SENATE BILL NO. 6165,
- SUBSTITUTE SENATE BILL NO. 6179,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6203,
- SUBSTITUTE SENATE BILL NO. 6314,
- SUBSTITUTE SENATE BILL NO. 6338,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6427,
- SUBSTITUTE SENATE BILL NO. 6430,
- SUBSTITUTE SENATE BILL NO. 6445,
- SENATE BILL NO. 6459,
- SUBSTITUTE SENATE BILL NO. 6536,
- SUBSTITUTE SENATE BILL NO. 6558,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6605,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 8, 2016

MR. SPEAKER:

The President has signed:

- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6242,

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 3006 by Representative Dunshee

AN ACT Relating to fully accounting for the cost of basic education by including the costs currently paid through local levies in the four year outlook; amending RCW 43.88.055; and declaring an emergency.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committees so designated.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

#### MESSAGE FROM THE SENATE

March 2, 2016

MR. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2440, with the following amendment(s): 2440-S AMS HSMH S4845.2

Strike everything after the enacting clause and insert the following:

"Sec. 46. RCW 74.15.020 and 2013 c 105 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to

children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or

accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (i) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (ii) screens and provides case management services to youth in the program; (iii) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (iv) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (v) provides mandatory reporter and confidentiality training; (vi) receives no local, state, or federal government funding; and (vii) registers with the secretary of state as provided in section 3 of this act. A host home is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.

(11) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the workforce investment act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**NEW SECTION. Sec. 47.** By July 1, 2017, the department of commerce must report to the governor and the legislature recommendations and best practices for host home programs.

**NEW SECTION. Sec. 48.** A new section is added to chapter 24.03 RCW to read as follows:

(1) Host home programs have the same meaning as described in RCW 74.15.020.

(2) Host home programs shall register with the secretary of state's office. This registration may occur when the host home program files articles of incorporation or registers as a nonprofit organization under this chapter.

(3) The host home program registration must include a notarized statement by the host home program that it meets all of the statutory requirements as provided for in RCW 74.15.020.

(4) The secretary of state has no duty to confirm that a host home program is meeting its statutory requirements.

(5) Any filing under this section does not imply an endorsement by the secretary of state.

(6) The secretary of state may adopt rules as necessary to carry out its duties under this section.

**Sec. 49.** RCW 26.44.030 and 2015 1st sp.s. c 6 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, ~~((or))~~ state family and children's ombuds or any volunteer in the ombuds's office, or host home program has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Organization" includes a sole proprietor, partnership, corporation, limited liability company, trust, association, financial institution, governmental entity, other than the federal government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

(iii) "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

(iv) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11((:)) and 13((:)) RCW and (~~26 RCW~~) this title, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency, including military law enforcement, if appropriate. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report

is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized

by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation; or

(ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of: Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim. Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this chapter, and there is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case. However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Poses a risk of "imminent harm" consistent with the definition provided in RCW 13.34.050, which includes, but is not limited to, sexual abuse and sexual exploitation as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW 13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW, or by the department of early learning.

(c) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment response under this section unless the state or its officers, agents, or employees acted with reckless disregard.

(12)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(13) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within forty-five days of receiving the report; however, upon parental agreement, the family assessment response period may be extended up to ninety days;

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian sign an agreement to participate in services before services are initiated that informs the parents of their rights under family assessment response, all of their options, and the options the department has if the parents do not sign the consent form.

(14)(a) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(i) May interview children. If the department determines that the response to the allegation will be family

assessment response, the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(ii) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(b) The Washington state school directors' association shall adopt a model policy addressing protocols when an interview, as authorized by this subsection, is conducted on school premises. In formulating its policy, the association shall consult with the department and the Washington association of sheriffs and police chiefs.

(15) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombuds of the contents of the report. The department shall also notify the ombuds of the disposition of the report.

(16) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(17)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred. No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

(18) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor.

(19) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(20) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents.

The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

(21) The department shall make efforts as soon as practicable to determine the military status of parents whose children are subject to abuse or neglect allegations. If the department determines that a parent or guardian is in the military, the department shall notify a department of defense family advocacy program that there is an allegation of abuse and neglect that is screened in and open for investigation that relates to that military parent or guardian."

On page 1, line 1 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 74.15.020 and 26.44.030; adding a new section to chapter 24.03 RCW; and creating a new section."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House refused to concur in the Senate amendment to SHB 2440 and asked the Senate to recede therefrom.

**MESSAGE FROM THE SENATE**

March 3, 2016

MR. SPEAKER:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2449, with the following amendment(s): 2449-S2 AMS HSMH S4872.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 50.** The legislature recognizes that all children and youth in Washington state are entitled to a basic education and to an equal opportunity to learn. The legislature recognizes that there are many causes of truancy and that truancy is an indicator of future school dropout and delinquent behavior. The legislature recognizes that early engagement of parents in the education process is an important measure in preventing truancy. It is the intent of the legislature to encourage the systematic identification of truant behavior as early as possible and to encourage the use of best practices and evidence-based interventions to reduce truant behavior in every school in Washington state. The legislature intends that schools, parents, juvenile courts, and communities share resources within and across school districts where possible to enhance the availability of best practices and evidence-based intervention for truant children and youth.

By taking a three-pronged approach and providing additional tools to schools, courts, communities, and families, the legislature hopes to reduce excessive absenteeism, strengthen family engagement with schools,

involve communities, promote academic achievement, reduce educational opportunity gaps, and increase high school graduation rates.

First, with respect to absenteeism in general, the legislature intends to put in place consistent practices and procedures, beginning in kindergarten, pursuant to which schools share information with families about the importance of consistent attendance and the consequences of excessive absences, involve families early, and provide families with information, services, and tools that they may access to improve and maintain their children's school attendance.

Second, the legislature recognizes the success that has been had by school districts and county juvenile courts around the state that have worked in tandem with one another to establish truancy boards capable of prevention and intervention and that regularly stay truancy petitions in order to first allow these boards to identify barriers to school attendance, cooperatively solve problems, and connect students and their families with needed community-based services. While keeping petition filing requirements in place, the legislature intends to require an initial stay of truancy petitions in order to allow for appropriate intervention and prevention before using a court order to enforce attendance laws. The legislature also intends to encourage efforts by county juvenile courts and school districts to establish and maintain community truancy boards and to employ other best practices, including the provision of training for board members and other school and court personnel on trauma-informed approaches to discipline, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families.

Third, the legislature recognizes that there are instances in which individual barriers to school attendance that have led to truancy may be best addressed by providing access to a bed in a HOPE center. The legislature further recognizes that even when a truant student is found in contempt of a court order to attend school, it is best practice that the truant student not be placed in juvenile detention but, where feasible and available, instead be placed in a crisis residential center. The legislature intends to increase the number of beds in HOPE centers and crisis residential centers in order to facilitate their use for truant students.

**Sec. 51.** RCW 28A.225.005 and 2009 c 556 s 5 are each amended to read as follows:

(1) Each school within a school district shall inform the students and the parents of the students enrolled in the school about: The benefits of regular school attendance; the potential effects of excessive absenteeism, whether excused or unexcused, on academic achievement, and graduation and dropout rates; the school's expectations of the parents and guardians to ensure regular school attendance by the child; the resources available to assist the child and the parents and guardians; the role and responsibilities of the school; and the consequences of truancy, including the compulsory education requirements under this chapter. The

school shall provide access to the information (~~(at least annually.)~~) before or at the time of enrollment of the child at a new school and at the beginning of each school year. If the school regularly and ordinarily communicates most other information to parents online, providing online access to the information required by this section satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. Reasonable efforts must be made to enable parents to request and receive the information in a language in which they are fluent. A parent must date and acknowledge review of this information online or in writing before or at the time of enrollment of the child at a new school and at the beginning of each school year.

(2) The office of the superintendent of public instruction shall develop a template that schools may use to satisfy the requirements of subsection (1) of this section and shall post the information on its web site.

**NEW SECTION. Sec. 52.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, in the event that a child in elementary school is required to attend school under RCW 28A.225.010 or 28A.225.015(1) and has five or more excused absences in a single month during the current school year, or ten or more excused absences in the current school year, the school district shall schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of identifying the barriers to the child's regular attendance, and the supports and resources that may be made available to the family so that the child is able to regularly attend school. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the absences, the school district may schedule this conference on that day. To satisfy the requirements of this section, the conference must include at least one school district employee such as a nurse, counselor, social worker, teacher, or community human services provider, except in those instances regarding the attendance of a child who has an individualized education program or a plan developed under section 504 of the rehabilitation act of 1973, in which case the reconvening of the team that created the program or plan is required.

(2) A conference pursuant to subsection (1) of this section is not required in the event of excused absences for which prior notice has been given to the school or a doctor's note has been provided and an academic plan is put in place so that the child does not fall behind.

**Sec. 53.** RCW 28A.225.020 and 2009 c 266 s 1 are each amended to read as follows:

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's (~~(custodial)~~) parent(~~(-parents, or guardian)~~) by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current

school year. School officials shall inform the parent of the potential consequences of additional unexcused absences. If the ~~((custodial))~~ parent ~~((, parents, or guardian))~~ is not fluent in English, the ~~((preferred practice is to))~~ school must make reasonable efforts to provide this information in a language in which the ~~((custodial))~~ parent ~~((, parents, or guardian))~~ is fluent;

(b) Schedule a conference or conferences with the ~~((custodial))~~ parent ~~((, parents, or guardian))~~ and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take data-informed steps to eliminate or reduce the child's absences. These steps shall include the use of the Washington assessment of the risks and needs of students (WARNS), and where appropriate, providing an available approved best practice or research-based intervention, or both, consistent with the WARNS profile, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, ~~((if available,))~~ requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(b) Has failed to meet the school district's policy for excused absences.

(3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and 28A.225.015, along with a copy of any previous assessment as required under subsection (1)(c) of this section, history of any best practices or researched-based intervention previously provided to the child by the child's current school district, and a copy of the most recent truancy information including any online or written acknowledgment by the parent and child, as provided for in RCW 28A.225.005.

**Sec. 54.** RCW 28A.225.025 and 2009 c 266 s 2 are each amended to read as follows:

(1) For purposes of this chapter, "community truancy board" means a board composed of members of the local community in which the child attends school.

~~((Juvenile courts may establish and operate community truancy boards. If the juvenile court and the school district agree, a school district may))~~ All members of a community truancy board must receive training regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. Pursuant to a memorandum of understanding between a school district and a juvenile court, all school districts must establish and operate a community truancy board under the jurisdiction of the juvenile court. ((Juvenile courts may create a community truancy board or may use other entities that exist or are created, such as diversion units. However, a diversion unit or other existing entity must agree before it is used as a truancy board.)) Duties of a community truancy board shall include, but not be limited to: Identifying barriers to school attendance, recommending methods for improving ((school)) attendance such as ((assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences ~~or~~) connecting students and their families with community services and evidence-based services such as functional family therapy, multisystemic therapy, and aggression replacement training, suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program, or referring a child to a HOPE center.

(2) The legislature finds that utilization of community truancy boards ~~((, or other diversion units that fulfill a similar function,))~~ is the preferred means of intervention when preliminary methods ~~((of notice and parent conferences and taking appropriate steps))~~ to eliminate or reduce unexcused absences have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community truancy boards ~~((and other diversion programs which are effective in promoting school attendance and preventing the need for more intrusive intervention by the court)).~~ All school districts must establish a community truancy board by August 1, 2017. Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3).

**Sec. 55.** RCW 28A.225.030 and 2012 c 157 s 1 are each amended to read as follows:

(1) If a child under the age of seventeen is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil

action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The petition must include a list of all interventions that have been attempted as set forth in RCW 28A.225.020, include a copy of any previous truancy assessment completed by the child's current school district, the history of approved best practices intervention or research-based intervention previously provided to the child by the child's current school district, and a copy of the most recent truancy information document signed by the parent and child, pursuant to RCW 28A.225.005. Except as provided in this subsection, no additional documents need be filed with the petition. Nothing in this subsection requires court jurisdiction to terminate when a child turns seventeen or precludes a school district from filing a petition for a child that is seventeen years of age.

(2) The district shall not later than the fifth unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board(~~(, if available,)~~) as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

**Sec. 56.** RCW 28A.225.035 and 2012 c 157 s 2 are each amended to read as follows:

(1) A petition for a civil action under RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:

(a) The child has unexcused absences as described in RCW 28A.225.030(1) during the current school year;

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, date of birth, school, address, gender, race, and ethnicity of the child and the names and addresses of the child's parents, and shall set forth (~~whether~~) the languages in which the child and parent are fluent (~~(in English)~~), whether there is an existing individualized education program, and the child's current academic status in school.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4)(a) When a petition is filed under RCW 28A.225.030 or 28A.225.015, it shall initially be stayed by the juvenile court.

(b) By August 1, 2017, the child and the child's parent must be referred to a community truancy board as described in RCW 28A.225.025.

(c) Between August 1, 2016, and July 31, 2017, intervention and prevention efforts must be employed to substantially reduce the child's unexcused absences. Intervention and prevention efforts under this subsection may include referral to an existing community truancy board, use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, the provision of community-based services, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families. The school district must provide to the court a description of the intervention and prevention efforts to be employed to substantially reduce the child's unexcused absences, along with a timeline for completion. School districts with fewer than two hundred students may work cooperatively with other school districts, the county court, or the school district's educational service district to provide a community truancy board or other interventions approved by the juvenile court and associated screenings and services to its students.

(d) If intervention and prevention efforts under this subsection are unsuccessful at substantially reducing the child's unexcused absences within a reasonable time frame set by the school district, the stay shall be lifted and the juvenile court shall schedule a hearing at which the court shall consider the petition(~~(, or if the court determines that a referral to an available community truancy board would substantially reduce the child's unexcused absences, the court may refer the case to a community truancy board under the jurisdiction of the juvenile court)~~).

(5) (~~(4f)~~) When a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within twenty days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this subsection shall be between the truancy board, the school district, and the child's parent. The court may permit the truancy board or truancy prevention counselor to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015.

(6) If the community truancy board fails to reach an agreement, or the parent or student does not comply with the agreement, the truancy board shall return the case to the juvenile court for a hearing.

(7)(a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's

unexcused absences. When a juvenile court hearing is held, the court shall:

(i) Separately notify the child, the parent of the child, and the school district of the hearing. If the parent is not fluent in English, ~~((the preferred practice is for))~~ notice ~~((to))~~ should be provided in a language in which the parent is fluent as indicated on the petition pursuant to RCW 28A.225.030(1);

(ii) Notify the parent and the child of their rights to present evidence at the hearing; and

(iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(b) If the child is not provided with counsel, the advisement of rights must take place in court by means of a colloquy between the court, the child if eight years old or older, and the parent.

(8)(a) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

(b) The court may not issue a bench warrant for a child for failure to appear at a hearing on an initial truancy petition filed under RCW 28A.225.030. If there has been proper service, the court may instead enter a default order assuming jurisdiction under the terms specified in subsection (12) of this section.

(9) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or 28A.225.015.

(10) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

(11) If the child is in a special education program or has a diagnosed mental or emotional disorder, the court shall inquire as to what efforts the school district has made to assist the child in attending school.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

(13)(a) If the court assumes jurisdiction, the school district shall periodically report to the court any additional unexcused absences by the child, actions taken by the school district, and an update on the child's academic status in school at a schedule specified by the court.

(b) The first report under this subsection (13) must be received no later than three months from the date that the court assumes jurisdiction.

(14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

**Sec. 57.** RCW 28A.225.090 and 2009 c 266 s 4 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, ~~((including suspensions))~~ which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) ~~((Be referred to a community truancy board, if available; or~~

~~((Submit to ((testing for the use of controlled substances or alcohol based on a determination that such testing)) a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the ((drug)) substance abuse assessment at no expense to the school;~~

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child.

and will facilitate the child's compliance with the mandatory attendance law; or

(f) Submit to a temporary placement in a crisis residential center if the court determines there is an immediate health and safety concern, or a family conflict with the need for mediation.

(2) If the child fails to comply with the court order, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community restitution. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seven days. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

**Sec. 58.** RCW 43.185C.315 and 2015 c 69 s 22 are each amended to read as follows:

(1) The department shall establish HOPE centers that provide no more than seventy-five beds across the state and may establish HOPE centers by contract, within funds

appropriated by the legislature specifically for this purpose. HOPE centers shall be operated in a manner to reasonably assure that street youth placed there will not run away. Street youth may leave a HOPE center during the course of the day to attend school or other necessary appointments, but the street youth must be accompanied by an administrator or an administrator's designee. The street youth must provide the administration with specific information regarding his or her destination and expected time of return to the HOPE center. Any street youth who runs away from a HOPE center shall not be readmitted unless specifically authorized by the street youth's placement and liaison specialist, and the placement and liaison specialist shall document with specific factual findings an appropriate basis for readmitting any street youth to a HOPE center. HOPE centers are required to have the following:

~~((1))~~ (a) A license issued by the department of social and health services;

~~((2))~~ (b) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. This professional staff person may be contractual or a part-time employee, but must be available to work with street youth in a HOPE center at a ratio of one to every fifteen youth staying in a HOPE center. This professional shall be known as a placement and liaison specialist. Preference shall be given to those professionals cross-credentialed in mental health and chemical dependency. The placement and liaison specialist shall:

~~((a))~~ (i) Conduct an assessment of the street youth that includes a determination of the street youth's legal status regarding residential placement;

~~((b))~~ (ii) Facilitate the street youth's return to his or her legally authorized residence at the earliest possible date or initiate processes to arrange legally authorized appropriate placement. Any street youth who may meet the definition of dependent child under RCW 13.34.030 must be referred to the department of social and health services. The department of social and health services shall determine whether a dependency petition should be filed under chapter 13.34 RCW. A shelter care hearing must be held within seventy-two hours to authorize out-of-home placement for any youth the department of social and health services determines is appropriate for out-of-home placement under chapter 13.34 RCW. All of the provisions of chapter 13.32A RCW must be followed for children in need of services or at-risk youth;

~~((c))~~ (iii) Interface with other relevant resources and system representatives to secure long-term residential placement and other needed services for the street youth;

~~((d))~~ (iv) Be assigned immediately to each youth and meet with the youth within eight hours of the youth receiving HOPE center services;

~~((e))~~ (v) Facilitate a physical examination of any street youth who has not seen a physician within one year prior to residence at a HOPE center and facilitate evaluation by a county-designated mental health professional, a chemical dependency specialist, or both if appropriate; and

~~((6))~~ (vi) Arrange an educational assessment to measure the street youth's competency level in reading, writing, and basic mathematics, and that will measure learning disabilities or special needs;

~~((3))~~ (c) Staff trained in development needs of street youth as determined by the department, including an administrator who is a professional with a master's degree in counseling, social work, or a related field and at least one year of experience working with street youth, or a bachelor of arts degree in social work or a related field and five years of experience working with street youth, who must work with the placement and liaison specialist to provide appropriate services on site;

~~((4))~~ (d) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the department;

~~((5))~~ (e) Notification requirements that meet the notification requirements of chapter 13.32A RCW. The youth's arrival date and time must be logged at intake by HOPE center staff. The staff must immediately notify law enforcement and dependency caseworkers if a street youth runs away from a HOPE center. A child may be transferred to a secure facility as defined in RCW 13.32A.030 whenever the staff reasonably believes that a street youth is likely to leave the HOPE center and not return after full consideration of the factors set forth in RCW 43.185C.290(2)(a) (i) and (ii). The street youth's temporary placement in the HOPE center must be authorized by the court or the secretary of the department of social and health services if the youth is a dependent of the state under chapter 13.34 RCW or the department of social and health services is responsible for the youth under chapter 13.32A RCW, or by the youth's parent or legal custodian, until such time as the parent can retrieve the youth who is returning to home;

~~((6))~~ (f) HOPE centers must identify to the department of social and health services any street youth it serves who is not returning promptly to home. The department of social and health services then must contact the missing children's clearinghouse identified in chapter 13.60 RCW and either report the youth's location or report that the youth is the subject of a dependency action and the parent should receive notice from the department of social and health services; and

~~((7))~~ (g) Services that provide counseling and education to the street youth~~(; and)~~.

~~((8))~~ (2) The department shall award contracts for the operation of HOPE center beds with the goal of facilitating the coordination of services provided for youth by such programs and those services provided by secure and semi-secure crisis residential centers.

(3) Subject to funds appropriated for this purpose, the department must incrementally increase the number of available HOPE beds by at least seventeen beds in fiscal year 2017, at least seventeen beds in fiscal year 2018, and at least seventeen beds in fiscal year 2019, such that by July 1, 2019, seventy-five HOPE beds are established and operated throughout the state as set forth in subsection (1) of this section.

(4) Subject to funds appropriated for this purpose, the beds available in HOPE centers shall be increased incrementally beyond the limit of seventy-five set forth in subsection (1) of this section. The additional capacity shall be distributed around the state based upon need and, to the extent feasible, shall be geographically situated so that HOPE beds are available across the state. In determining the need for increased numbers of HOPE beds in a particular county or counties, one of the considerations should be the volume of truancy petitions filed there.

**Sec. 59.** RCW 43.185C.320 and 2015 c 69 s 23 are each amended to read as follows:

To be eligible for placement in a HOPE center, a minor must be either a street youth, as that term is defined in this chapter, or a youth who, without placement in a HOPE center, will continue to participate in increasingly risky behavior, including truancy. Youth may also self-refer to a HOPE center. Payment for a HOPE center bed is not contingent upon prior approval by the department; however, approval from the department of social and health services is needed if the youth is dependent under chapter 13.34 RCW.

**NEW SECTION. Sec. 60.** A new section is added to chapter 43.185C RCW to read as follows:

Subject to funds appropriated for this purpose, the capacity available in crisis residential centers established pursuant to this chapter shall be increased incrementally by no fewer than ten beds per fiscal year through fiscal year 2019 in order to accommodate truant students found in contempt of a court order to attend school. The additional capacity shall be distributed around the state based upon need and, to the extent feasible, shall be geographically situated to expand the use of crisis residential centers as set forth in this chapter so they are available for use by all courts for housing truant youth.

**Sec. 61.** RCW 28A.165.005 and 2013 2nd sp.s. c 18 s 201 are each amended to read as follows:

(1) This chapter is designed to: (a) Promote the use of data when developing programs to assist underachieving students and reduce disruptive behaviors in the classroom; and (b) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist underachieving students and reduce disruptive behaviors in the classroom.

(2) School districts implementing a learning assistance program shall focus first on addressing the needs of students:

(a) In grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy; and

(b) Referred to community truancy boards as defined in RCW 28A.225.025.

**Sec. 62.** RCW 28A.165.035 and 2013 2nd sp.s. c 18 s 203 are each amended to read as follows:

(1) Beginning in the 2015-16 school year, expenditure of funds from the learning assistance program must be consistent with the provisions of RCW 28A.655.235.

(2) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

- (a) Extended learning time opportunities occurring:
  - (i) Before or after the regular school day;
  - (ii) On Saturday; and
  - (iii) Beyond the regular school year;
- (b) Services under RCW 28A.320.190;
- (c) Professional development for certificated and classified staff that focuses on:
  - (i) The needs of a diverse student population;
  - (ii) Specific literacy and mathematics content and instructional strategies; and
  - (iii) The use of student work to guide effective instruction and appropriate assistance;
- (d) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

- (e) Tutoring support for participating students;
- (f) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; ~~(and)~~
- (g) Up to five percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The office of the superintendent of public instruction must approve any community-based organization or local agency before learning assistance funds may be expended; and

(h) Up to two percent of a district's learning assistance program allocation may be used to fund community truancy board activities and student supports as described in RCW 28A.225.025.

(3) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.

(4)(a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection (3) of this section or RCW 28A.655.235.

(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (3) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

(5) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.

**Sec. 63.** RCW 28A.655.235 and 2013 2nd sp.s. c 18 s 106 are each amended to read as follows:

(1)(a) Beginning in the 2015-16 school year, except as otherwise provided in this subsection (1), for any student who received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, the school district must implement an intensive reading and literacy improvement strategy from a state menu of best practices established in accordance with subsection (3) of this section or an alternative strategy in accordance with subsection (4) of this section.

(b) Beginning August 1, 2017, the school district must implement a community truancy board as provided in RCW 28A.165.035.

(c) Reading and literacy improvement strategies for students with disabilities whose individualized education program includes specially designed instruction in reading or English language arts shall be as provided in the individualized education program.

(2)(a) Also beginning in the 2015-16 school year, in any school where more than forty percent of the tested students received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, as calculated under this subsection (2), the school district must implement an intensive reading and literacy improvement strategy from a state menu of best practices established in accordance with subsection (3) of this section or an alternative strategy in accordance with subsection (4) of this section for all students in grades kindergarten through four at the school.

(b) For the purposes of this subsection (2), the office of the superintendent of public instruction shall exclude the following from the calculation of a school's percentage of tested students receiving a score of basic or below basic on the third grade statewide student assessment:

- (i) Students enrolled in the transitional bilingual instruction program unless the student has participated in the transitional bilingual instruction program for three school years;
- (ii) Students with disabilities whose individualized education program specifies a different standard to measure reading performance than is required for the statewide student assessment; and
- (iii) Schools with fewer than ten students in third grade.

(3) The office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop a state menu of best practices and strategies for intensive reading and literacy improvement designed to assist struggling students in reaching grade level in reading by the end of fourth grade. The state menu must also include best practices and strategies to improve the reading and literacy of students who are English language learners and for system improvements that schools and school districts can implement to improve reading instruction for all students. The office of the superintendent of public instruction shall publish the state menu by July 1, 2014, and update the state menu by each July 1st thereafter.

(4) School districts may use an alternative practice or strategy that is not on a state menu developed under subsection (3) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction must approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate an increase in improved outcomes for participating students.

**NEW SECTION. Sec. 64.** The office of the superintendent of public instruction shall develop recommendations as to how mandatory school attendance and truancy amelioration provisions under chapter 28A.225 RCW should be applied to online schools and report back to the relevant committees of the legislature by November 1, 2016.

**NEW SECTION. Sec. 65.** A new section is added to chapter 43.330 RCW to read as follows:

(1) By requiring an initial stay of truancy petitions for diversion to community truancy boards, the legislature intends to achieve the following outcomes:

(a) Increased access to community truancy boards and other truancy early intervention programs for parents and children throughout the state;

(b) Increased quantity and quality of truancy intervention and prevention efforts in the community;

(c) A reduction in the number of truancy petitions that result in further proceedings by juvenile courts, other than dismissal of the petition, after the initial stay and diversion to a community truancy board;

(d) A reduction in the number of truancy petitions that result in a civil contempt proceeding or detention order; and

(e) Increased school attendance.

(2) No later than January 1, 2021, the Washington state institute for public policy is directed to evaluate the effectiveness of chapter . . . , Laws of 2016 (this act). An initial report scoping of the methodology to be used to review chapter . . . , Laws of 2016 (this act) shall be submitted to the fiscal committees of the legislature by January 1, 2018. The initial report must identify any data gaps that could hinder the ability of the institute to conduct its review.

**NEW SECTION. Sec. 66.** Sections 12 through 14 of this act take effect September 1, 2016."

On page 1, line 2 of the title, after "truancy;" strike the remainder of the title and insert "amending RCW 28A.225.005, 28A.225.020, 28A.225.025, 28A.225.030, 28A.225.035, 28A.225.090, 43.185C.315, 43.185C.320, 28A.165.005, 28A.165.035, and 28A.655.235; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 43.185C RCW; adding a new section to chapter 43.330 RCW; creating new sections; and providing an effective date."

and the same is herewith transmitted.

Hunter G. Goodman Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to 2SHB 2449 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 2, 2016

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1448 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 67.** The legislature finds that law enforcement officers may respond to situations in which an individual has threatened harm to himself or herself, but that individual does not meet the criteria to be taken into custody for an evaluation under the involuntary treatment act. In these situations, officers are encouraged to facilitate contact between the individual and a mental health professional in order to protect the individual and the

community. While the legislature acknowledges that some law enforcement officers receive mental health training, law enforcement officers are not mental health professionals. It is the intent of the legislature that mental health incidents are addressed by mental health professionals.

**NEW SECTION. Sec. 68.** A new section is added to chapter 71.05 RCW to read as follows:

When funded, the Washington association of sheriffs and police chiefs, in consultation with the criminal justice training commission, must develop and adopt a model policy for use by law enforcement agencies relating to a law enforcement officer's referral of a person to a mental health agency after receiving a report of threatened or attempted suicide. The model policy must complement the criminal justice training commission's crisis intervention training curriculum.

**NEW SECTION. Sec. 69.** A new section is added to chapter 71.05 RCW to read as follows:

By July 1, 2017, all general authority Washington law enforcement agencies must adopt a policy establishing criteria and procedures for a law enforcement officer to refer a person to a mental health agency after receiving a report of threatened or attempted suicide.

**Sec. 70.** RCW 71.05.120 and 2000 c 94 s 4 are each amended to read as follows:

(1) No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor any county designated mental health professional, nor the state, a unit of local government, or an evaluation and treatment facility shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to admit, discharge, release, administer antipsychotic medications, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) Peace officers and their employing agencies are not liable for the referral of a person, or the failure to refer a person, to a mental health agency pursuant to a policy adopted pursuant to section 3 of this act if such action or inaction is taken in good faith and without gross negligence.

(3) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate

the threat to the victim or victims and to law enforcement personnel.

**NEW SECTION. Sec. 71.** A new section is added to chapter 71.05 RCW to read as follows:

As soon as possible, but no later than twenty-four hours from receiving a referral from a law enforcement officer or law enforcement agency, excluding Saturdays, Sundays, and holidays, a mental health professional contacted by the designated mental health professional agency must attempt to contact the referred person to determine whether additional mental health intervention is necessary including, if needed, an assessment by a designated mental health professional for initial detention under RCW 71.05.150 or 71.05.153. Documentation of the mental health professional's attempt to contact and assess the person must be maintained by the designated mental health professional agency.

**NEW SECTION. Sec. 72.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "suicide;" strike the remainder of the title and insert "amending RCW 71.05.120; adding new sections to chapter 71.05 RCW; and creating new sections."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1448 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Riccelli and Rodne spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Harris, Representatives Stokesbary and Zeiger were excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1448, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1448, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Scott and Taylor.

Excused: Representatives Stokesbary and Zeiger.

SECOND SUBSTITUTE HOUSE BILL NO. 1448, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 3, 2016

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1918 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 73. RCW 38.52.180 and 2011 c 336 s 791 are each amended to read as follows:

(1) There shall be no liability on the part of anyone including any person, partnership, corporation, the state of Washington or any political subdivision thereof who owns or maintains any building or premises which have been designated by a local organization for emergency management as a shelter from destructive operations or attacks by enemies of the United States for any injuries sustained by any person while in or upon said building or premises, as a result of the condition of said building or premises or as a result of any act or omission, or in any way arising from the designation of such premises as a shelter, when such person has entered or gone upon or into said building or premises for the purpose of seeking refuge therein during destructive operations or attacks by enemies of the United States or during tests ordered by lawful authority, except for an act of willful negligence by such owner or occupant or his or her servants, agents, or employees.

(2) All legal liability for damage to property or injury or death to persons (except an emergency worker, regularly enrolled and acting as such), caused by acts done or attempted during or while traveling to or from an emergency or disaster, search and rescue, or training or exercise authorized by the department in preparation for an emergency or disaster or search and rescue, under the color

of this chapter in a bona fide attempt to comply therewith, except as provided in subsections (3), (4), and (5) of this section regarding covered volunteer emergency workers, shall be the obligation of the state of Washington. Suits may be instituted and maintained against the state for the enforcement of such liability, or for the indemnification of persons appointed and regularly enrolled as emergency workers while actually engaged in emergency management duties, or as members of any agency of the state or political subdivision thereof engaged in emergency management activity, or their dependents, for damage done to their private property, or for any judgment against them for acts done in good faith in compliance with this chapter: PROVIDED, That the foregoing shall not be construed to result in indemnification in any case of willful misconduct, gross negligence, or bad faith on the part of any agent of emergency management: PROVIDED, That should the United States or any agency thereof, in accordance with any federal statute, rule, or regulation, provide for the payment of damages to property and/or for death or injury as provided for in this section, then and in that event there shall be no liability or obligation whatsoever upon the part of the state of Washington for any such damage, death, or injury for which the United States government assumes liability.

(3) No act or omission by a covered volunteer emergency worker while engaged in a covered activity shall impose any liability for civil damages resulting from such an act or omission upon:

(a) The covered volunteer emergency worker;

(b) The supervisor or supervisors of the covered volunteer emergency worker;

(c) Any facility or their officers or employees;

(d) The employer of the covered volunteer emergency worker;

(e) The owner of the property or vehicle where the act or omission may have occurred during the covered activity;

(f) Any local organization that registered the covered volunteer emergency worker; and

(g) The state or any state or local governmental entity.

(4) The immunity in subsection (3) of this section applies only when the covered volunteer emergency worker was engaged in a covered activity:

(a) Within the scope of his or her assigned duties;

(b) Under the direction of a local emergency management organization or the department, or a local law enforcement agency for search and rescue; and

(c) The act or omission does not constitute gross negligence or willful or wanton misconduct.

(5) For purposes of this section:

(a) "Covered volunteer emergency worker" means an emergency worker as defined in RCW 38.52.010 who (i) is not receiving or expecting compensation as an emergency worker from the state or local government, or (ii) is not a state or local government employee unless on leave without pay status.

(b) "Covered activity" means:

(i) Providing assistance or transportation authorized by the department during an emergency or disaster or search and rescue as defined in RCW 38.52.010, whether

such assistance or transportation is provided at the scene of the emergency or disaster or search and rescue, at an alternative care site, at a hospital, or while in route to or from such sites or between sites; or

(ii) Participating in training or exercise authorized by the department in preparation for an emergency or disaster or search and rescue.

(6) Any requirement for a license to practice any professional, mechanical, or other skill shall not apply to any authorized emergency worker who shall, in the course of performing his or her duties as such, practice such professional, mechanical, or other skill during an emergency described in this chapter.

(7) The provisions of this section shall not affect the right of any person to receive benefits to which he or she would otherwise be entitled under this chapter, or under the workers' compensation law, or under any pension or retirement law, nor the right of any such person to receive any benefits or compensation under any act of congress.

(8) Any act or omission by a covered volunteer emergency worker while engaged in a covered activity using an off-road vehicle, nonhighway vehicle, or wheeled all-terrain vehicle does not impose any liability for civil damages resulting from such an act or omission upon the covered volunteer emergency worker or the worker's sponsoring organization.

**Sec. 74.** RCW 46.09.320 and 2011 c 171 s 24 are each amended to read as follows:

~~(The department shall issue a certificate of title to the owner of an off-road vehicle. The owner shall pay the fee established under RCW 46.17.100. Issuance of the certificate of title does not qualify the vehicle for registration under chapter 46.16A RCW.)~~ (1) The application for a certificate of title of an off-road vehicle must be made by the owner or owner's representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department and must contain:

(a) A description of the off-road vehicle, including make, model, vehicle identification number or engine serial number if no vehicle identification number exists, type of body, and model year of the vehicle;

(b) The name and address of the person who is the registered owner of the off-road vehicle and, if the off-road vehicle is subject to a security interest, the name and address of the secured party; and

(c) Other information the department may require.

(2) The application for a certificate of title must be signed by the person applying to be the registered owner and be sworn to by that person in the manner described under RCW 9A.72.085.

(3) The owner must pay the fee established under RCW 46.17.100.

(4) Issuance of the certificate of title does not qualify the off-road vehicle for registration under chapter 46.16A RCW.

**Sec. 75.** RCW 46.09.442 and 2013 2nd sp.s. c 23 s 4 are each amended to read as follows:

(1) Any wheeled all-terrain vehicle operated within this state must display a metal tag to be affixed to the rear of the wheeled all-terrain vehicle. The initial metal tag must be issued with an original off-road vehicle registration and upon payment of the initial vehicle license fee under RCW 46.17.350(1)(s). The metal tag must be replaced every seven years at a cost of two dollars. Revenue from replacement metal tags must be deposited into the nonhighway and off-road vehicle activities program account. The department must design the metal tag, which must:

(a) Be the same size as a motorcycle license plate;

(b) Have the words "RESTRICTED VEHICLE" listed at the top of the tag;

(c) Contain designated identification through a combination of letters and numbers;

(d) Leave space at the bottom left corner of the tag for an off-road tab issued under subsection (2) of this section; and

(e) Leave space at the bottom right corner of the tag for an on-road tab, when required, issued under subsection (3) of this section.

(2) Except as provided in subsection (6)(b) of this section, a person who operates a wheeled all-terrain vehicle must have a current and proper off-road vehicle registration, with the appropriate off-road tab, and pay the annual vehicle license fee as provided in RCW 46.17.350(1)(s), which must be deposited into the nonhighway and off-road vehicle activities program account. The off-road tab must be issued annually by the department upon payment of initial and renewal vehicle license fees under RCW 46.17.350(1)(s).

(3) Except as provided in subsection (6)(a) of this section, a person who operates a wheeled all-terrain vehicle upon a public roadway must have a current and proper on-road vehicle registration, with the appropriate on-road tab, which must be of a bright color that can be seen from a reasonable distance, and pay the annual vehicle license fee as provided in RCW 46.17.350(1)(r). The on-road tab must be issued annually by the department upon payment of initial and renewal vehicle license fees under RCW 46.17.350(1)(r).

(4) Beginning July 1, 2017, for purposes of subsection (3) of this section, a special year tab issued pursuant to chapter 46.19 RCW to a person with a disability may be displayed on a wheeled all-terrain vehicle in lieu of an on-road tab.

(5) A wheeled all-terrain vehicle may not be registered for commercial use.

(6)(a) A wheeled all-terrain vehicle registration and a metal tag are not required under this chapter for a wheeled all-terrain vehicle that meets the definition in RCW 46.09.310(19), is owned by a resident of another state, and has a vehicle registration and metal tag or license plate issued in accordance with the laws of the other state allowing for on-road travel in that state. This exemption applies only to the extent that: (i) A similar exemption or privilege is granted under the laws of that state for wheeled all-terrain vehicles registered in Washington, and (ii) the other state has equipment requirements for on-road use that meet or exceed the requirements listed in RCW 46.09.457. The department may publish on its web site a list of states

that meet the exemption requirements under this subsection.

(b) Off-road operation in Washington state of a wheeled all-terrain vehicle owned by a resident of another state and meeting the definition in RCW 46.09.310(19) is governed by RCW 46.09.420(4).

**Sec. 76.** RCW 46.09.457 and 2015 c 160 s 1 are each amended to read as follows:

(1) A person may operate a wheeled all-terrain vehicle upon any public roadway of this state, not including nonhighway roads and trails, subject to RCW 46.09.455 and the following equipment and declaration requirements:

(a) A person who operates a wheeled all-terrain vehicle must comply with the following equipment requirements:

(i) Headlights meeting the requirements of RCW 46.37.030 and 46.37.040 and used at all times when the vehicle is in motion upon a highway;

(ii) One tail lamp meeting the requirements of RCW 46.37.525 and used at all times when the vehicle is in motion upon a highway; however, a utility-type vehicle, as described under RCW 46.09.310, must have two tail lamps meeting the requirements of RCW 46.37.070(1) and to be used at all times when the vehicle is in motion upon a highway;

(iii) A stop lamp meeting the requirements of RCW 46.37.200;

(iv) Reflectors meeting the requirements of RCW 46.37.060;

(v) During hours of darkness, as defined in RCW 46.04.200, turn signals meeting the requirements of RCW 46.37.200. Outside of hours of darkness, the operator must comply with RCW 46.37.200 or 46.61.310;

(vi) A mirror attached to either the right or left handlebar, which must be located to give the operator a complete view of the highway for a distance of at least two hundred feet to the rear of the vehicle; however, a utility-type vehicle, as described under RCW 46.09.310(19), must have two mirrors meeting the requirements of RCW 46.37.400;

(vii) A windshield meeting the requirements of RCW 46.37.430, unless the operator wears glasses, goggles, or a face shield while operating the vehicle, of a type conforming to rules adopted by the Washington state patrol;

(viii) A horn or warning device meeting the requirements of RCW 46.37.380;

(ix) Brakes in working order;

(x) A spark arrester and muffling device meeting the requirements of RCW 46.09.470; and

(xi) For utility-type vehicles, as described under RCW 46.09.310(19), seat belts meeting the requirements of RCW 46.37.510.

(b) A person who operates a wheeled all-terrain vehicle upon a public roadway must provide a declaration that includes the following:

(i) Documentation of a safety inspection to be completed by a licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop in the state of Washington that must outline the vehicle information and certify under oath

that all wheeled all-terrain vehicle equipment as required under this section meets the requirements outlined in state and federal law. A person who makes a false statement regarding the inspection of equipment required under this section is guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040;

(ii) Documentation that the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop did not charge more than fifty dollars per safety inspection and that the entire safety inspection fee is paid directly and only to the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop;

(iii) A statement that the licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop is entitled to the full amount charged for the safety inspection;

(iv) A vehicle identification number verification that must be completed by a licensed wheeled all-terrain vehicle dealer or motor vehicle repair shop in the state of Washington;

(v) A release, on a form to be supplied by the department, signed by the owner of the wheeled all-terrain vehicle and verified by the department, county auditor or other agent, or subagent appointed by the director that releases the state, counties, cities, and towns from any liability; and

(vi) A statement that outlines that the owner understands that the original wheeled all-terrain vehicle was not manufactured for on-road use and that it has been modified for use on public roadways.

(2) This section does not apply to emergency services vehicles, vehicles used for emergency management purposes, or vehicles used in the production of agricultural and timber products on and across lands owned, leased, or managed by the owner or operator of the wheeled all-terrain vehicle or the operator's employer.

**Sec. 77.** RCW 46.19.030 and 2014 c 124 s 4 are each amended to read as follows:

(1) The department shall design special license plates for persons with disabilities, parking placards, and year tabs displaying the international symbol of access.

(2) Special license plates for persons with disabilities must be displayed on the motor vehicle as standard issue license plates as described in RCW 46.16A.200.

(3) Parking placards must include both a serial number and the expiration date on the face of the placard. The expiration date and serial number must be of a sufficient size as to be easily visible from a distance of ten feet from where the placard is displayed.

(4) Parking placards must be displayed when the motor vehicle is parked by suspending it from the rearview mirror. In the absence of a rearview mirror, the parking placard must be displayed on the dashboard. The parking placard must be displayed in a manner that allows for the entire placard to be viewed through the vehicle windshield.

(5) Special year tabs for persons with disabilities must be displayed on license plates or metal tags issued pursuant to RCW 46.09.442, in a manner as defined by the department.

(6) Persons who have been issued special license plates for persons with disabilities, parking placards, or special license plates with a special year tab for persons with disabilities may park in places reserved for persons with physical disabilities.

NEW SECTION. **Sec. 78.** Sections 2 and 5 of this act take effect July 1, 2017."

On page 1, line 2 of the title, after "drivers;" strike the remainder of the title and insert "amending RCW 38.52.180, 46.09.320, 46.09.442, 46.09.457, and 46.19.030; and providing an effective date."

and the same is herewith transmitted.  
Hunter G. Goodman, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1918 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Shea and Fey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1918, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 1918, as amended by the Senate, and the bill passed the House by the following vote:Yeas, 91; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Bergquist, Dent, Klippert, Ryu and Tarleton.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED HOUSE BILL NO. 1918, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**STATEMENT FOR THE JOURNAL**

I intended to vote YEA on Engrossed House Bill No. 1918.

Representative Dent, 13th District

**THIRD READING**

**MESSAGE FROM THE SENATE**

March 2, 2016

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2359 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"PART I  
CORRECTING FORM YEAR DESIGNATIONS**

Sec. 1. RCW 6.21.040 and 1987 c 442 s 604 are each amended to read as follows:

The notice of sale shall be printed or typed and shall be in substantially the following form, except that if the sale is not pursuant to a judgment of foreclosure of a mortgage or a statutory lien, the notice shall also contain a statement that the sheriff has been informed that there is not sufficient personal property to satisfy the judgment and that if the judgment debtor or debtors do have sufficient personal property to satisfy the judgment, the judgment debtor or debtors should contact the sheriff's office immediately:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR . . . . COUNTY  
Plaintiff,  
vs.  
Defendant.

CAUSE NO.  
SHERIFF'S NOTICE TO JUDGMENT DEBTOR OF SALE OF REAL PROPERTY  
TO: [Judgment Debtor]

The Superior Court of . . . . . County has directed the undersigned Sheriff of . . . . . County to sell the property described below to satisfy a judgment in the above-entitled action. The property to be sold is described on the reverse side of this notice. If developed, the property address is: . . . . .

The sale of the above-described property is to take place:  
Time: . . . . .  
Date: . . . . .  
Place: . . . . .

The judgment debtor can avoid the sale by paying the judgment amount of \$ . . . . ., together with interest, costs, and

fees, before the sale date. For the exact amount, contact the sheriff at the address stated below:

This property is subject to: (check one)

- 1. No redemption rights after sale.
- 2. A redemption period of eight months which will expire at 4:30 p.m. on the . . . . day of . . . . ., ((19 . . .)) (year) . . . .
- 3. A redemption period of one year which will expire at 4:30 p.m. on the . . . . day of . . . . ., ((19 . . .)) (year) . . . .

The judgment debtor or debtors or any of them may redeem the above described property at any time up to the end of the redemption period by paying the amount bid at the sheriff's sale plus additional costs, taxes, assessments, certain other amounts, fees, and interest. If you are interested in redeeming the property contact the undersigned sheriff at the address stated below to determine the exact amount necessary to redeem.

IMPORTANT NOTICE: IF THE JUDGMENT DEBTOR OR DEBTORS DO NOT REDEEM THE PROPERTY BY 4:30 p.m. ON THE . . . . DAY OF . . . . ., ((19 . . .)) (year) . . . ., THE END OF THE REDEMPTION PERIOD, THE PURCHASER AT THE SHERIFF'S SALE WILL BECOME THE OWNER AND MAY EVICT THE OCCUPANT FROM THE PROPERTY UNLESS THE OCCUPANT IS A TENANT HOLDING UNDER AN UNEXPIRED LEASE. IF THE PROPERTY

TO BE SOLD IS OCCUPIED AS A PRINCIPAL RESIDENCE BY THE JUDGMENT DEBTOR OR DEBTORS AT THE TIME OF SALE, HE, SHE, THEY, OR ANY OF THEM MAY HAVE THE RIGHT TO RETAIN POSSESSION DURING THE REDEMPTION PERIOD, IF ANY, WITHOUT PAYMENT OF ANY RENT OR OCCUPANCY FEE. THE JUDGMENT DEBTOR MAY ALSO HAVE A RIGHT TO RETAIN POSSESSION DURING ANY REDEMPTION PERIOD IF THE PROPERTY IS USED FOR FARMING OR IF THE PROPERTY IS BEING SOLD UNDER A MORTGAGE THAT SO PROVIDES.

. . . . . SHERIFF-DIRECTOR, . . . . . COUNTY, WASHINGTON.

By . . . . ., Deputy  
Address . . . . .  
City . . . . .  
Washington 9 . . . . .  
Phone ( . . . ) . . . . .

Sec. 2. RCW 6.23.030 and 1987 c 442 s 703 are each amended to read as follows:

(1) If the property is subject to a homestead as provided in chapter 6.13 RCW, the purchaser, or the redemptioner if the property has been redeemed, shall send a notice, in the form prescribed in subsection (3) of this section, at least forty but not more than sixty days before the expiration of the judgment debtor's redemption period both by regular mail and by certified mail, return receipt requested, to the judgment debtor or debtors and to each of them separately, if there is more than one judgment debtor, at their last known address or addresses and to "occupant" at the property address. The party who sends the notice shall file a copy of the notice with an affidavit of mailing with the clerk of the court and deliver or mail a copy to the sheriff.

(2) Failure to comply with this section extends the judgment debtor's redemption period six months. If the redemption period is extended, no further notice need be sent. Time for redemption by redemptioners shall not be extended.

(3) The notice and affidavit of mailing required by subsection (1) of this section shall be in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR . . . . COUNTY

Plaintiff,  
vs.  
Defendant.

CAUSE NO.

NOTICE OF EXPIRATION OF REDEMPTION PERIOD

TO: [Judgment Debtor]

THIS IS AN IMPORTANT NOTICE AFFECTING YOUR RIGHT TO RETAIN YOUR PROPERTY.

NOTICE IS HEREBY GIVEN that the period for redemption of the following described real property ("the property") is expiring. The property is situated in the County of . . . . ., State of Washington, to wit:

. . . . . [legal description] . . . . . and commonly known as . . . . ., which was sold by . . . . ., . . . . . County Sheriff, in . . . ., . . . . . County, Washington on the . . . . day of . . . . ., ((19 . . .)) (year) . . . ., under and by virtue of a writ of execution and order of sale issued by the court in the above-entitled action.

THE REDEMPTION PERIOD FOR THE PROPERTY IS . . . . MONTHS. THE REDEMPTION PERIOD COMMENCED ON . . . . ., ((19 . . .)) (year) . . . ., AND WILL EXPIRE AT 4:30 p.m. ON . . . . ., ((19 . . .)) (year) . . . .

If you intend to redeem the property described above you must give written notice of your intention to the . . . . . County Sheriff on or before . . . . ., ((19 . . .)) (year) . . . .

Following is an itemized account of the amount required to redeem the property to date:

Item	Amount
Purchase price paid at sale	\$
Interest from date of sale to date of this notice at . . . . percent per annum	\$
Real estate taxes plus interest	\$
Assessments plus interest	\$
Liens or other costs paid by purchaser or purchaser's successor during redemption period plus interest	\$
Lien of redemptioner	\$
<b>TOTAL REQUIRED TO REDEEM AS OF THE DATE OF THIS NOTICE</b>	<b>\$</b>

You may redeem the property by 4:30 p.m. on or before the . . . . day of . . . . ., ((19 . . .)) (year) . . . ., by paying the amount set forth above and such other amounts as may be required by law. Payment must be in the full amount and in cash, certified check, or cashier's check. Because such other amounts as may be required by law to redeem may include presently unknown expenditures required to operate, preserve, protect, or insure the property, or the amount to comply with state or local laws, or the amounts of prior liens,

with interest, held by the purchaser or a redemptioner, it will be necessary for you to contact the . . . . . County Sheriff at the address stated below prior to the time you tender the redemption amount so that you may be informed exactly how much you will have to pay to redeem the property.

. . . . . SHERIFF-DIRECTOR, . . . . . COUNTY, WASHINGTON.

By . . . . ., Deputy  
Address . . . . .  
City . . . . .  
Washington 9 . . . . .  
Phone ( . . . ) . . . . .

IF YOU FAIL TO REDEEM THE PROPERTY BY 4:30 p.m. ON OR BEFORE THE . . . . DAY OF . . . . ., ((19 . . .)) (year) . . . ., THE DATE UPON WHICH THE REDEMPTION PERIOD WILL EXPIRE, THE PURCHASER OR THE PURCHASER'S SUCCESSOR WILL BE ENTITLED TO POSSESSION OF THE PROPERTY AND MAY BRING AN ACTION TO EVICT YOU FROM POSSESSION OF THE PROPERTY.

DATED THIS . . . . DAY OF . . . . ., ((19 . . .)) (year) . . . .

[Purchaser]  
By  
[Purchaser's attorney]  
Attorneys for  
STATE OF WASHINGTON

COUNTY OF

ss.

The undersigned being first duly sworn on oath states: That on this day affiant deposited in the mails of the United States of America a properly stamped and addressed envelope directed to the judgment debtor at the address stated on the face of this document and to "occupant" at the property address, both by certified mail, return receipt requested, and by first-class mail, all of the mailings containing a copy of the document to which this affidavit is attached.

SIGNED AND SWORN TO BEFORE ME THIS . . . . DAY OF . . . . ., ((19 . . .)) (year) . . . ., BY . . . . . (name of person making statement)

Title  
My appointment expires  
. . . . ., ((19 . . .)) (year) . . . .

Sec. 3. RCW 9.96.020 and 2012 c 117 s 4 are each amended to read as follows:

Whenever the governor shall determine to restore his or her civil rights to any person convicted of an infamous crime in any superior court of this state, he or she shall execute and file in the office of the secretary of state an instrument in writing in substantially the following form:

"To the People of the State of Washington  
Greeting:

I, the undersigned Governor of the State of Washington, by virtue of the power vested in my office by the constitution and laws of the State of Washington, do by these presents

restore to . . . . . his or her civil rights forfeited by him (or her) by reason of his (or her) conviction of the crime of . . . . . (naming it) in the Superior Court for the County of . . . . ., on to-wit: The . . . . day of . . . . ., ((19 . . .)) (year) . . . .

Dated the . . . . day of . . . . ., ((19 . . .)) (year) . . . .  
(Signed) . . . . .

Governor of Washington."

Sec. 4. RCW 10.14.085 and 1992 c 143 s 12 are each amended to read as follows:

(1) If the respondent was not personally served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing for twenty-four days from the date of entry of the order and may order service by publication instead of personal service under the following circumstances:

(a) The sheriff or municipal officer files an affidavit stating that the officer was unable to complete personal service upon the respondent. The affidavit must describe the number and types of attempts the officer made to complete service;

(b) The petitioner files an affidavit stating that the petitioner believes that the respondent is hiding from the server to avoid service. The petitioner's affidavit must state the reasons for the belief that the ((petitioner [respondent])) respondent is avoiding service;

(c) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and

(d) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.

(2) The court shall reissue the temporary order of protection not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order to provide service by publication.

(3) The publication shall be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the county. The publication of summons shall not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons shall contain the date of the first publication, and shall require the respondent upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons shall also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte order. The summons shall be essentially in the following form:

In the . . . . . court of the state of Washington for the county of . . . . .

. . . . ., Petitioner

vs. No. . . . .  
. . . . ., Respondent

The state of Washington to . . . . . (respondent):

You are hereby summoned to appear on the . . . . day of . . . . ., ((19 . . .)) (year) . . . ., at . . . . a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the provisions of chapter 10.14 RCW, for a minimum of one year from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order). A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

Petitioner

Sec. 5. RCW 10.37.040 and 2010 c 8 s 1036 are each amended to read as follows:

The indictment may be substantially in the following form:

State of Washington  
v.

A. . . . . B. . . . .

Superior Court of

the State of  
Washington for the  
County of

A. B. is accused by the grand jury of the . . . . ., by this indictment, of the crime of [here insert the name of the crime, if it have one, such as treason, murder, arson, manslaughter, or the like; or if it be a crime having no general name, such as libel, assault and battery, and the like, insert a brief description of it as given by law], committed as follows:

The said A. B. on the . . . . day of . . . . ., ((19 . . .)) (year) . . . ., in the county of . . . . ., aforesaid, [here set forth the act charged as a crime.]

Dated at . . . . ., in the county aforesaid, the . . . . day of . . . . ., A.D. ((19 . . .)) (year) . . . .

(Signed) C. D., Prosecuting Attorney.

(Indorsed) A true bill.

(Signed) E. F., Foreperson of the Grand Jury.

Sec. 6. RCW 11.28.090 and 2009 c 549 s 1004 are each amended to read as follows:

Letters testamentary to be issued to executors under the provisions of this chapter shall be signed by the clerk, and issued under the seal of the court, and may be in the following form:

State of Washington, county of . . . . .

In the superior court of the county of . . . . .

Whereas, the last will of A B, deceased, was, on the . . . . day of . . . . ., A.D.((. . . .)) (year) . . . ., duly exhibited, proven, and recorded in our said superior court; and whereas, it appears in and by said will that C D is appointed executor thereon, and, whereas, said C D has duly qualified, now,

therefore, know all persons by these presents, that we do hereby authorize the said C D to execute said will according to law.

Witness my hand and the seal of said court this . . . . day of . . . . ., A.D.((, 19 . . .)) (year) . . . .

Sec. 7. RCW 11.28.140 and 2009 c 549 s 1005 are each amended to read as follows:

Letters of administration shall be signed by the clerk, and be under the seal of the court, and may be substantially in the following form:

State of Washington, County of . . . . .

Whereas, A.B., late of . . . . . on or about the . . . . day of . . . . . A.D.((, . . . .)) (year) . . . . died intestate, leaving at the time of his or her death, property in this state subject to administration: Now, therefore, know all persons by these presents, that we do hereby appoint . . . . . administrator upon said estate, and whereas said administrator has duly qualified, hereby authorize him or her to administer the same according to law.

Witness my hand and the seal of said court this . . . . day of . . . . . A.D.((, 19 . . .)) (year) . . . .

Sec. 8. RCW 11.68.110 and 1998 c 292 s 202 are each amended to read as follows:

(1) If a personal representative who has acquired nonintervention powers does not apply to the court for either of the final decrees provided for in RCW 11.68.100 as now or hereafter amended, the personal representative shall, when the administration of the estate has been completed, file a declaration that must state as follows:

(a) The date of the decedent's death and the decedent's residence at the time of death;

(b) Whether or not the decedent died testate or intestate;

(c) If the decedent died testate, the date of the decedent's last will and testament and the date of the order probating the will;

(d) That each creditor's claim which was justly due and properly presented as required by law has been paid or otherwise disposed of by agreement with the creditor, and that the amount of estate taxes due as the result of the decedent's death has been determined, settled, and paid;

(e) That the personal representative has completed the administration of the decedent's estate without court intervention, and the estate is ready to be closed;

(f) If the decedent died intestate, the names, addresses (if known), and relationship of each heir of the decedent, together with the distributive share of each heir; and

(g) The amount of fees paid or to be paid to each of the following: (i) Personal representative or representatives; (ii) lawyer or lawyers; (iii) appraiser or appraisers; and (iv) accountant or accountants; and that the personal representative believes the fees to be reasonable and does not intend to obtain court approval of the amount of the fees or to submit an estate accounting to the court for approval.

(2) Subject to the requirement of notice as provided in this section, unless an heir, devisee, or legatee of a decedent petitions the court either for an order requiring the personal representative to obtain court approval of the amount of fees paid or to be paid to the personal representative, lawyers, appraisers, or accountants, or for an order requiring an accounting, or both, within thirty days from the date of filing a declaration of completion of probate, the personal representative will be automatically discharged without

further order of the court and the representative's powers will cease thirty days after the filing of the declaration of completion of probate, and the declaration of completion of probate shall, at that time, be the equivalent of the entry of a decree of distribution in accordance with chapter 11.76 RCW for all legal intents and purposes.

(3) Within five days of the date of the filing of the declaration of completion, the personal representative or the personal representative's lawyer shall mail a copy of the declaration of completion to each heir, legatee, or devisee of the decedent, who: (a) Has not waived notice of the filing, in writing, filed in the cause; and (b) either has not received the full amount of the distribution to which the heir, legatee, or devisee is entitled or has a property right that might be affected adversely by the discharge of the personal representative under this section, together with a notice which shall be substantially as follows:

CAPTION

OF  
CASE NOTICE OF FILING OF  
DECLARATION OF COMPLETION  
OF PROBATE

NOTICE IS GIVEN that the attached Declaration of Completion of Probate was filed by the undersigned in the above-entitled court on the . . . . day of . . . . ., ((19 . . . )) (year) . . . . ; unless you shall file a petition in the above-entitled court requesting the court to approve the reasonableness of the fees, or for an accounting, or both, and serve a copy thereof upon the personal representative or the personal representative's lawyer, within thirty days after the date of the filing, the amount of fees paid or to be paid will be deemed reasonable, the acts of the personal representative will be deemed approved, the personal representative will be automatically discharged without further order of the court, and the Declaration of Completion of Probate will be final and deemed the equivalent of a Decree of Distribution entered under chapter 11.76 RCW.

If you file and serve a petition within the period specified, the undersigned will request the court to fix a time and place for the hearing of your petition, and you will be notified of the time and place thereof, by mail, or personal service, not less than ten days before the hearing on the petition.

Dated this . . . . day of . . . . ., ((19 . . . )) (year) . . . .

Personal Representative

(4) If all heirs, devisees, and legatees of the decedent entitled to notice under this section waive, in writing, the notice required by this section, the personal representative will be automatically discharged without further order of the court and the declaration of completion of probate will become effective as a decree of distribution upon the date of filing thereof. In those instances where the personal representative has been required to furnish bond, and a declaration of completion is filed pursuant to this section, any bond furnished by the personal representative shall be automatically discharged upon the discharge of the personal representative.

Sec. 9. RCW 11.88.140 and 2011 c 329 s 7 are each amended to read as follows:

(1) TERMINATION WITHOUT COURT ORDER. A guardianship or limited guardianship is terminated:

(a) Upon the attainment of full and legal age, as defined in RCW 26.28.010 as now or hereafter amended, of any person defined as an incapacitated person pursuant to RCW 11.88.010 as now or hereafter amended solely by reason of youth, RCW 26.28.020 to the contrary notwithstanding, subject to subsection (2) of this section;

(b) By an adjudication of capacity or an adjudication of termination of incapacity;

(c) By the death of the incapacitated person;

(d) By expiration of the term of limited guardianship specified in the order appointing the limited guardian, unless prior to such expiration a petition has been filed and served, as provided in RCW 11.88.040 as now or hereafter amended, seeking an extension of such term.

(2) TERMINATION OF GUARDIANSHIP FOR A MINOR BY DECLARATION OF COMPLETION. A guardianship for the benefit of a minor may be terminated upon the minor's attainment of legal age, as defined in RCW 26.28.010 as now or hereafter amended, by the guardian filing a declaration that states:

(a) The date the minor attained legal age;

(b) That the guardian has paid all of the minor's funds in the guardian's possession to the minor, who has signed a receipt for the funds, and that the receipt has been filed with the court;

(c) That the guardian has completed the administration of the minor's estate and the guardianship is ready to be closed; and

(d) The amount of fees paid or to be paid to each of the following: (i) The guardian, (ii) lawyer or lawyers, (iii) accountant or accountants; and that the guardian believes the fees are reasonable and does not intend to obtain court approval of the amount of the fees or to submit a guardianship accounting to the court for approval. Subject to the requirement of notice as provided in this section, unless the minor petitions the court either for an order requiring the guardian to obtain court approval of the amount of fees paid or to be paid to the guardian, lawyers, or accountants, or for an order requiring an accounting, or both, within thirty days from the filing of the declaration of completion of guardianship, the guardian shall be automatically discharged without further order of the court. The guardian's powers will cease thirty days after filing the declaration of completion of guardianship. The declaration of completion of guardianship shall, at the time, be the equivalent of an entry of a decree terminating the guardianship, distributing the assets, and discharging the guardian for all legal intents and purposes.

Within five days of the date of filing the declaration of completion of guardianship, the guardian or the guardian's lawyer shall mail a copy of the declaration of completion to the minor together with a notice that shall be substantially as follows:

CAPTION OF CASE NOTICE OF FILING A  
DECLARATION OF COMPLETION OF  
GUARDIANSHIP

NOTICE IS GIVEN that the attached Declaration of Completion of Guardianship was filed by the undersigned in the above-entitled court on the . . . . . day of . . . . ., ((19 . . . )) (year) . . . . ; unless you file a petition in the above-entitled court requesting the court to review the reasonableness of the fees, or for an accounting, or both, and

serve a copy of the petition on the guardian or the guardian's lawyer, within thirty days

after the filing date, the amount of fees paid or to be paid will be deemed reasonable, the acts of the guardian will be deemed approved, the guardian will be automatically discharged without further order of the court and the Declaration of Completion of Guardianship will be final and deemed the equivalent of an order terminating the guardianship, discharging the guardian and decreeing the distribution of the guardianship assets.

If you file and serve a petition within the period specified, the undersigned will request the court to fix a time and place for the hearing of your petition, and you will be notified of the time and place of the hearing, by mail, or by personal service, not less than ten days before the hearing on the petition.

DATED this . . . . . day of . . . . ., ((19 . . .)) (year) . . . . .

Guardian

If the minor, after reaching legal age, waives in writing the notice required by this section, the guardian will be automatically discharged without further order of the court and the declaration of completion of guardianship will be effective as an order terminating the guardianship without an accounting upon filing the declaration. If the guardian has been required to furnish a bond, and a declaration of completion of guardianship is filed according to this section, any bond furnished by the guardian shall be automatically discharged upon the discharge of the guardian.

(3) TERMINATION ON COURT ORDER. A guardianship or limited guardianship may be terminated by court order after such notice as the court may require if the guardianship or limited guardianship is no longer necessary.

The guardian or limited guardian shall, within ninety days of the date of termination of the guardianship, unless the court orders a different deadline for good cause, prepare and file with the court a final verified account of administration. The final verified account of administration shall contain the same information as required for (a) an intermediate verified account of administration of the estate under RCW 11.92.040(2) and (b) an intermediate personal care status report under RCW 11.92.043(2).

(4) EFFECT OF TERMINATION. When a guardianship or limited guardianship terminates other than by the death of the incapacitated person, the powers of the guardian or limited guardian cease, except that a guardian or limited guardian of the estate may make disbursements for claims that are or may be allowed by the court, for liabilities already properly incurred for the estate or for the incapacitated person, and for expenses of administration. When a guardianship or limited guardianship terminates by death of the incapacitated person, the guardian or limited guardian of the estate may proceed under RCW 11.88.150 as now or hereafter amended, but the rights of all creditors against the incapacitated person's estate shall be determined by the law of decedents' estates.

Sec. 10. RCW 12.04.020 and 2010 c 8 s 3001 are each amended to read as follows:

A party desiring to commence an action before a justice of the peace, for the recovery of a debt by summons, shall file his or her claim with the justice of the peace, verified by

his or her own oath, or that of his or her agent or attorney, and thereupon the justice of the peace shall, on payment of his or her fees, if demanded, issue a summons to the opposite party, which summons shall be in the following form, or as nearly as the case will admit, viz:

The State of Washington,

. . . . . County. □

ss.

To the sheriff or any constable of said county:

In the name of the state of Washington, you are hereby commanded to summon . . . . . if he or she (or they) be found in your county to be and appear before me at . . . . . on . . . . . day of . . . . . at . . . . . o'clock p.m. or a.m., to answer the complaint of . . . . . for a failure to pay him or her a certain demand, amounting to . . . . . dollars and . . . . . cents, upon . . . . . (here state briefly the nature of the claim) and of this writ make due service and return.

Given under my hand this . . . . . day of . . . . . ((19 . . .)) (year) . . . . .

. . . . ., Justice of the Peace.

And the summons shall specify a certain place, day and hour for the appearance and answer of the defendant, not less than six nor more than twenty days from the date of filing plaintiff's claim with the justice, which summons shall be served at least five days before the time of trial mentioned therein, and shall be served by the officer delivering to the defendant, or leaving at his or her place of abode with some person over twelve years of age, a true copy of such summons, certified by the officer to be such.

Sec. 11. RCW 12.04.030 and 2010 c 8 s 3002 are each amended to read as follows:

Any person desiring to commence an action before a justice of the peace, by the service of a complaint and notice, can do so by filing his or her complaint verified by his or her own oath or that of his or her agent or attorney with the justice, and when such complaint is so filed, upon payment of his or her fees if demanded, the justice shall attach thereto a notice, which shall be substantially as follows:

The State of Washington,

. . . . . County.

ss.

To . . . . .

You are hereby notified to be and appear at my office in . . . . . on the . . . . . day of . . . . ., ((19 . . .)) (year) . . . . ., at the hour of . . . . . M., to answer to the foregoing complaint or judgment will be taken against you as confessed and the prayer of the plaintiff granted.

Dated . . . . ., ((19 . . .)) (year) . . . . .

. . . . ., J. P.

Sec. 12. RCW 12.04.100 and 1985 c 469 s 6 are each amended to read as follows:

In case personal service cannot be had by reason of the absence of the defendant from the county in which the action is sought to be commenced, it shall be proper to publish the

summons or notice with a brief statement of the object and prayer of the claim or complaint, in some newspaper of general circulation in the county wherein the action is commenced, which notice shall be published not less than once a week for three weeks prior to the time fixed for the hearing of the cause, which shall not be less than four weeks from the first publication of the notice.

The notice may be substantially as follows:

The State of Washington,

County of .....

ss.

In justice's court, ..... justice.

To .....

You are hereby notified that ..... has filed a complaint (or claim as the case may be) against you in said court which will come on to be heard at my office in ....., in .... county, state of Washington, on the .... day of ....., A.D. ((19...)) (year) ....., at the hour of .... o'clock ... m., and unless you appear and then and there answer, the same will be taken as confessed and the demand of the plaintiff granted. The object and demand of said claim (or complaint, as the case may be) is (here insert a brief statement).

Complaint filed ....., A.D. ((19...)) (year) ....

....., J. P.

Sec. 13. RCW 12.04.201 and 2010 c 8 s 3014 are each amended to read as follows:

FORM OF SUBPOENA

State of Washington,

County of .....

ss.

To .....

In the name of the state of Washington, you are hereby required to appear before the undersigned, one of the justices of the peace in and for said county, on the .... day of ...., ((19...)) (year) ....., at .... o'clock in the .... noon, at his or her office in ....., to give evidence in a certain cause, then and there to be tried, between A B, plaintiff, and C D, defendant, on the part of (the plaintiff, or defendant as the case may be).

Given under my hand this .... day of ....., ((19...)) (year) ....

J. P., Justice of the Peace.

Sec. 14. RCW 12.04.203 and 2010 c 8 s 3015 are each amended to read as follows:

FORM OF EXECUTION

State of Washington,

County of .....

ss.

To the sheriff or any constable of said county:

Whereas, judgment against C D, for the sum of ..... dollars, and ..... dollars cost of suit, was recovered on the .... day of ....., ((19...)) (year) ....., before the undersigned, one of the justices of the peace in and for said county, at the suit of A B. These are, therefore, in the name of the state of Washington, to command you to levy on the goods and chattels of the said C D (excepting such as the law exempts), and make sale thereof according to law, to the amount of said sum and costs upon this writ, and the same return to me within thirty days, to be rendered to the said A B, for his or her debt, interests and costs.

Given under my hand this .... day of ....., ((19...)) (year) ....

J. P., Justice of the Peace.

FORM OF EXECUTION AGAINST PRINCIPAL AND SURETY, AFTER EXPIRATION OF STAY OF EXECUTION

State of Washington,

County of .....

ss.

To the sheriff or any constable of said county:

Whereas, judgment against C D for the sum of ..... dollars, and for ..... dollars, costs of suit, was recovered on the .... day of ....., ((19...)) (year) ....., before the undersigned, one of the justices of the peace in and for said county, at the suit of A B; and whereas, on the .... day of ....., ((19...)) (year) ....., E F became surety to pay said judgment and costs, in ..... month from the date of the judgment aforesaid, agreeably to law, in the payment of which said C D and E F have failed; these are, therefore, in the name, etc., [as in the common form].

Sec. 15. RCW 12.04.204 and 1957 c 89 s 6 are each amended to read as follows:

FORM OF ORDER IN REPLEVIN

State of Washington,

County of .....

ss.

To the sheriff or any constable of said county:

In the name of the state of Washington, you are hereby commanded to take the personal property mentioned and described in the within affidavit, and deliver the same to the plaintiff, upon receiving a proper undertaking, unless before such delivery, the defendant enter into a sufficient undertaking for the delivery thereof to the plaintiff, if delivery be adjudged.

Given under my hand this .... day of ....., ((19...)) (year) ....

J. P., Justice of the Peace.

Sec. 16. RCW 12.04.205 and 1957 c 89 s 7 are each amended to read as follows:

FORM OF A WRIT OF ATTACHMENT

State of Washington,

County of .....

ss.

To the sheriff or any constable of said county:

In the name of the state of Washington, you are commanded to attach, and safely keep, the goods and chattels, moneys, effects and credits of C D, (excepting such as the law exempts), or so much thereof as shall satisfy the sum of . . . . . dollars, with interest and cost

of suit, in whosoever hands or possession the same may be found in your county, and to provide that the goods and chattels so attached may be subject to further proceeding thereon, as the law requires; and of this writ make legal service and due return.

Given under my hand this . . . . day of . . . . ., ((19 . . .)) (year) . . . .

J. P., Justice of the Peace.

Sec. 17. RCW 12.04.206 and 2010 c 8 s 3016 are each amended to read as follows:

FORM OF UNDERTAKING IN REPLEVIN

Whereas, A B, plaintiff, has commenced an action before J P, one of the justices of the peace in and for . . . . . county, against C D, defendant, for the recovery of certain personal property, mentioned and described in the affidavit of the plaintiff, to wit: [here set forth the property claimed]. Now, therefore we, A B, plaintiff, E F and G H, acknowledge ourselves bound unto C D in the sum of . . . . . dollars for the prosecution of the action for the return of the property to the defendant, if return thereof be adjudged, and for the payment to him or her of such sum as may for any cause be recovered against the plaintiff.

Dated the . . . . day of . . . . ., ((19 . . .)) (year) . . . . A B, E F, G H.

Sec. 18. RCW 12.04.207 and 2010 c 8 s 3017 are each amended to read as follows:

FORM OF UNDERTAKING IN ATTACHMENT

Whereas, an application has been made by A B, plaintiff, to J P, one of the justices of the peace in and for . . . . . county, for a writ of attachment against the personal property of C D, defendant; Now, therefore, we, A B, plaintiff, and E F, acknowledge ourselves bound to C D in the sum of . . . . . dollars, that if the defendant recover judgment in this action, the plaintiff will pay all costs that may be awarded to the defendant, and all damages which he or she may sustain by reason of the said attachment and not exceeding the sum of . . . . . dollars.

Dated the . . . . day of . . . . ., ((19 . . .)) (year) . . . . A B, E F.

FORM OF UNDERTAKING TO DISCHARGE ATTACHMENT

Whereas, a writ of attachment has been issued by J P, one of the justices of the peace in and for . . . . . county, against the personal property of C D, defendant, in an action in which A B is plaintiff; Now, therefore, we C D, defendant, E F, and G H, acknowledge ourselves bound unto J K, constable, in the sum of . . . . . dollars, [double the value of the property], engaging to deliver the property attached, to wit: [here set forth a list of articles attached], or pay the value thereof to the sheriff or constable, to whom the execution upon a judgment obtained by plaintiff in the aforesaid action may be issued.

Dated this . . . . day of . . . . ., ((19 . . .)) (year) . . . . C D, E F, G H.

Sec. 19. RCW 12.40.110 and 1998 c 52 s 6 are each amended to read as follows:

(1) If the losing party fails to pay the judgment according to the terms and conditions thereof within thirty days or is in arrears on any payment plan, and the prevailing party so notifies the court, the court shall certify the judgment in substantially the following form:

Washington.

In the District Court of . . . . . County.

. . . . . Plaintiff,

vs.

. . . . . Defendant.

In the Small Claims Department.

This is to certify that: (1) In a certain action on the . . . . day of . . . . . ((19 . . .)) (year) . . . ., wherein . . . . . was plaintiff and . . . . . defendant, jurisdiction of said defendant having been had by personal service (or otherwise) as provided by law, judgment was entered against . . . . . in the sum of . . . . . dollars; (2) the judgment has not been paid within ((twenty)) thirty days or the period otherwise ordered by the court; and (3) pursuant to RCW 12.40.105, the amount of the judgment is hereby increased by any costs of certification under this section and the amount specified in RCW 36.18.012(2).

Witness my hand this . . . . day of . . . . ., ((19 . . .)) (year) . . . .

Clerk of the Small Claims Department.

(2) The clerk shall forthwith enter the judgment transcript on the judgment docket of the district court; and thereafter garnishment, execution, and other process on execution provided by law may issue thereon, as in other judgments of district courts.

(3) Transcripts of such judgments may be filed and entered in judgment lien dockets in superior courts with like effect as in other cases.

Sec. 20. RCW 17.28.090 and 2011 c 336 s 464 are each amended to read as follows:

If, from the testimony given before the county commissioners, it appears to that board that the public necessity or welfare requires the formation of the district, it shall, by an order entered on its minutes, declare that to be its finding, and shall further declare and order that the territory within the boundaries so fixed and determined be organized as a district, under an appropriate name to be selected by the county commissioners, subject to approval of the voters of the district as hereinafter provided. The name shall contain the words "mosquito control district."

At the time of the declaration establishing and naming the district, the county commissioners shall by resolution call a special election to be held not less than thirty days and not more than sixty days from the date thereof, and shall cause to be published a notice of such election at least once a week for three consecutive weeks in a newspaper of general circulation in the county, setting forth the hours during which the polls will be open, the boundaries of the proposed district as finally adopted, and the object of the election. If any portion of the proposed district lies in another county, a notice of such election shall likewise be published in that county.

The election on the formation of the mosquito control district shall be conducted by the auditor of the county in which the greater area of the proposed district is located in accordance with the general election laws of the state and the results thereof shall be canvassed by that county's canvassing board. For the purpose of conducting an election under this section, the auditor of the county in which the greater area of the proposed district is located may appoint the auditor of any county or the city clerk of any city lying wholly or partially within the proposed district as his or her deputies. No person shall be entitled to vote at such election unless he or she is a qualified voter under the laws of the state in effect at the time of such election and has resided within the mosquito control district for at least thirty days preceding the date of the election. The ballot proposition shall be in substantially the following form:

"Shall a mosquito control district be established for the area described in a resolution of the board of commissioners of . . . . . county adopted on the . . . . day of . . . . ., ((19 . . .)) (year) . . . . ?

YES 
NO

If a majority of the persons voting on the proposition shall vote in favor thereof, the mosquito control district shall thereupon be established and the county commissioners of the county in which the greater area of the district is situated shall immediately file for record in the office of the county auditor of each county in which any portion of the land embraced in the district is situated, and shall also forward to the county commissioners of each of the other counties, if any, in which any portion of the district is situated, and also shall file with the secretary of state, a certified copy of the order of the county commissioners. From and after the date of the filing of the certified copy with the secretary of state, the district named therein is organized as a district, with all the rights, privileges, and powers set forth in this chapter, or necessarily incident thereto.

If a majority of the persons voting on the proposition shall vote in favor thereof, all expenses of the election shall be paid by the mosquito control district when organized. If the proposition fails to receive a majority of votes in favor, the expenses of the election shall be borne by the respective counties in which the district is located in proportion to the number of votes cast in said counties.

Sec. 21. RCW 18.44.251 and 2011 1st sp.s. c 21 s 47 are each amended to read as follows:

A request for a waiver of the required errors and omissions policy may be accomplished under the statute by submitting to the director an affidavit that substantially addresses the following:

REQUEST FOR WAIVER OF ERRORS AND OMISSIONS POLICY

I, . . . . ., residing at . . . . ., City of . . . . ., County of . . . . ., State of Washington, declare the following:

- (1) An errors and omissions policy is not reasonably available to a substantial number of licensed escrow officers; and
(2) Purchasing an errors and omissions policy is cost-prohibitive at this time; and
(3) I have not engaged in any conduct that resulted in the termination of my escrow certificate; and

(4) I have not paid, directly or through an errors and omissions policy, claims in excess of ten thousand dollars, exclusive of costs and attorneys' fees, during the calendar year preceding submission of this affidavit; and

(5) I have not paid, directly or through an errors and omissions policy, claims, exclusive of costs and attorneys' fees, totaling in excess of twenty thousand dollars in the three calendar years immediately preceding submission of this affidavit; and

(6) I have not been convicted of a crime involving honesty or moral turpitude during the calendar year preceding submission of this application.

THEREFORE, in consideration of the above, I, . . . . ., respectfully request that the director of financial institutions grant this request for a waiver of the requirement that I purchase and maintain an errors and omissions policy covering my activities as an escrow agent licensed by the state of Washington for the period from . . . . ., ((19 . . .)) (year) . . . ., to . . . . ., ((19 . . .)) (year) . . . .

Submitted this day of . . . . day of . . . . ., ((19 . . .)) (year) . . . .

(signature)
State of Washington,
County of . . . . .

ss.
I certify that I know or have satisfactory evidence that . . . . ., signed this instrument and acknowledged it to be . . . . . free and voluntary act for the uses and purposes mentioned in the instrument.

Dated
Signature of
Notary Public
(Seal or stamp) Title
My appointment expires

Sec. 22. RCW 19.120.040 and 1986 c 320 s 5 are each amended to read as follows:

Notwithstanding the terms of any motor fuel franchise, the interest of a motor fuel retailer under such an agreement shall be considered personal property and shall devolve on the death of the motor fuel retailer to a designated successor in interest of the retailer, limited to the retailer's spouse, adult child, or adult stepchild or, if no successor in interest is designated, to the retailer's spouse, if any. The designation shall be made, witnessed in writing by at least two persons, and delivered to the motor fuel refiner-supplier during the term of the franchise. The designation may be revised at any time by the motor fuel retailer and shall be substantially in the following form:

"I (motor fuel retailer name) at the . . . . . service station located at . . . . ., in the City of . . . . ., Washington, designate . . . . . as my successor in interest under RCW 19.120.030 and . . . . . as my alternate successor if the originally designated successor is unable or unwilling so to act.

I so specify this . . . . day of . . . . ., ((19 . . .)) (year) . . . ."

The motor fuel refiner-supplier shall assist the designated successor in interest temporarily in the day-to-day operation of the service station to insure continued operation of the service station.

Sec. 23. RCW 26.04.090 and 1967 c 26 s 4 are each amended to read as follows:

A person solemnizing a marriage shall, within thirty days thereafter, make and deliver to the county auditor of the county wherein the license was issued a certificate for the files of the county auditor, and a certificate for the files of the state registrar of vital statistics. The certificate for the files of the county auditor shall be substantially as follows:

STATE OF WASHINGTON

COUNTY OF

This is to certify that the undersigned, a . . . . ., by authority of a license bearing date the . . . . day of . . . . . A.D.((, 19. .)) (year) . . . ., and issued by the County auditor of the county of . . . . ., did, on the . . . . day of . . . . . A.D.((, 19. .)) (year) . . . ., at . . . . . in this

county and state, join in lawful wedlock A.B. of the county of . . . . ., state of . . . . . and C.D. of the county of . . . . ., state of . . . . ., with their mutual assent, in the presence of F H and E G, witnesses.

In Testimony Whereof, witness the signatures of the parties to said ceremony, the witnesses and myself, this . . . . day of . . . . ., A.D.((, 19. .)) (year) . . . .

The certificate for the files of the state registrar of vital statistics shall be in accordance with RCW 70.58.200. The certificate forms for the files of the county auditor and for the files of the state registrar of vital statistics shall be provided by the state registrar of vital statistics.

Sec. 24. RCW 26.18.100 and 2008 c 6 s 1033 are each amended to read as follows:

The wage assignment order shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON IN AND FOR THE  
COUNTY OF . . . . .

. . . . .  
Obligee No. . . . .  
vs.

. . . . ., WAGE ASSIGNMENT  
Obligor ORDER

. . . . .  
Employer  
THE STATE OF WASHINGTON TO:  
Employer

AND TO:  
Obligor

The above-named obligee claims that the above-named obligor is subject to a support order requiring immediate income withholding or is more than fifteen days past due in either child support or maintenance payments, or both, in an amount equal to or greater than the child support or maintenance payable for one month. The amount of the accrued child support or maintenance debt as of this date is . . . . . dollars, the amount of arrearage payments specified in

the support or maintenance order (if applicable) is . . . . . dollars per . . . . ., and the amount of the current and continuing support or maintenance obligation under the order is . . . . . dollars per . . . . .

You are hereby commanded to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the court, one copy to the Washington state support registry, one copy to the obligee or obligee's attorney, and one copy to the obligor within twenty days after service of this wage assignment order upon you.

If you possess any earnings or other remuneration for employment due and owing to the obligor, then you shall do as follows:

(1) Withhold from the obligor's earnings or remuneration each month, or from each regular earnings disbursement, the lesser of:

(a) The sum of the accrued support or maintenance debt and the current support or maintenance obligation;

(b) The sum of the specified arrearage payment amount and the current support or maintenance obligation; or

(c) Fifty percent of the disposable earnings or remuneration of the obligor.

(2) The total amount withheld above is subject to the wage assignment order, and all other sums may be disbursed to the obligor.

(3) Upon receipt of this wage assignment order you shall make immediate deductions from the obligor's earnings or remuneration and remit to the Washington state support registry or other address specified below the proper amounts within five working days of each regular pay interval.

You shall continue to withhold the ordered amounts from nonexempt earnings or remuneration of the obligor until notified by:

(a) The court that the wage assignment has been modified or terminated; or

(b) The addressee specified in the wage assignment order under this section that the accrued child support or maintenance debt has been paid.

You shall promptly notify the court and the addressee specified in the wage assignment order under this section if and when the employee is no longer employed by you, or if the obligor no longer receives earnings or remuneration from you. If you no longer employ the employee, the wage assignment order shall remain in effect until you are no longer in possession of any earnings or remuneration owed to the employee.

You shall deliver the withheld earnings or remuneration to the Washington state support registry or other address stated below within five working days of each regular pay interval.

You shall deliver a copy of this order to the obligor as soon as is reasonably possible. This wage assignment order has priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support or maintenance, or order to withhold or deliver under chapter 74.20A RCW.

WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR THE AMOUNT OF SUPPORT MONEYS THAT SHOULD



charter was declared adopted by a majority of the qualified electors voting at the election.

I further certify that the foregoing is a full, true and complete copy of the proposed charter so voted upon and adopted as aforesaid.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the corporate seal of said city at my office this . . . day of . . . . . ((19. . .)) (year) . . . .

Attest:

Mayor of the city of  
Clerk of the city of . . . . . (Corporate Seal)."

Immediately after authentication, the authenticated charter shall be recorded by the city clerk in a book provided for that purpose known as the charter book of the city of . . . . . and when so recorded shall be attested by the clerk and mayor under the corporate seal of the city. All amendments shall be in like manner recorded and attested.

All courts shall take judicial notice of a charter and all amendments thereto when recorded and attested as required in this section.

Sec. 27. RCW 35.58.090 and 1993 c 240 s 3 are each amended to read as follows:

The election on the formation of the metropolitan municipal corporation shall be conducted by the auditor of the central county in accordance with the general election laws of the state and the results thereof shall be canvassed by the county canvassing board of the central county, which shall certify the result of the election to the county legislative authority of the central county, and shall cause a certified copy of such canvass to be filed in the office of the secretary of state. Notice of the election shall be published in one or more newspapers of general circulation in each component county in the manner provided in the general election laws. No person shall be entitled to vote at such election unless that person is a qualified voter under the laws of the state in effect at the time of such election and has resided within the metropolitan area for at least thirty days preceding the date of the election. The ballot proposition shall be in substantially the following form:

"FORMATION OF METROPOLITAN MUNICIPAL CORPORATION

Shall a metropolitan municipal corporation be established for the area described in a resolution of the county legislative authority of . . . . . county adopted on the . . . . . day of . . . . ., ((19. . .)) (year) . . . . , to perform the metropolitan functions of . . . . . (here insert the title of each of the functions to be authorized as set forth in the petition or initial resolution).

YES . . . . .

NO . . . . .  "

If a majority of the persons voting on the proposition residing within the central city shall vote in favor thereof and a majority of the persons voting on the proposition residing in the metropolitan area outside of the central city shall vote in favor thereof, the metropolitan municipal corporation shall thereupon be established and the county legislative authority of the central county shall adopt a resolution setting a time and place for the first meeting of the metropolitan council which shall be held not later than sixty days after the date of such election. A copy of such resolution shall be transmitted to the legislative body of each

component city and county and of each special district which shall be affected by the particular metropolitan functions authorized.

At the same election there shall be submitted to the voters residing within the metropolitan area, for their approval or rejection, a proposition authorizing the metropolitan municipal corporation, if formed, to levy at the earliest time permitted by law on all taxable property located within the metropolitan municipal corporation a general tax, for one year, of twenty-five cents per thousand dollars of assessed value in excess of any constitutional or statutory limitation for authorized purposes of the metropolitan municipal corporation. The proposition shall be expressed on the ballots in substantially the following form:

"ONE YEAR TWENTY-FIVE CENTS PER THOUSAND DOLLARS OF ASSESSED VALUE LEVY

Shall the metropolitan municipal corporation, if formed, levy a general tax of twenty-five cents per thousand dollars of assessed value for one year upon all the taxable property within said corporation in excess of the constitutional and/or statutory tax limits for authorized purposes of the corporation?

YES . . . . .

NO . . . . .  "

Such proposition to be effective must be approved by a majority of at least three-fifths of the persons voting on the proposition to levy such tax, with a forty percent validation requirement, in the manner set forth in Article VII, section 2(a) of the Constitution of this state.

Sec. 28. RCW 35A.08.120 and 1967 ex.s. c 119 s 35A.08.120 are each amended to read as follows:

The authentication of the charter shall be by certificate of the mayor in substance as follows:

"I, . . . . ., mayor of the city of . . . . ., do hereby certify that in accordance with the provisions of the Constitution and statutes of the state of Washington, the city of . . . . . caused fifteen freeholders to be elected on the . . . . . day of . . . . ., ((19. . .)) (year) . . . . as a charter commission to prepare a charter for the city; that due notice of that election was given in the manner provided by law and that the following persons were declared elected to prepare and propose a charter for the city, to wit:

That thereafter on the . . . . day of . . . . ., ((19. . .)) (year) . . . . the charter commission returned a proposed charter for the city of . . . . . signed by the following members thereof: . . . . .

That thereafter the proposed charter was published in . . . . . (indicate name of newspaper in which published), for at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval. (Indicate dates of publication.)

That thereafter on the . . . . day of . . . . ., ((19. . .)) (year) . . . . , at an election duly called and held, the proposed charter was submitted to the qualified electors thereof, and the returns canvassed resulting as follows: For the proposed charter . . . . votes; against the proposed charter, . . . . votes; majority for the proposed charter, . . . . votes; whereupon the charter was declared adopted by a majority of the qualified electors voting at the election.

I further certify that the foregoing is a full, true and complete copy of the proposed charter so voted upon and adopted as aforesaid.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the corporate seal of the said city at my office this . . . . day of . . . . ., ((19. . .)) (year) . . . .

Mayor of the city of

Attest:

.....

Clerk of the city of . . . . . (corporate seal)."

Immediately after authentication, the authenticated charter shall be recorded by the city clerk in a book provided for that purpose known as the charter book of the city of . . . . . and when so recorded shall be attested by the clerk and mayor under the corporate seal of the city. All amendments shall be in like manner recorded and attested.

All courts shall take judicial notice of a charter and all amendments thereto when recorded and attested as required in this section.

Sec. 29. RCW 36.24.110 and 2009 c 549 s 4037 are each amended to read as follows:

The coroner's warrant shall be in substantially the following form:

State of Washington,

County of

ss.

To any sheriff or constable of the county.

An inquisition having been this day found by the coroner's jury, before me, stating that A B has come to his or her death by the act of C D, by criminal means (or as the case may be, as found by the inquisition), you are therefore commanded, in the name of the state of Washington, forthwith to arrest the above named C D, and take him or her before the nearest or most accessible magistrate in this county.

Given under my hand this . . . . day of . . . . ., A.D. ((19. . .)) (year) . . . .

E F, coroner of the county of

Sec. 30. RCW 36.60.020 and 1983 c 303 s 9 are each amended to read as follows:

(1) A county legislative authority proposing to establish a county rail district, or to modify the boundaries of an existing county rail district, or to dissolve an existing county rail district, shall conduct a hearing at the time and place specified in a notice published at least once, not less than ten days prior to the hearing, in a newspaper of general circulation within the proposed county rail district. This notice shall be in addition to any other notice required by law to be published. Additional notice of the hearing may be given by mail, posting within the proposed county rail district, or in any manner the county legislative authority deems necessary to notify affected persons. All hearings shall be public and the county legislative authority shall hear objections from any person affected by the formation, modification of the boundaries, or dissolution of the county rail district.

(2) Following the hearing held under subsection (1) of this section, the county legislative authority may adopt a resolution providing for the submission of a proposal to establish a county rail district, modify the boundaries of an existing county rail district, or dissolve an existing county rail district, if the county legislative authority finds the proposal to be in the public interest. The resolution shall contain the boundaries of the district if applicable.

A proposition to create a county rail district, modify the boundaries of an existing county rail district, or dissolve an existing rail district shall be submitted to the affected voters at the next general election held sixty or more days after the adoption of the resolution providing for the submittal by the county legislative authority. The resolution shall establish the boundaries of the district and include a finding that the creation of the district is in the public interest and that the area included within the district can reasonably be expected to benefit from its creation. No portion of a city may be included in such a district unless the entire city is included.

The district shall be created upon approval of the proposition by simple majority vote. The ballot proposition submitted to the voters shall be in substantially the following form:

FORMATION OF COUNTY RAIL DISTRICT . . . . .

Shall a county rail district be established for the area described in a resolution of the legislative authority of . . . . . county, adopted on the . . . . day of . . . . ., ((19. . .)) (year) . . . . ?

Yes . . . . .

No . . . . .

Sec. 31. RCW 36.68.470 and 1981 c 210 s 6 are each amended to read as follows:

(1) Upon making findings under the provisions of RCW 36.68.460, the county legislative authority shall, by resolution, order an election of the voters of the proposed park and recreation service area to determine if the service area shall be formed. The county legislative authority shall in their resolution direct the county auditor to set the election to be held at the next general election or at a special election held for such purpose; describe the purposes of the proposed service area; set forth the estimated cost of any initial improvements or services to be financed by the service area should it be formed; describe the method of financing the initial improvements or services described in the resolution or petition; and order that notice of election be published in a newspaper of general circulation in the county at least twice prior to the election date.

(2) A proposition to form a park and recreation service area shall be submitted to the voters of the proposed service area. Upon approval by a majority of the voters voting on the proposition, a park and recreation service area shall be established. The proposition submitted to the voters by the county auditor on the ballot shall be in substantially the following form:

FORMATION OF PARK AND RECREATION SERVICE AREA

Shall a park and recreation service area be established for the area described in a resolution of the legislative authority of . . . . . county, adopted on the . . . . day of . . . . . ((19. . .)) (year) . . . . , to provide financing for neighborhood park facilities, improvements, and services?

Yes . . . . . No . . . . .

Sec. 32. RCW 41.50.590 and 1991 c 365 s 8 are each amended to read as follows:

The mandatory benefits assignment order shall be in the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF .....

Obligee No. .... vs.

MANDATORY BENEFITS ASSIGNMENT

Obligor ORDER

The Department of Retirement Systems of the State of Washington THE STATE OF WASHINGTON TO: The Department of Retirement Systems

AND TO: Obligor

The above-named obligee claims that the above-named obligor is more than fifteen days past due in spousal maintenance payments and that the total amount of such past due payments is equal to or greater than one hundred dollars or that the obligor has requested a withdrawal of accumulated contributions from the department of retirement systems. The amount of the accrued past due spousal maintenance debt as of this date is ..... dollars. If the obligor is receiving periodic retirement payments from the department, the amount to be withheld from the obligor's benefits to satisfy such accrued spousal maintenance is ..... dollars per month and the amount to be withheld from the obligor's benefits to satisfy current and continuing spousal maintenance is ..... per month. Upon satisfaction of the accrued past due spousal maintenance debt, the department shall withhold only ..... dollars, the amount necessary to satisfy current and continuing spousal maintenance from the obligor's benefits. If the obligor has requested a withdrawal of accumulated contributions from the department, the amount to be withheld from the obligor's benefits to satisfy such accrued spousal maintenance is ..... dollars.

You are hereby commanded to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the court, one copy to the obligee or obligee's attorney, and one copy to the obligor within twenty days after service of this benefits assignment order upon you.

(1) If you are currently paying periodic retirement payments to the obligor, then you shall do as follows:

(a) Withhold from the obligor's retirement payments each month the lesser of:

(i) The sum of the specified arrearage payment amount plus the specified current spousal maintenance amount; or

(ii) Fifty percent of the disposable benefits of the obligor.

(b) The total amount withheld above is subject to the mandatory benefits assignment order, and all other sums may be disbursed to the obligor.

You shall continue to withhold the ordered amounts from nonexempt benefits of the obligor until notified by a court order that the mandatory benefits assignment order has been modified or terminated. You shall promptly notify the

court if and when the obligor is no longer receiving periodic retirement payments from the department of retirement systems.

You shall deliver the withheld benefits to the clerk of the court that issued this mandatory benefits assignment order each month, but the first delivery shall occur no sooner than twenty days after your receipt of this mandatory benefits assignment order.

(2) If you are not currently paying periodic retirement payments to the obligor but the obligor has requested a withdrawal of accumulated contributions, then you shall do as follows:

(a) Withhold from the obligor's benefits the sum of the specified arrearage payment amount plus the specified interest amount, up to one hundred percent of the disposable benefits of the obligor.

(b) The total amount withheld above is subject to the mandatory benefits assignment order, and all other sums may be disbursed to the obligor.

You shall mail a copy of this order and a copy of your answer to the obligor at the mailing address in the department's files as soon as is reasonably possible. This mandatory benefits assignment order has priority over any assignment or order of execution, garnishment, attachment, levy, or similar legal process authorized by Washington law, except for a wage assignment order for child support under chapter 26.18 RCW or order to withhold or deliver under chapter 74.20A RCW.

NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE SUPERIOR COURT THAT ISSUED THIS MANDATORY BENEFITS ASSIGNMENT ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR TERMINATE THE MANDATORY BENEFITS ASSIGNMENT ORDER.

DATED THIS .... day of ...., ((19..)) (year) ....

Obligee, Judge/Court Commissioner or obligee's attorney

Sec. 33. RCW 43.20B.040 and 1990 c 100 s 3 are each amended to read as follows:

The form of the lien in RCW 43.20B.060 shall be substantially as follows:

STATEMENT OF LIEN

Notice is hereby given that the State of Washington, Department of Social and Health Services, has rendered assistance or provided residential care to ....., a person who was injured on or about the .... day of ..... in the county of ..... state of ....., and the said department hereby asserts a lien, to the extent provided in RCW 43.20B.060, for the amount of such assistance or residential care, upon any sum due and owing ..... (name of injured person) from ....., alleged to have caused the injury, and/or his or her insurer and from any other person or insurer liable for the injury or obligated to compensate the injured person on account of such injuries by contract or otherwise.

STATE OF WASHINGTON, DEPARTMENT

OF SOCIAL AND HEALTH SERVICES

By: (Title)

STATE OF WASHINGTON

COUNTY OF

skill and material expended upon said . . . . . which was completed upon the . . . . day of . . . . ., ((19. . .)) (year) . . .

ss.

I, . . . . ., being first duly sworn, on oath state: That I am . . . . . (title); that I have read the foregoing Statement of Lien, know the contents thereof, and believe the same to be true.

Signed and sworn to or affirmed before me this . . . . day of . . . . ., ((19. . .)) (year) . . . .

by  
(name of person making statement).  
(Seal or stamp)

Notary Public in and for the State  
of Washington  
My appointment expires:

Sec. 34. RCW 58.09.080 and 1973 c 50 s 8 are each amended to read as follows:

Certificates shall appear on the record of survey map as follows:

**SURVEYOR'S CERTIFICATE**

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of . . . . . in . . . . ., ((19. . .)) (year) . . . .

Name of Person  
(Signed and Sealed)  
Certificate No.

**AUDITOR'S CERTIFICATE**

Filed for record this . . . . day of . . . . ., ((19. . .)) (year) . . . . at . . . .M. in book . . . . of . . . . at page . . . . at the request of . . . . .

(Signed)  
County Auditor

Sec. 35. RCW 60.08.020 and 2012 c 117 s 131 are each amended to read as follows:

In order to make such lien effectual, the lien claimant shall, within ninety days from the date of delivery of such chattel to the owner, file in the office of the auditor of the county in which such chattel is kept, a lien notice, which notice shall state the name of the claimant, the name of the owner, a description of the chattel upon which the claimant has performed labor or furnished material, the amount for which a lien is claimed, and the date upon which such expenditure of labor or material was completed, which notice shall be signed by the claimant or someone on his or her behalf, and may be in substantially the following form:  
**CHATTEL LIEN NOTICE.**

against  
Claimant,  
Owner.

Notice is hereby given that . . . . . has and claims a lien upon (here insert description of chattel), owned by . . . . . for the sum of . . . . . dollars, for and on account of labor,

Claimant.

Sec. 36. RCW 61.12.020 and 1929 c 33 s 12 are each amended to read as follows:

Mortgages of land may be made in substantially the following form: The mortgagor (here insert name or names) mortgages to (here insert name or names) to secure the payment of (here insert the nature and amount of indebtedness, showing when due, rate of interest, and whether evidenced by note, bond or other instrument or not) the following described real estate (here insert description) situated in the county of . . . . ., state of Washington.

Dated this . . . . day of . . . . ., ((19. . .)) (year) . . . .

Every such mortgage, when otherwise properly executed, shall be deemed and held a good and sufficient conveyance and mortgage to secure the payment of the money therein specified. The parties may insert in such mortgage any lawful agreement or condition.

Sec. 37. RCW 64.04.030 and 2012 c 117 s 186 are each amended to read as follows:

Warranty deeds for the conveyance of land may be substantially in the following form, without express covenants:

The grantor (here insert the name or names and place or residence) for and in consideration of (here insert consideration) in hand paid, conveys and warrants to (here insert the grantee's name or names) the following described real estate (here insert description), situated in the county of . . . . ., state of Washington. Dated this . . . . day of . . . . ., ((19. . .)) (year) . . . .

Every deed in substance in the above form, when otherwise duly executed, shall be deemed and held a conveyance in fee simple to the grantee, his or her heirs and assigns, with covenants on the part of the grantor: (1) That at the time of the making and delivery of such deed he or she was lawfully seized of an indefeasible estate in fee simple, in and to the premises therein described, and had good right and full power to convey the same; (2) that the same were then free from all encumbrances; and (3) that he or she warrants to the grantee, his or her heirs and assigns, the quiet and peaceable possession of such premises, and will defend the title thereto against all persons who may lawfully claim the same, and such covenants shall be obligatory upon any grantor, his or her heirs and personal representatives, as fully and with like effect as if written at full length in such deed.

Sec. 38. RCW 64.04.040 and 2012 c 117 s 187 are each amended to read as follows:

Bargain and sale deeds for the conveyance of land may be substantially in the following form, without express covenants:

The grantor (here insert name or names and place of residence), for and in consideration of (here insert consideration) in hand paid, bargains, sells, and conveys to (here insert the grantee's name or names) the following described real estate (here insert description) situated in the county of . . . . ., state of Washington. Dated this . . . . day of . . . . ., ((19. . .)) (year) . . . .

Every deed in substance in the above form when otherwise duly executed, shall convey to the grantee, his or

her heirs or assigns an estate of inheritance in fee simple, and shall be adjudged an express covenant to the grantee, his or her heirs or assigns, to wit: That the grantor was seized of an indefeasible estate in fee simple, free from encumbrances, done or suffered from the grantor, except the rents and services that may be reserved, and also for quiet enjoyment against the grantor, his or her heirs and assigns, unless limited by express words contained in such deed; and the grantee, his or her heirs, executors, administrators, and assigns may recover in any action for breaches as if such covenants were expressly inserted.

Sec. 39. RCW 64.04.050 and 2012 c 117 s 188 are each amended to read as follows:

Quitclaim deeds may be in substance in the following form:

The grantor (here insert the name or names and place of residence), for and in consideration of (here insert consideration) conveys and quitclaims to (here insert grantee's name or names) all interest in the following described real estate (here insert description), situated in the county of . . . . ., state of Washington. Dated this . . . . day of . . . . ., ((19. . .)) (year) . . . .

Every deed in substance in the above form, when otherwise duly executed, shall be deemed and held a good and sufficient conveyance, release and quitclaim to the grantee, his or her heirs and assigns in fee of all the then existing legal and equitable rights of the grantor in the premises therein described, but shall not extend to the after acquired title unless words are added expressing such intention.

Sec. 40. RCW 64.08.060 and 1988 c 69 s 2 are each amended to read as follows:

A certificate of acknowledgment for an individual, substantially in the following form or, after December 31, 1985, substantially in the form set forth in RCW 42.44.100(1), shall be sufficient for the purposes of this chapter and for any acknowledgment required to be taken in accordance with this chapter:

State of

County of

ss.

On this day personally appeared before me (here insert the name of grantor or grantors) to me known to be the individual, or individuals described in and who executed the within and foregoing instrument, and acknowledged that he (she or they) signed the same as his (her or their) free and voluntary act and deed, for the uses and purposes therein mentioned. Given under my hand and official seal this . . . . day of . . . . ., ((19. . .)) (year) . . . . (Signature of officer and official seal)

If acknowledgment is taken before a notary public of this state the signature shall be followed by substantially the following: Notary Public in and for the state of Washington, residing at . . . . ., (giving place of residence).

Sec. 41. RCW 64.08.070 and 2012 c 117 s 191 are each amended to read as follows:

A certificate of acknowledgment for a corporation, substantially in the following form or, after December 31, 1985, substantially in the form set forth in RCW 42.44.100(2), shall be sufficient for the purposes of this chapter and for any acknowledgment required to be taken in accordance with this chapter:

State of

County of

ss.

On this . . . . day of . . . . ., ((19. . .)) (year) . . . ., before me personally appeared . . . . ., to me known to be the (president, vice president, secretary, treasurer, or other authorized officer or agent, as the case may be) of the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he or she was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written. (Signature and title of officer with place of residence of notary public.)

Sec. 42. RCW 65.12.035 and 2009 c 521 s 145 are each amended to read as follows:

The form of application may, with appropriate changes, be substantially as follows:

FORM OF APPLICATION FOR  
INITIAL REGISTRATION OF TITLE TO LAND  
State of Washington

County of ,

ss.

In the superior court of the state of Washington in and for . . . . . county.

In the matter of the application of . . . . . to register the title to the land hereinafter described

PETITION

To the Honorable . . . . ., judge of said court: I hereby make application to have registered the title to the land hereinafter described, and do solemnly swear that the answers to the questions herewith, and the statements herein contained, are true to the best of my knowledge, information and belief.

First. Name of applicant, . . . . ., age, . . . . years.

Residence, . . . . . (number and street, if any).

Married to or in a state registered domestic partnership with

..... (name of husband, wife, or state registered domestic partner).

Second. Applications made by ....., acting as ..... (owner, agent or attorney). Residence, ..... (number, street).

Third. Description of real estate is as follows:

estate or interest therein is ..... and ..... subject to homestead.

Fourth. The land is ..... occupied by ..... (names of occupants), whose address is ..... (number street and town or city). The estate, interest or claim of occupant is .....

Fifth. Liens and incumbrances on the land ..... Name of holder or owner thereof is ..... Whose post office address is ..... Amount of claim, \$.... Recorded, Book ....., page ....., of the records of said county.

Sixth. Other persons, firm or corporation having or claiming any estate, interest or claim in law or equity, in possession, remainder, reversion or expectancy in said land are ..... whose addresses are ..... respectively. Character of estate, interest or claim is .....

Seventh. Other facts connected with said land and appropriate to be considered in this registration proceeding are .....

Eighth. Therefore, the applicant prays this honorable court to find or declare the title or interest of the applicant in said land and decree the same, and order the registrar of titles to register the same and to grant such other and further relief as may be proper in the premises.

(Applicant's signature)

By ....., agent, attorney, administrator or guardian.

Subscribed and sworn to before me this .... day of ... .., A.D. ((19...)) (year) ....

Notary Public in and for the state of Washington, residing at .....

Sec. 43. RCW 65.12.125 and 1907 c 250 s 206 are each amended to read as follows:

The summons provided for in RCW 65.12.135 shall be in substance in the form following, to wit:

SUMMONS ON APPLICATION FOR REGISTRATION OF LAND State of Washington,

County of ,

ss.

In the superior court of the state of Washington in and for the county of ..... (name of applicant), plaintiff, ... .., versus ..... (names of all defendants), and all other persons or parties unknown, claiming any right, title, estate, lien or interest in the real estate, described in the application herein ..... defendants.

The state of Washington to the above-named defendants, greeting:

You are hereby summoned and required to answer the application of the applicant plaintiff in the above entitled application for registration of the following land situate in . . . . . county, Washington, to wit: (description of land), and to file your answer to the said application in the office of the clerk of said court, in said county, within twenty days after the service of this summons upon you, exclusive of the day of such service; and if you fail to answer the said application within the time aforesaid, the applicant plaintiff in this action will apply to the court for the relief demanded in the application herein.

Witness, ....., clerk of said court and the seal thereof, at ....., in said county and state, this .... day of ....., A.D. ((19..)) (year) ....

(Seal.) Clerk.

Sec. 44. RCW 65.12.230 and 1917 c 62 s 3 are each amended to read as follows:

The owner or owners of registered lands, desiring to withdraw the same from registration, shall make and file with the registrar of titles in the county in which said lands are situated, an application in substantially the following form:

To the registrar of titles in the county of ....., state of Washington:

I, (or we), ....., the undersigned registered owner . . . in fee simple of the following described real property situated in the county of ....., state of Washington, to wit: (here insert the description of the property), hereby make application to have the title to said real property withdrawn from registration.

Witness my (or our) hand . . . and seal . . . this .... day of ....., ((19...)) (year) ....

Applicant's signature.

Said application shall be acknowledged in the same manner as is required for the acknowledgment of deeds.

Sec. 45. RCW 65.12.235 and 2012 c 117 s 227 are each amended to read as follows:

Upon the filing of such application and the payment of a fee of five dollars, the registrar of titles, if it shall appear that the application is signed and acknowledged by all the registered owners of said land, shall issue to the applicant a certificate in substantially the following form:

This is to certify, That ..... the owner (or owners) in fee simple of the following described lands situated in the county of ....., state of Washington, the title to which has been heretofore registered under the laws of the state of Washington, to wit: (here insert description of the property), having heretofore filed his or her (or their) application for the withdrawal of the title to said lands from the registry system; NOW, THEREFORE, The title to said above described lands has been withdrawn from the effect and operation of the title registry system of the state of Washington and the owner (or owners) of said lands is (or are) by law authorized to contract concerning, convey, encumber, or otherwise deal with the title to said lands in the same manner and to the same extent as though said title had never been registered.

Witness my hand and seal this .... day of ....., ((19..)) (year) ....

Registrar of Titles for

..... county.

Sec. 46. RCW 65.12.255 and 2012 c 117 s 229 are each amended to read as follows:

The certificate of registration shall contain the name of the owner, a description of the land and of the estate of the owner, and shall by memorial or notation contain a description of all incumbrances, liens, and interests to which the estate of the owner is subject; it shall state the residence of the owner and, if a minor, give his or her age; if under disability, it shall state the nature of the disability; it shall state whether married or not, and, if married, the name of the husband or wife; in case of a trust, condition or limitation, it shall state the trust, condition, or limitation, as the case may be; and shall contain and conform in respect to all statements to the certified copy of the decree of registration filed with the registrar of titles as hereinbefore provided; and shall be in form substantially as follows:

FIRST CERTIFICATE OF TITLE

Pursuant to order of the superior court of the state of Washington, in and for ..... county.  
State of Washington,

County of ,

ss.

This is to certify that A. .... B. .... of ....., county of ....., state of ....., is now the owner of an estate (describe the estate) of, and in (describe the land), subject to the incumbrances, liens and interests noted by the memorial underwritten or indorsed thereon, subject to the exceptions and qualifications mentioned in the thirtieth section of "An Act relating to the registration and confirmation of titles to land," in the session laws of Washington for the year 1907 [RCW 65.12.195]. (Here note all statements provided herein to appear upon the certificate.)

In witness whereof, I have hereunto set my hand and affixed the official seal of my office this .... day of ....., A.D. ((19. . .)) (year) ....

(Seal)

Registrar of Titles.

Sec. 47. RCW 65.12.270 and 1907 c 250 s 38 are each amended to read as follows:

All certificates subsequent to the first shall be in like form, except that they shall be entitled: "Transfer from No. . . .", (the number of the next previous certificate relating to the same land), and shall also contain the words "Originally registered on the .... day of ....., ((19. . .)) (year) ...., and entered in the book ..... at page .... of register."

Sec. 48. RCW 67.38.030 and 1982 1st ex.s. c 22 s 3 are each amended to read as follows:

(1) The process to create a cultural arts, stadium and convention district may be initiated by:

(a) The adoption of a resolution by the county legislative authority calling for a public hearing on the proposed creation of such a district and delineating proposed boundaries of the district; or

(b) The governing bodies of two or more cities located within the same county adopting resolutions calling for a public hearing on the proposed creation of such a district and

delineating proposed boundaries of such a district: PROVIDED, That this method may not be used more frequently than once in any twelve month period in the same county; or

(c) The filing of a petition with the county legislative authority, calling for a public hearing on the proposed creation of such a district and delineating proposed boundaries of the district, that is signed by at least ten percent of the registered voters residing in the proposed district at the last general election. Such signatures will be certified by the county auditor or the county elections department.

(2) Within sixty days of the adoption of such resolutions, or presentation of such a petition, the county legislative authority shall hold a public hearing on the proposed creation of such a district. Notice of the hearing shall be published at least once a week for three consecutive weeks in one or more newspapers of general circulation within the proposed boundaries of the district. The notice shall include a general description and map of the proposed boundaries. Additional notice shall also be mailed to the governing body of each city and municipality located all or partially within the proposed district. At such hearing, or any continuation thereof, any interested party may appear and be heard on the formation of the proposed district.

The county legislative authority shall delete the area included within the boundaries of a city from the proposed district if prior to the public hearing the city submits to the county legislative authority a copy of an adopted resolution requesting its deletion from the proposed district. The county legislative authority may delete any other areas from the proposed boundaries. Additional territory may be included within the proposed boundaries, but only if such inclusion is subject to a subsequent hearing, with notice provided in the same manner as for the original hearing.

(3) A proposition to create a cultural arts, stadium and convention district shall be submitted to the voters of the proposed district within two years of the adoption of a resolution providing for such submittal by the county legislative authority at the conclusion of such hearings. The resolution shall establish the boundaries of the district and include a finding that the creation of the district is in the public interest and that the area included within the district can reasonably be expected to benefit from its creation. No portion of a city may be included in such a district unless the entire city is included. The boundaries of such a district shall follow school district or community college boundaries in as far as practicable.

(4) The proposition to create a cultural arts, stadium and convention district shall be submitted to the voters of the proposed district at the next general election held sixty or more days after the adoption of the resolution. The district shall be created upon approval of the proposition by simple majority vote. The ballot proposition submitted to the voters shall be in substantially the following form:

FORMATION OF CULTURAL ARTS,  
STADIUM AND CONVENTION  
DISTRICT .....

Shall a cultural arts, stadium and convention district be established for the area described in a resolution of the legislative authority of ..... county, adopted on the .... day of ....., ((19. . .)) (year) ....?

Yes . . . . .  
No . . . . .

Sec. 49. RCW 84.40.320 and 1988 c 222 s 18 are each amended to read as follows:

The assessor shall add up and note the amount of each column in the detail and assessment lists in such manner as prescribed or approved by the state department of revenue, as will provide a convenient and permanent record of assessment. The assessor shall also make, under proper headings, a certification of the assessment rolls and on the 15th day of July shall file the same with the clerk of the county board of equalization for the purpose of equalization by the said board. Such certificate shall be verified by an affidavit, substantially in the following form:

State of Washington, . . . . . County, ss.

I, . . . . ., Assessor . . . . ., do solemnly swear that the assessment rolls and this certificate contain a correct and full list of all the real and personal property subject to taxation in this county for the assessment year ((19. . .)) (year) . . . ., so far as I have been able to ascertain the same; and that the assessed value set down in the proper column, opposite the several kinds and descriptions of property, is in each case, except as otherwise provided by law, one hundred percent of the true and fair value of such property, to the best of my knowledge and belief, and that the assessment rolls and this certificate are correct, as I verily believe.

. . . . ., Assessor.

Subscribed and sworn to before me this . . . . day of . . . . ., ((19. . .)) (year) . . . .

(L. S.) . . . . ., Auditor of . . . . . county.

PROVIDED, That the failure of the assessor to complete the certificate shall in nowise invalidate the assessment. After the same has been duly equalized by the county board of equalization, the same shall be delivered to the county assessor.

Sec. 50. RCW 85.28.060 and 2013 c 23 s 442 are each amended to read as follows:

Upon the filing of the report of the viewers aforesaid, a summons shall be issued in the same manner as summons are issued in civil actions, and served upon each person owning or interested in any lands over which the proposed ditch or drain will pass. Said summons must inform the person to whom it is directed of the appointment and report of the viewers; a description of the land over which said ditch will pass of which such person is the owner, or in which he or she has an interest; the width and depth of said proposed ditch, and the distance which it traverses said land, also an accurate description of the course thereof. It must also show the amount of damages to said land as estimated by said viewers; and that unless the person so summoned appears and files objections to the report of the viewers, within twenty days after the service of said summons upon him or her, exclusive of the day of service, the same will be approved by the court, which summons may be in the following form:

In the Superior Court of the State of Washington, for . . . . . County.

In the matter of the application of . . . . . for a private ditch.

The state of Washington to . . . . .

Whereas, on the . . . . day of . . . . . ((19. . .)) (year) . . . . filed his or her petition in the above entitled court praying

that a private ditch or drain be established across the following described lands, to wit:

for the purpose of draining certain lands belonging to said . . . . ., and whereas, on the . . . . day of . . . . ., ((19. . .)) (year) . . . ., Messrs. . . . . and . . . . . with . . . . . county surveyor of . . . . . county, were appointed to view said premises in the manner provided by law, and said viewers having, on the . . . . day of . . . . ., ((19. . .)) (year) . . . ., filed their report in this court, finding in favor of said ditch and locating the same upon the following course: . . . . . for a distance of . . . . . upon said land, and of a width of . . . . feet and a depth of . . . . feet; and they further find that said land will be damaged by the establishing and construction of said ditch in the sum of \$. . . . : Now therefore, you are hereby summoned to appear within twenty days after the service of this summons, exclusive of the day of service, and file your objections to said petition and the report of said viewers, with this court; and in case of your failure so to do, said report will be approved and said petition granted.

Plaintiff's Attorney.  
P.O. Address

Sec. 51. RCW 88.32.070 and 1985 c 469 s 95 are each amended to read as follows:

After the return of the assessment roll to the county legislative authority it shall make an order setting a day for the hearing upon any objections to the assessment roll by any parties affected thereby who shall be heard by the county legislative authority as a board of equalization, which date shall be at least twenty days after the filing of such roll. It shall be the duty of the county legislative authority to give, or cause to be given, notice of such assessment, and of the day fixed for the hearing, as follows:

(1) They shall send or cause to be sent, by mail, to each owner of premises assessed, whose name and place of residence is known to them, a notice, substantially in this form, to wit:

"

"Your property (here describe the property) is assessed \$. . . . for river and harbor improvement to be made in this county.

"Hearing on the assessment roll will be had before the undersigned, at the office of the county commissioners, on the . . . . day of . . . . . ((19. . .)) (year) . . . .

"Board of county commissioners."

But failure to send, or cause to be sent, such notice, shall not be fatal to the proceedings herein prescribed.

(2) They shall cause at least ten days' notice of the hearing to be given by posting notice in at least ten public places in the county, three of which shall be in the neighborhood of the proposed improvement, and by publishing the same at least once a week for two consecutive weeks in the official newspaper of the county which notice shall be signed by the county legislative authority, and shall state the day and place of the hearing of objections to the assessment roll, and the nature of the improvement, and that all interested parties will be heard as to any objections to said assessment roll.

Sec. 52. RCW 88.32.140 and 2013 c 23 s 541 are each amended to read as follows:

(1) In all cases, the county, as the agent of the local improvement district, shall, by resolution of its county legislative authority, cause to be issued in the name of the county, the bonds for such local improvement district for the whole estimated cost of such improvement, less such amounts as shall have been paid within the thirty days provided for redemption, as hereinabove specified. Such bonds shall be called "Local Improvement Bonds, District No. . . . ., County of . . . . ., State of Washington", and shall be payable not more than ten years after date, and shall be subject to annual call by the county treasurer, in such manner and amounts as he or she may have cash on hand to pay the same in the respective local improvement fund from which such bonds are payable, interest to be paid at the office of the county treasurer. Such bonds shall be issued and delivered to the contractor for the work from month to month in such amounts as the engineer of the government, in charge of the improvement, shall certify to be due on account of work performed, or, if said county legislative authority resolves so to do, such bonds may be offered for sale after thirty days public notice thereof given, to be delivered to the highest bidder therefor, but in no case shall such bonds be sold for less than par, the proceeds to be applied in payment for such improvement: PROVIDED, That unless the contractor for the work shall agree to take such bonds in payment for his or her work at par, such work shall not be begun until the bonds shall have been sold and the proceeds shall have been paid into a fund to be called "Local Improvement Fund No. . . . ., County of . . . . .", and the owner or owners of such bonds shall look only to such fund for the payment of either the principal or interest of such bonds.

Such bonds shall be issued in denominations of one hundred dollars each, and shall be substantially in the following form:

"Local Improvement Bond, District Number . . . . of the County of . . . . ., State of Washington.

No. . . . . N.B. . . . . \$ . . . . .

This bond is not a general debt of the county of . . . . . and has not been authorized by the voters of said county as a part of its general indebtedness. It is issued in pursuance of an act of the legislature of the state of Washington, passed the . . . . day of . . . . . A.D. 1907, and is a charge against the fund herein specified and its issuance and sale is authorized by the resolution of the county legislative authority, passed on the . . . . day of . . . . . A.D. 1907. The county of . . . . ., a municipal corporation of the state of Washington, hereby promises to pay to . . . . ., or bearer, one hundred dollars, lawful money of the United States of America, out of the fund established by resolution of the county legislative authority on the . . . . day of . . . . ., A.D. ((19. . .)) (year) . . . ., and known as local improvement fund district number . . . . of . . . . . county, and not otherwise.

"This bond is payable ten years after date, and is subject to annual call by the county treasurer at the expiration of any year before maturity in such manner and amounts as he or she may have cash on hand to pay the same in the said fund from which the same is payable, and shall bear interest at the rate of . . . . percent per annum, payable semiannually; both principal and interest payable at the office of the county treasurer. The county legislative authority of said county, as

the agent of said local improvement district No. . . . ., established by resolution No. . . . ., has caused this bond to be issued in the name of said county, as the bond of said local improvement district, the proceeds thereof to be applied in part payment of so much of the cost of the improvement of the rivers, lakes, canals, or harbors of . . . . . county, under resolution No. . . . ., as is to be borne by the owners of property in said local improvement district, and the said local improvement fund, district No. . . . . of . . . . . county, has been established by resolution for said purpose; and the owner or owners of this bond shall look only to said fund for the payment of either the principal or interest of this bond.

"The call for the payment of this bond or any bond, issued on account of said improvement, may be made by the county treasurer by publishing the same in an official newspaper of the county for ten consecutive issues, beginning not more than twenty days before the expiration of any year from date hereof, and if such call be made, interest on this bond shall cease at the date named in such call.

"This bond is one of a series of . . . . . bonds, aggregating in all the principal sum of . . . . . dollars, issued for said local improvement district, all of which bonds are subject to the same terms and conditions as herein expressed.

"In witness whereof the said county of . . . . . has caused these presents to be signed by its chair of its county legislative authority, and countersigned by its county auditor and sealed with its corporate seal, attested by its county clerk, this . . . . day of . . . . ., in the year of our Lord ((one thousand nine hundred and)) . . . . .

The County of  
By  
Chair County Legislative Authority.

Countersigned, . . . . . County Auditor.

Attest, . . . . . Clerk."

The bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 53. RCW 91.08.380 and 1911 c 23 s 36 are each amended to read as follows:

The treasurer receiving such certified copy of the assessment roll and judgment shall immediately give notice thereof by publishing such notice at least once in the official newspaper or newspapers of such county, if such newspaper or newspapers there be; and if there be no such official newspaper, then by publishing such notice in some newspaper of general circulation in the county. Such notice may be in substantially the following form:

"SPECIAL ASSESSMENT NOTICE.

Public notice is hereby given that the superior court of . . . . . county, State of Washington, has rendered judgment for a special assessment upon property benefited by the following improvement (here insert the character and location of the improvement in general terms) as will more fully appear from the certified copy of the assessment roll on file in my office, and that the undersigned is authorized to collect such assessments. All persons interested are hereby notified that they can pay the amounts assessed, or any part thereof, without interest, at my office (here insert location of office) within sixty days from the date hereof.

Dated this . . . . day of . . . . . A.D. ((19. . .)) (year) . . . .

Treasurer of  
county, Washington."

## PART II

### REMOVING EXPIRED PROVISIONS

NEW SECTION. Sec. 54. RCW 19.27A.035 (Payments by electric utilities to owners of residential buildings—Recovery of expenses—Effect of Pacific Northwest electric power planning and conservation act—Expiration of subsections) and 1993 c 64 s 2 & 1990 c 2 s 4 are each repealed.

Sec. 55. RCW 49.12.450 and 1998 c 334 s 2 are each amended to read as follows:

(1) Notwithstanding the provisions of chapter 49.46 RCW or other provisions of this chapter, the obligation of an employer to furnish or compensate an employee for apparel required during work hours shall be determined only under this section.

(2) Employers are not required to furnish or compensate employees for apparel that an employer requires an employee to wear during working hours unless the required apparel is a uniform.

(3) As used in this section, "uniform" means:

(a) Apparel of a distinctive style and quality that, when worn outside of the workplace, clearly identifies the person as an employee of a specific employer;

(b) Apparel that is specially marked with an employer's logo;

(c) Unique apparel representing an historical time period or an ethnic tradition; or

(d) Formal apparel.

(4) Except as provided in subsection (5) of this section, if an employer requires an employee to wear apparel of a common color that conforms to a general dress code or style, the employer is not required to furnish or compensate an employee for that apparel. For the purposes of this subsection, "common color" is limited to the following colors or light or dark variations of such colors: White, tan, or blue, for tops; and tan, black, blue, or gray, for bottoms. An employer is permitted to require an employee to obtain two sets of wearing apparel to accommodate for the seasonal changes in weather which necessitate a change in wearing apparel.

(5) If an employer changes the color or colors of apparel required to be worn by any of his or her employees during a two-year period of time, the employer shall furnish or compensate the employees for the apparel. The employer shall be required to furnish or compensate only those employees who are affected by the change. The two-year time period begins on the date the change in wearing apparel goes into effect and ends two years from this date. The beginning and end of the two-year time period applies to all employees regardless of when the employee is hired.

(6) ((The department shall utilize negotiated rule making as defined by RCW 34.05.310(2)(a) in the development and adoption of rules defining apparel that conforms to a general dress code or style. This subsection expires January 1, 2000.

(7))) For the purposes of this section, personal protective equipment required for employee protection under chapter 49.17 RCW is not deemed to be employee wearing apparel.

## PART III

## MAKING TECHNICAL CORRECTIONS

Sec. 56. 2013 2nd sp.s. c 4 s 1905 (uncodified) is amended to read as follows:

Section 957 of this act expires ((August)) January 1, 2018.

Sec. 57. RCW 28B.15.069 and 2015 3rd sp.s. c 36 s 5 and 2015 3rd sp.s. c 4 s 945 are each reenacted to read as follows:

(1) The building fee for each academic year shall be a percentage of total tuition fees. This percentage shall be calculated by the office of financial management and be based on the actual percentage the building fee is of total tuition for each tuition category in the 1994-95 academic year, rounded up to the nearest half percent. After October 9, 2015, the dollar value of the building fee shall not be reduced below the level in the 2014-15 academic year adjusted for inflation. As used in this subsection, "inflation" has the meaning in RCW 28B.15.066(2).

(2) The governing boards of each institution of higher education shall charge to and collect from each student a services and activities fee. A governing board may increase the existing fee annually, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the annual percentage increase in student tuition fees for resident undergraduate students: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. These rate adjustments may exceed the fiscal growth factor. For the 2015-2017 fiscal biennium, each governing board is authorized to increase the services and activities fees by amounts judged reasonable and necessary by the services and activities fee committee and the governing board consistent with the budgeting procedures set forth in RCW 28B.15.045. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(3) Tuition and services and activities fees consistent with subsection (2) of this section shall be set by the state board for community and technical colleges for community and technical college summer school students unless the college charges fees in accordance with RCW 28B.15.515.

(4) Subject to the limitations of RCW 28B.15.910, each governing board of a community or technical college may charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting courses as it, in its discretion, may determine, consistent with the rules of the state board for community and technical colleges.

(5) The governing board of a college offering an applied baccalaureate degree program under RCW 28B.50.810 may charge tuition fees for those courses above the associate degree level at rates consistent with rules adopted by the state board for community and technical colleges, not to exceed tuition fee rates at the regional universities.

Sec. 58. RCW 43.19.501 and 2015 3rd sp.s. c 3 s 7031 are each reenacted to read as follows:

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department in Thurston county. For the 2007-2009 biennium, moneys in

the account may be used for predesign identified in section 1037, chapter 328, Laws of 2008. For the 2015-2017 biennium, moneys in the account may be used for studies related to real estate.

During the 2009-2011 and 2011-2013 fiscal biennia, the legislature may transfer from the Thurston county capital facilities account to the state general fund such amounts as reflect the excess fund balance of the account.

NEW SECTION. Sec. 59. Section 1, chapter 65, Laws of 2015 expires July 1, 2020.

Sec. 60. RCW 36.32.080 and 2015 c 179 s 1 and 2015 c 74 s 1 are each reenacted and amended to read as follows:

(1) The county legislative authority of each county shall hold regular meetings at the county seat or at a location designated in accordance with subsection (2) or (3) of this section to transact any business required or permitted by law.

(2)(a) Any two or more county legislative authorities may hold a joint regular meeting solely in the county seat of a participating county if the agenda item or items relate to actions or considerations of mutual interest or concern to the participating legislative authorities.

(b) A legislative authority participating in a joint regular meeting held in accordance with this subsection (2) must, for purposes of the meeting, comply with notice requirements for special meetings provided in RCW 42.30.080. This subsection (2)(b) does not apply to the legislative authority of the county in which the meeting will be held.

(3)(a) As an alternative option that may be exercised no more than once per calendar quarter, regular meetings may be held at a location outside of the county seat but within the county if the county legislative authority determines that holding a meeting at an alternate location would be in the interest of supporting greater citizen engagement in local government.

(b) The county legislative authority must give notice of any regular meeting held ((outside of the county seat. Notice must be given)) pursuant to this subsection (3) at least thirty days before the time of the meeting specified in the notice. At a minimum, notice must be:

- (i) Posted on the county's web site;
- (ii) Published in a newspaper of general circulation in the county; and
- (iii) Sent via electronic transmission to any resident of the county who has chosen to receive the notice required under this section at an ((electronic mail [email])) email address.

Sec. 61. RCW 43.07.173 and 1998 c 38 s 1 are each amended to read as follows:

(1) The secretary of state ((shall)) may accept and file in the secretary's office ((facsimile)) electronic transmissions of any documents authorized or required to be filed pursuant to Title 23, 23B, 24, or 25 RCW or chapter 18.100 RCW. The acceptance by the secretary of state is conditional upon the document being legible and otherwise satisfying the requirements of state law or rules with respect to form and content, including those established under RCW 43.07.170. If the document must be signed, that requirement ((is)) may be satisfied by ((a facsimile copy of the)) an electronic signature as defined in RCW 19.34.020.

(2) If a fee is required for filing the document, the secretary may reject the document for filing if the fee is not received before, or at the time of, receipt.

Sec. 62. RCW 43.07.190 and 1991 c 72 s 56 are each amended to read as follows:

Where the secretary of state determines that a summary face sheet or cover sheet would expedite review of any documents made under Title 23B RCW, or chapter 18.100, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, 24.36, ((or)) 25.10, or 25.15 RCW, the secretary of state may require the use of a summary face sheet or cover sheet that accurately reflects the contents of the attached document. The secretary of state may, by rule adopted under chapter 34.05 RCW, specify the required contents of any summary face sheet and the type of document or documents in which the summary face sheet will be required, in addition to any other filing requirements which may be applicable.

Sec. 63. RCW 43.07.400 and 2007 c 156 s 3 are each amended to read as follows:

(1) The state domestic partnership registry is created within the secretary of state's office.

(2)(a) The secretary shall prepare a form((s)) entitled "declaration of state registered domestic partnership" ((and "notice of termination of state registered domestic partnership")) to meet the requirements of RCW 26.60.010, 26.60.020, 26.60.030, and 26.60.070.

(b) The "declaration of state registered domestic partnership" form must contain a statement that registration may affect property and inheritance rights, that registration is not a substitute for a will, deed, or partnership agreement, and that any rights conferred by registration may be completely superseded by a will, deed, or other instrument that may be executed by either party. The form must also contain instructions on how the partnership may be terminated.

((c) The "notice of termination of state registered domestic partnership" form must contain a statement that termination may affect property and inheritance rights, including beneficiary designations, and other agreements, such as the appointment of a state registered domestic partner as an attorney-in-fact under a power of attorney.))

(3) ((The secretary shall distribute these forms to each county clerk. These)) This form((s)) shall be available to the public at the secretary of state's office((, each county clerk,)) and on the internet.

(4) The secretary shall adopt rules necessary to implement the administration of the state domestic partnership registry.

NEW SECTION. Sec. 64. The following acts or parts of acts are each repealed:

(1)RCW 43.07.050 (Bureau of statistics—Secretary ex officio commissioner) and 2009 c 549 s 5028 & 1965 c 8 s 43.07.050;

(2)RCW 43.07.090 (Bureau of statistics—Power to obtain statistics—Penalty) and 2009 c 549 s 5029 & 1965 c 8 s 43.07.090;

(3)RCW 43.07.100 (Bureau of statistics—Information confidential—Penalty) and 1965 c 8 s 43.07.100;

(4)RCW 43.07.110 (Bureau of statistics—Deputy commissioner) and 2009 c 549 s 5030 & 1965 c 8 s 43.07.110; and

(5)RCW 43.07.205 (Contract to issue conditional federal employer identification numbers, credentials, and documents in conjunction with license applications) and 1997 c 51 s 3."

On page 1, line 2 of the title, after "corrections;" strike the remainder of the title and insert "amending RCW 6.21.040, 6.23.030, 9.96.020, 10.14.085, 10.37.040, 11.28.090, 11.28.140, 11.68.110, 11.88.140, 12.04.020, 12.04.030, 12.04.100, 12.04.201, 12.04.203, 12.04.204, 12.04.205, 12.04.206, 12.04.207, 12.40.110, 17.28.090, 18.44.251, 19.120.040, 26.04.090, 26.18.100, 26.50.085, 35.22.110, 35.58.090, 35A.08.120, 36.24.110, 36.60.020, 36.68.470, 41.50.590, 43.20B.040, 58.09.080, 60.08.020, 61.12.020, 64.04.030, 64.04.040, 64.04.050, 64.08.060, 64.08.070, 65.12.035, 65.12.125, 65.12.230, 65.12.235, 65.12.255, 65.12.270, 67.38.030, 84.40.320, 85.28.060, 88.32.070, 88.32.140, 91.08.380, 49.12.450, 43.07.173, 43.07.190, and 43.07.400; amending 2013 2nd sp.s. c 4 s 1905 (uncodified); reenacting and amending RCW 36.32.080; reenacting RCW 28B.15.069 and 43.19.501; repealing RCW 19.27A.035, 43.07.050, 43.07.090, 43.07.100, 43.07.110, and 43.07.205; and providing expiration dates."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2359 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2359, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2359, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De

Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Stokesbary and Zeiger.

SUBSTITUTE HOUSE BILL NO. 2359, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 2, 2016

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2394 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 79.** For over thirty years, parent to parent programs for individuals with either developmental disabilities, or special health care needs, or both, have been providing emotional and informational support by matching parents seeking support with an experienced and trained support parent.

The parent to parent program currently exists in thirty-one counties: Adams, Asotin, Benton, Chelan, Clallam, Clark, Columbia, Cowlitz, Douglas, Franklin, Garfield, Grant, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Lincoln, Mason, Pacific, Pierce, Skagit, Snohomish, Spokane, Thurston, Walla Walla, Whatcom, Whitman, and Yakima. It is the legislature's goal to continue, support, and enhance the programs in these counties and expand these programs statewide by 2021.

**NEW SECTION. Sec. 80.** A new section is added to chapter 71A.14 RCW to read as follows:

The goals of the parent to parent program are to:

- (1) Provide early outreach, support, and education to parents who have a child with special health care needs;
- (2) Match a trained volunteer support parent with a new parent who has a child with similar needs to the child of the support parent; and
- (3) Provide parents with tools and resources to be successful as they learn to understand the support and advocacy needs of their children.

**NEW SECTION. Sec. 81.** A new section is added to chapter 71A.14 RCW to read as follows:

Subject to the availability of funds appropriated for this specific purpose, activities of the parent to parent program may include:

- (1) Outreach and support to newly identified parents of children with special health care needs;
- (2) Trainings that educate parents in ways to support their child and navigate the complex health, educational, and social systems;
- (3) Ongoing peer support from a trained volunteer support parent; and

(4) Regular communication with other local programs to ensure consistent practices.

**NEW SECTION. Sec. 82.** A new section is added to chapter 71A.14 RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the parent to parent program must be funded through the department and centrally administered through a pass-through to a Washington state lead organization that has extensive experience supporting and training support parents.

(2) Through the contract with the lead organization, each local program must be locally administered by an organization that shall serve as the host organization.

(3) Parents shall serve as advisors to the host organizations.

(4) A parent or grandparent of a child with developmental disabilities or special health care needs shall provide program coordination and local program information.

(5) The lead organization shall provide ongoing training to the host organizations and statewide program oversight and maintain statewide program information.

(6) For the purpose of this act, "special health care needs" means disabilities, chronic illnesses or conditions, health related educational or behavioral problems, or the risk of developing such disabilities, conditions, illnesses or problems."

On page 1, line 2 of the title, after "disabilities;" strike the remainder of the title and insert "adding new sections to chapter 71A.14 RCW; and creating a new section."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2394 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Senn and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2394, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2394, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey,

Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Scott and Taylor.

Excused: Representatives Stokesbary and Zeiger.

HOUSE BILL NO. 2394, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 2, 2016

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2808 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 83.** RCW 71.05.201 and 2015 c 258 s 2 are each amended to read as follows:

(1) If a designated mental health professional decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated mental health professional received a request for investigation and the designated mental health professional has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2)(a) The petition must be filed in the county in which the designated mental health professional investigation occurred or was requested to occur and must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated mental health professional.

(3) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated mental health professional agency with an order for the agency to provide the court, within one judicial day, with a written

sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated mental health professional's current decision.

(4) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(5) The court shall dismiss the petition at any time if it finds that a designated mental health professional has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(6) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention if the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(7) If the court enters an order for initial detention, it shall provide the order to the designated mental health professional agency, which shall execute the order without delay. An order for initial detention under this section expires one hundred eighty days from issuance.

(8) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

(9) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling."

**HB 2808 - S COMM AMD**

By Committee on Human Services, Mental Health & Housing

On page 1, line 3 of the title, after "act;" strike the remainder of the title and insert "and amending RCW 71.05.201."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2808 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Rodne and Kilduff spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2808, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2808, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Stokesbary and Zeiger.

HOUSE BILL NO. 2808, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 3, 2016

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2856 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 84.** (1) The office of Chehalis basin is established in the department. The primary purpose of the office is to aggressively pursue implementation of an integrated strategy and administer funding for long-term flood damage reduction and aquatic species restoration in the Chehalis river basin.

(2) The office of Chehalis basin must be funded from appropriations specified for Chehalis river basin-related flood hazard reduction and habitat recovery activities.

(3) In operating the office, the department must follow, to the greatest extent practicable, the model being used to administer the Columbia river basin water supply program established in chapter 6, Laws of 2006.

**NEW SECTION. Sec. 85.** (1) The Chehalis board is created consisting of seven members.

(2)(a) Four members of the board must be voting members who are appointed by the governor, subject to confirmation by the senate. One member must represent the Chehalis Indian tribe and one member must represent the

Quinault Indian nation. Three board members must be selected by the Chehalis basin flood authority. No member may have a financial or regulatory interest in the work of the board. The governor shall appoint one of the flood authority appointees as the chair. The voting members of the board must be appointed for terms of four years, except that two members initially must be appointed for terms of two years and three members must initially be appointed for terms of three years. In making the appointments, the governor shall seek a board membership that collectively provides the expertise necessary to provide strong oversight for implementation of the Chehalis basin strategy, that provides extensive knowledge of local government processes and functions, and that has an understanding of issues relevant to reducing flood damages and restoring aquatic species.

(b) In addition to the seven voting members of the board, the following five state officials must serve as ex officio nonvoting members of the board: The director of the department of fish and wildlife, the executive director of the Washington state conservation commission, the secretary of the department of transportation, the director of the department of ecology, and the commissioner of public lands. The state officials serving in an ex officio capacity may designate a representative of their respective agencies to serve on the board in their behalf. These designations must be made in writing and in such a manner as is specified by the board.

(3) Staff support to the board must be provided by the department. For administrative purposes, the board is located within the department.

(4) Members of the board who do not represent state agencies must be compensated as provided by RCW 43.03.250. Members of the board shall be reimbursed for travel expenses as provided by RCW 43.03.050 and 43.03.060.

(5) The board is responsible for oversight of a long-term strategy resulting from the department's programmatic environmental impact statement for the Chehalis river basin to reduce flood damages and restore aquatic species habitat.

(6) The board is responsible for overseeing the implementation of the strategy and developing biennial and supplemental budget recommendations to the governor.

**NEW SECTION. Sec. 86.** The Chehalis basin strategy must include a detailed set of actions to reduce flood damage and improve aquatic species habitat. The strategy must be amended by the Chehalis board as necessary to include new scientific information and needed changes to the actions to achieve the overall purpose of the strategy. The strategy must include an implementation schedule and quantified measures for evaluating the success of implementation.

**NEW SECTION. Sec. 87.** The Chehalis basin account is created in the state treasury. All receipts from direct appropriations from the legislature, including the proceeds of tax exempt bonds, or moneys directed to the account from any other sources must be deposited in the account. Interest earned by deposits in the account will be

retained in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes set out in section 1 of this act and for the payment of expenses incurred in the issuance and sale of bonds.

**Sec. 88.** RCW 43.84.092 and 2015 3rd sp.s. c 44 s 107 and 2015 3rd sp.s. c 12 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development

account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the

state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 89.** Sections 1 through 4 of this act are each added to chapter 43.21A RCW."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "establishing the office of Chehalis basin; reenacting and amending RCW

43.84.092; and adding new sections to chapter 43.21A RCW."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2856 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives DeBolt and Tharinger spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2856, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2856, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Scott, Shea and Taylor.

Excused: Representatives Stokesbary and Zeiger.

HOUSE BILL NO. 2856, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 2, 2016

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2938 with the following amendment:

On page 6, at the beginning of line 18, strike "consider" and insert "make a determination of nexus based solely on"

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2938 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Orcutt and Robinson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2938, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2938, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Farrell, Moeller, Pollet and Sells.

Excused: Representatives Stokesbary and Zeiger.

SUBSTITUTE HOUSE BILL NO. 2938, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 2, 2016

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2971 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 90.** RCW 64.06.080 and 2015 2nd sp.s. c 10 s 4 are each amended to read as follows:

(1) Any ordinance, resolution, or policy adopted by a city or county that imposes a requirement on landlords or sellers of real property, or their agents, to provide information to a buyer or tenant pertaining to the subject property or the surrounding area is effective only after:

(a) A summary of the ordinance, resolution, or policy is posted electronically in accordance with RCW 43.110.030(2)(e); and

(b) An internet link to the ordinance, resolution, or policy, or the relevant portion of the actual language of the ordinance, resolution, or policy, is posted electronically in accordance with RCW 43.110.030(2)(e).

(2) If, prior to ~~((September 26, 2015))~~ the effective date of this act, a city or county adopted an ordinance, resolution, or policy that imposes a requirement on landlords or sellers of real property, or their agents, to provide information to a buyer or tenant pertaining to the subject property or the surrounding area, the city or county must cause, within ninety days of the effective date of this act:

(a) A summary of the ordinance, resolution, or policy to be posted electronically in accordance with RCW 43.110.030(2)(e); and

(b) An internet link to the ordinance, resolution, or policy, or the relevant portion of the actual language of the ordinance, resolution, or policy, to be posted electronically in accordance with RCW 43.110.030(2)(e) ~~((within ninety days of September 26, 2015, or the requirement shall)).~~ If the requirement is not electronically posted as required by this subsection, the requirement must thereafter cease to be in effect.

**Sec. 91.** RCW 43.110.030 and 2015 2nd sp.s. c 10 s 5 are each amended to read as follows:

(1) The department of commerce must contract for the provision of municipal research and services to cities, towns, and counties. Contracts for municipal research and services must be made with state agencies, educational institutions, or private consulting firms, that in the judgment of the department are qualified to provide such research and services. Contracts for staff support may be made with state agencies, educational institutions, or private consulting firms that in the judgment of the department are qualified to provide such support.

(2) Municipal research and services consists of:

(a) Studying and researching city, town, and county government and issues relating to city, town, and county government;

(b) Acquiring, preparing, and distributing publications related to city, town, and county government and issues relating to city, town, and county government;

(c) Providing educational conferences relating to city, town, and county government and issues relating to city, town, and county government;

(d) Furnishing legal, technical, consultative, and field services to cities, towns, and counties concerning planning, public health, utility services, fire protection, law enforcement, public works, and other issues relating to city, town, and county government; and

~~(e) ((Providing a list of all requirements imposed by all cities, towns, and counties))~~ (i) For any ordinance, resolution, or policy adopted by a city, town, or county that imposes a requirement on landlords or sellers of real property to provide information to a buyer or tenant pertaining to the subject property or the surrounding area~~((The list)), posting:~~

(A) A summary of the ordinance, resolution, or policy; and

(B) An internet link to the ordinance, resolution, or policy, or the relevant portion of the actual language of the ordinance, resolution, or policy.

(ii) Information provided by cities, towns, and counties regarding an ordinance, resolution, or policy under (e)(i) of this subsection must be posted in a specific section on a web site maintained by the entity with which the department of commerce contracts for the provision of municipal research and services under this section, and must list by jurisdiction all applicable requirements. Cities, towns, and counties must provide information for posting on the web site in accordance with RCW 64.06.080.

(3) Requests for legal services by county officials must be sent to the office of the county prosecuting attorney. Responses by the department of commerce to county requests for legal services must be provided to the requesting official and the county prosecuting attorney.

(4) The department of commerce must coordinate with the association of Washington cities and the Washington state association of counties in carrying out the activities in this section.

**Sec. 92.** RCW 82.46.015 and 2015 2nd sp.s. c 10 s 2 are each amended to read as follows:

(1) A city or county that meets the requirements of subsection (2) of this section may use the greater of one hundred thousand dollars or twenty-five percent of available funds, but not to exceed one million dollars per year, from revenues collected under RCW 82.46.010 for the maintenance of capital projects, as defined in RCW 82.46.010(6)(b).

(2) A city or county may use revenues pursuant to subsection (1) of this section if:

(a) The city or county prepares a written report demonstrating that it has or will have adequate funding from all sources of public funding to pay for all capital projects, as defined in RCW 82.46.010, identified in its capital facilities plan for the succeeding two-year period. Cities or counties not required to prepare a capital facilities plan may satisfy this provision by using a document that, at a minimum, identifies capital project needs and available public funding sources for the succeeding two-year period; and

(b)(i) The city or county has not enacted, after ~~((September 26, 2015,))~~ the effective date of this act: Any requirement on the listing ~~((, leasing,))~~ or sale of real property ~~((, unless the requirement is either))~~; or any

requirement on landlords, at the time of executing a lease, to perform or provide physical improvements or modifications to real property or fixtures, except if necessary to address an immediate threat to health or safety; or

(ii) Any local requirement adopted by the city or county under (b)(i) of this subsection is: Specifically authorized by RCW 35.80.030, 35A.11.020, chapter 7.48 RCW, or chapter 19.27 RCW; specifically authorized by other state or federal law; or ((#)) a seller or landlord disclosure requirement pursuant to RCW 64.06.080.

(3) The report prepared under subsection (2)(a) of this section must: (a) Include information necessary to determine compliance with the requirements of subsection (2)(a) of this section; (b) identify how revenues collected under RCW 82.46.010 were used by the city or county during the prior two-year period; (c) identify how funds authorized under subsection (1) of this section will be used during the succeeding two-year period; and (d) identify what percentage of funding for capital projects within the city or county is attributable to revenues under RCW 82.46.010 compared to all other sources of capital project funding. The city or county must prepare and adopt the report as part of its regular, public budget process.

(4) The authority to use funds as authorized in this section is in addition to the authority to use funds pursuant to RCW 82.46.010(7), which remains in effect through December 31, 2016.

(5) For purposes of this section, "maintenance" means the use of funds for labor and materials that will preserve, prevent the decline of, or extend the useful life of a capital project. "Maintenance" does not include labor or material costs for routine operations of a capital project.

**Sec. 93.** RCW 82.46.037 and 2015 2nd sp.s. c 10 s 3 are each amended to read as follows:

(1) A city or county that meets the requirements of subsection (2) of this section may use the greater of one hundred thousand dollars or twenty-five percent of available funds, but not to exceed one million dollars per year, from revenues collected under RCW 82.46.035 for:

(a) The maintenance of capital projects, as defined in RCW 82.46.035(5); or

(b) The planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, improvement, or maintenance of capital projects as defined in RCW 82.46.010(6)(b) that are not also included within the definition of capital projects in RCW 82.46.035(5).

(2) A city or county may use revenues pursuant to subsection (1) of this section if:

(a) The city or county prepares a written report demonstrating that it has or will have adequate funding from all sources of public funding to pay for all capital projects, as defined in RCW 82.46.035(5), identified in its capital facilities plan for the succeeding two-year period; and

(b)(i) The city or county has not enacted, after ~~((September 26, 2015))~~ the effective date of this act, any requirement on the listing ~~((leasing))~~ or sale of real property ~~((, unless the requirement is either))~~; or any requirement on landlords, at the time of executing a lease,

to perform or provide physical improvements or modifications to real property or fixtures, except if necessary to address an immediate threat to health or safety; or

(ii) Any local requirement adopted by the city or county under (b)(i) of this subsection is: Specifically authorized by RCW 35.80.030, 35A.11.020, chapter 7.48 RCW, or chapter 19.27 RCW; specifically authorized by other state or federal law; or ((#)) a seller or landlord disclosure requirement pursuant to RCW 64.06.080.

(3) The report prepared under subsection (2)(a) of this section must: (a) Include information necessary to determine compliance with the requirements of subsection (2)(a) of this section; (b) identify how revenues collected under RCW 82.46.035 were used by the city or county during the prior two-year period; (c) identify how funds authorized under subsection (1) of this section will be used during the succeeding two-year period; and (d) identify what percentage of funding for capital projects within the city or county is attributable to revenues under RCW 82.46.035 compared to all other sources of capital project funding. The city or county must prepare and adopt the report as part of its regular, public budget process.

(4) The authority to use funds as authorized in this section is in addition to the authority to use funds pursuant to RCW 82.46.035(7), which remains in effect through December 31, 2016.

(5) For purposes of this section, "maintenance" means the use of funds for labor and materials that will preserve, prevent the decline of, or extend the useful life of a capital project. "Maintenance" does not include labor or material costs for routine operations of a capital project."

On page 1, line 3 of the title, after "transactions;" strike the remainder of the title and insert "and amending RCW 64.06.080, 43.110.030, 82.46.015, and 82.46.037."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2971 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives McBride and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2971, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2971, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives McCaslin, Shea and Taylor.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED HOUSE BILL NO. 2971, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 1, 2016

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1003 with the following amendment:

On page 2, line 6, after "disaster;" strike "and"  
On page 2, line 9, after "qualified" insert "; and  
(e) Include a model continuity of operations plan for use by school districts"

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1003 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hawkins and Ortiz-Self spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1003, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1003, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED HOUSE BILL NO. 1003, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Education was relieved of ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6194 and the bill was placed on the second reading calendar.

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

**SENATE BILL NO. 5180, by Senators Benton, Mullet, Angel, Hobbs, Hargrove, Keiser and Darneille**

**Modernizing life insurance reserve requirements.**

The bill was read the second time.

With the consent of the house, amendments (632), (922), (923) and (930) were withdrawn.

Representative Pollet moved the adoption of amendment (943):

Beginning on page 8, line 28, after "(1)" strike all material through "confidential." on page 10, line 10 and insert "(a) The opinion and memorandum in support of the opinion submitted to the commissioner under RCW 48.74.025 are confidential and privileged, are exempt from disclosure pursuant to chapter 42.56 RCW, are not subject to subpoena, and are not subject to discovery or admissible in evidence in any private civil action, only if and to the extent that the opinion and memorandum supporting the opinion independently qualify for exemption from disclosure as documents, materials, or information in the

possession of the commissioner pursuant to a financial conduct examination.

(b) If independently qualifying for exemption from disclosure, as provided in (a) of this subsection, the provisions of RCW 48.02.065 apply to the opinion and memorandum in support of the opinion to the same extent as documents, materials, and information in possession of the commissioner pursuant to a financial conduct examination.

(2) In addition to the provisions of RCW 48.02.065, (a) through (c) of this subsection apply to the opinion and memorandum in support of the opinion submitted to the commissioner under RCW 48.74.025.

(a) A memorandum in support of the opinion, and any other material provided by the company to the commissioner in connection with the memorandum, may be subject to subpoena for the purpose of defending an action seeking damages from the actuary submitting the memorandum by reason of an action required by this section or by rules adopted under this section.

(b) A memorandum or other material may otherwise be released by the commissioner with the written consent of the company or to the American academy of actuaries upon request stating that the memorandum or other material is required for the purpose of professional disciplinary proceedings and setting forth procedures satisfactory to the commissioner for preserving the confidentiality of the memorandum or other material.

(c) Once any portion of the confidential memorandum is cited by the company in its marketing or is cited before a governmental agency other than a state insurance department or is released by the company to the news media, all portions of the confidential memorandum are no longer confidential.

(3) Included in those agencies or organizations with which the commissioner may share the opinion and memorandum in support of the opinion, as provided in this section and RCW 48.02.065, is the office of the attorney general for purposes of investigating any consumer protection or antitrust action."

Beginning on page 38, line 28, strike all of sections 19, 20, and 21 and insert the following:

"**Sec. 19.** RCW 42.56.400 and 2015 c 122 s 13 and 2015 c 17 s 10 are each reenacted and amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30A.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, and 48.31B.035, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to

search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017;

(23) Information not subject to public inspection or public disclosure under RCW 48.43.730(5); ~~((and~~

~~(23) {(24)}))~~ (24) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW; and

(25) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, sections 6, 13(6), 14(2) (b) and (c), and 15 of this act to the extent such documents, materials, or information independently qualify for exemption from disclosure as documents, materials, or information in possession of the commissioner pursuant to a financial conduct examination and exempt from disclosure under RCW 48.02.065.

**Sec. 20.** RCW 42.56.400 and 2015 c 122 s 14 and 2015 c 17 s 11 are each reenacted and amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks

under RCW 30A.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Documents, materials, or information obtained by the insurance commissioner under RCW 48.31B.015(2) (l) and (m), 48.31B.025, 48.31B.030, and 48.31B.035, all of which are confidential and privileged;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595;

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii);

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under RCW 48.31.025 and 48.99.017, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court;

(18) Documents, materials, or information obtained by the insurance commissioner under RCW 48.13.151;

(19) Data, information, and documents provided by a carrier pursuant to section 1, chapter 172, Laws of 2010;

(20) Information in a filing of usage-based insurance about the usage-based component of the rate pursuant to RCW 48.19.040(5)(b);

(21) Data, information, and documents, other than those described in RCW 48.02.210(2), that are submitted to the office of the insurance commissioner by an entity providing health care coverage pursuant to RCW 28A.400.275 and 48.02.210;

(22) Data, information, and documents obtained by the insurance commissioner under RCW 48.29.017; ~~((and))~~

(23) Documents, materials, or information obtained by the insurance commissioner under chapter 48.05A RCW; and

(24) Documents, materials, or information obtained by the insurance commissioner under RCW 48.74.025, sections 6, 13(6), 14(2) (b) and (c), and 15 of this act to the extent such documents, materials, or information independently qualify for exemption from disclosure as documents, materials, or information in possession of the commissioner pursuant to a financial conduct examination and exempt from disclosure under RCW 48.02.065.

**NEW SECTION. Sec. 21.** Sections 1 through 19 of this act take effect January 1, 2017."

Correct the title.

Representatives Pollet and Vick spoke in favor of the adoption of the amendment.

Amendment (943) was adopted.

Representative Kuderer moved the adoption of amendment (932):

On page 24, line 35, after "reserves" insert ", consistent with the commissioner's superseding authority to establish reserves pursuant to section 13(7) of this act,"

Representatives Kuderer and Vick spoke in favor of the adoption of the amendment.

Amendment (932) was adopted.

Representative Hudgins moved the adoption of amendment (634):

On page 4, after line 20, insert the following:

"(3) Any requirements for minimum reserves based on the valuation manual must be based on the version of the valuation manual that exists on the effective date of this section unless a change to the valuation manual is effective pursuant to section 13 of this act.

(4) The commissioner must notify the appropriate committees of the legislature if the NAIC adopts a subsequent version of the valuation manual."

On page 22, line 16, after "(2)" insert "The version of the valuation manual that is operative pursuant to subsection (3) of this section is the version of the valuation manual that exists on the effective date of this section.

(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 22, beginning on line 37, after "when" strike all material through "statements" on page 23, line 8 and insert "the requirements of (a) and (b) of this subsection (4) are met:

(a) The change to the valuation manual has been adopted by the NAIC by an affirmative vote representing:

(i) At least three-fourths of the members of the NAIC voting, but not less than a majority of the total membership; and

(ii) Members of the NAIC representing jurisdictions totaling greater than seventy-five percent of the direct premiums written as reported in the following annual statements most recently available prior to the vote in (a)(i) of this subsection: Life, accident and health annual statements, health annual statements, or fraternal annual statements.

(b) The change to the valuation manual has been adopted by the legislature through duly enacted legislation"

On page 26, after line 5, insert the following:

"(4) A company establishing reserves using a principle-based valuation pursuant to this section must use the version of the valuation manual that is in effect in this state as provided in section 13 of this act."

Representatives Hudgins and Taylor spoke in favor of the adoption of the amendment.

Representatives Kirby and Vick spoke against the adoption of the amendment.

Amendment (634) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kirby and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5180, as amended by the House.

## ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5180, as amended by the House, and the bill passed the House by the following vote: Yeas, 84; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Blake, Buys, Caldier, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Springer,

Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie and Mr. Speaker.

Voting nay: Representatives Bergquist, Chandler, DeBolt, Hudgins, Johnson, McCaslin, Morris, Scott, Shea, Smith, Taylor and Young.

Excused: Representatives Stokesbary and Zeiger.

SENATE BILL NO. 5180, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

#### MESSAGE FROM THE SENATE

March 4, 2016

MR. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1875, with the following amendment(s): 1875-S.E AMS ENGR S5013.E

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.08A.250 and 2013 c 39 s 27 are each amended to read as follows:

Unless the context clearly requires otherwise, as used in this chapter, "work activity" means:

- (1) Unsubsidized paid employment in the private or public sector;
- (2) Subsidized paid employment in the private or public sector, including employment through the state or federal work-study program for a period not to exceed twenty-four months;
- (3) Work experience, including:
  - (a) An internship or practicum, that is paid or unpaid and is required to complete a course of vocational training or to obtain a license or certificate in a high-demand occupation, as determined by the employment security department. No internship or practicum shall exceed twelve months; or
  - (b) Work associated with the refurbishing of publicly assisted housing, if sufficient paid employment is not available;
- (4) On-the-job training;
- (5) Job search and job readiness assistance;
- (6) Community service programs, including a recipient's voluntary service at a child care or preschool facility licensed under chapter 43.215 RCW or an elementary school in which his or her child is enrolled;
- (7) Vocational educational training, not to exceed twelve months with respect to any individual. This twelve-month limit may be increased to twenty-four months under the following conditions:
  - (a) For the purposes of this section and RCW 74.08A.341, vocational educational training that exceeds twelve months is limited to vocational educational training for high-demand/high-wage jobs which means (i) information

technology, health care, or other professional-technical programs that can be completed in twenty-four months or less; or (ii) certificate/degree completion, not to exceed a baccalaureate degree, in a high-wage/high-demand field on an exception basis. The high-wage/high-demand criteria for this option is based on median income and high-demand occupations within the local labor market as determined by the employment security department;

(b) The authorization to exceed the twelve-month limit is contingent on the individual making progress towards successful completion of the program; and

(c) The authorization to exceed the twelve-month limit applies only during state fiscal years in which the department projects that the state will comply with all federal requirements for temporary assistance for needy families work participation rates and will not be subject to a penalty;

(8) Job skills training directly related to employment;

(9) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a high school equivalency certificate as provided in RCW 28B.50.536;

(10) Satisfactory attendance at secondary school or in a course of study leading to a high school equivalency certificate as provided in RCW 28B.50.536, in the case of a recipient who has not completed secondary school or received such a certificate;

(11) The provision of child care services to an individual who is participating in a community service program;

(12) Internships, that shall be paid or unpaid work experience performed by an intern in a business, industry, or government or nongovernmental agency setting;

(13) Practicums, which include any educational program in which a student is working under the close supervision of a professional in an agency, clinic, or other professional practice setting for purposes of advancing their skills and knowledge;

(14) Services required by the recipient under RCW 74.08.025(3) and 74.08A.010(4) to become employable;

(15) Financial literacy activities designed to be effective in assisting a recipient in becoming self-sufficient and financially stable; and

(16) Parent education services or programs that support development of appropriate parenting skills, life skills, and employment-related competencies.

Sec. 2. RCW 74.08A.341 and 2012 c 217 s 1 are each amended to read as follows:

The department of social and health services shall operate the Washington WorkFirst program authorized under RCW 74.08A.210 through 74.08A.330, 43.330.145, 43.215.545, and 74.25.040, and chapter 74.12 RCW within the following constraints:

(1) The program shall be operated within amounts appropriated by the legislature and consistent with policy established by the legislature to achieve self-sufficiency through work and the following additional outcomes:

(a) Recipients' economic status is improving through wage progression, job retention, and educational advancement;

(b) Recipients' status regarding housing stability, medical and behavioral health, and job readiness is improving;

(c) The well-being of children whose caretaker is receiving benefits on their behalf is improving with respect to child welfare and educational achievement.

(2)(a) The department shall create a budget structure that allows for more transparent tracking of program spending. The budget structure shall outline spending for the following: Temporary assistance for needy family grants, working connections child care, WorkFirst activities and administration of the program.

(b) Each biennium, the department shall establish a biennial spending plan, using the budget structure created in (a) of this subsection, for this program and submit the plan to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force no later than July 1st of every odd-numbered year, beginning on July 1, 2013. The department shall update the legislative fiscal committees and the task force on the spending plan if modifications are made to the plan previously submitted to the legislature and the task force for that biennium.

(c) The department also shall provide expenditure reports to the fiscal committees of the legislature and the legislative-executive WorkFirst oversight task force beginning September 1, 2012, and on a quarterly basis thereafter. If the department determines, based upon quarterly expenditure reports, that expenditures will exceed funding at the end of the fiscal year, the department shall take those actions necessary to ensure that services provided under this chapter are available only to the extent of and consistent with appropriations in the operating budget and policy established by the legislature following notification provided in (b) of this subsection.

(3) No more than fifteen percent of the temporary assistance for needy families block grant, the federal child care funds, and qualifying state expenditures may be spent for administrative purposes. For purposes of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required by P.L. 104-193.

(4) The department shall expend funds appropriated for work activities, as defined in RCW 74.08A.250, or for other services provided to WorkFirst recipients, as authorized under RCW 74.08A.290. The vocational educational training work activity, as defined in RCW 74.08A.250, is subject to the availability of amounts appropriated for this purpose.

NEW SECTION. Sec. 3. A new section is added to chapter 43.131 RCW to read as follows:

The definition of "work activity" related to the length of vocational educational training a WorkFirst participant may receive as established under section 1 of this act shall be terminated on August 1, 2021, as provided in section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective August 1, 2022:

Section 1, chapter ..., Laws of 2016 (section 1 of this act)."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW

74.08A.250 and 74.08A.341; and adding new sections to chapter 43.131 RCW."

and the same is herewith transmitted.

Hunter G. Goodman Secretary

### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ESHB 1875 and asked the Senate to recede therefrom.

### MESSAGE FROM THE SENATE

March 3, 2016

MR. SPEAKER:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2439, with the following amendment(s): 2439-S2.E AMS ENGR S5083.E

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature understands that adverse childhood experiences, such as family mental health issues, substance abuse, serious economic hardship, and domestic violence, all increase the likelihood of developmental delays and later health and mental health problems. The legislature further understands that early intervention services for children and families at high risk for adverse childhood experience help build secure parent-child attachment and bonding, which allows young children to thrive and form strong relationships in the future. The legislature finds that early identification and intervention are critical for children exhibiting aggressive or depressive behaviors indicative of early mental health problems. The legislature intends to improve access to adequate, appropriate, and culturally responsive mental health services for children and youth. The legislature further intends to encourage the use of behavioral health therapies and other therapies that are empirically supported or evidence-based and only prescribe medications for children and youth as a last resort.

(2) The legislature finds that nearly half of Washington's children are enrolled in medicaid and have a higher incidence of serious health problems compared to children who have commercial insurance. The legislature recognizes that disparities also exist in the diagnosis and initiation of treatment services for children of color, with studies demonstrating that children of color are diagnosed and begin receiving early interventions at a later age. The legislature finds that within the current system of care, families face barriers to receiving a full range of services for children experiencing behavioral health problems. The legislature intends to identify what network adequacy requirements, if strengthened, would increase access, continuity, and coordination of behavioral health services for children and families. The legislature further intends to encourage managed care plans and behavioral health organizations to contract with the same providers that serve children so families are not required to duplicate mental

health screenings, and to recommend provider rates for mental health services to children and youth which will ensure an adequate network and access to quality based care.

(3) The legislature recognizes that early and accurate recognition of behavioral health issues coupled with appropriate and timely intervention enhances health outcomes while minimizing overall expenditures. The legislature intends to assure that annual depression screenings are done consistently with the highly vulnerable medicaid population and that children and families benefit from earlier access to services.

NEW SECTION. Sec. 2. (1) The children's mental health work group is established to identify barriers to accessing mental health services for children and families, and to advise the legislature on statewide mental health services for this population.

(2)(a) The work group shall include diverse, statewide representation from the public and nonprofit and for-profit entities. Its membership shall reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(b) The work group shall consist of not more than twenty-five members, as follows:

(i) The president of the senate shall appoint one member and one alternative member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member and one alternative member from each of the two largest caucuses in the house of representatives.

(iii) The governor shall appoint at least one representative from each of the following: The department of early learning, the department of social and health services, the health care authority, the department of health, and a representative of the governor.

(iv) The superintendent of public instruction shall appoint one representative from the office of the superintendent of public instruction.

(v) The governor shall request participation by a representative of tribal governments.

(vi) The governor shall appoint one representative from each of the following: Behavioral health organizations, community mental health agencies, medicaid managed care organizations, pediatricians or primary care providers, providers that specialize in early childhood mental health, child health advocacy groups, early learning and child care providers, the managed health care plan for foster children, the evidence-based practice institute, parents or caregivers who have been a recipient of early childhood mental health services, and foster parents.

(c) The work group shall seek input and participation from stakeholders interested in the improvement of statewide mental health services for children and families.

(d) The work group shall choose two cochairs, one from among its legislative membership and one representative of a state agency. The representative from the health care authority shall convene the initial meeting of the work group.

(3) The children's mental health work group shall review the barriers that exist to identifying and treating mental health issues in children with a particular focus on birth to

five and report to the appropriate committees of the legislature. At a minimum the work group must:

(a) Review and recommend developmentally, culturally, and linguistically appropriate assessment tools and diagnostic approaches that managed care plans and behavioral health organizations should use as the mechanism to establish eligibility for services;

(b) Identify and review billing issues related to serving the parent or caregiver in a treatment dyad and the billing issues related to services that are appropriate for serving children, including children birth to five;

(c) Evaluate and identify barriers to billing and payment for health services provided within primary care settings in an effort to promote and increase the use of behavioral health professionals within primary care settings;

(d) Review workforce issues related to serving children and families, including issues specifically related to birth to five;

(e) Recommend strategies for increasing workforce diversity and the number of professionals qualified to provide children's mental health services;

(f) Review and make recommendations on the development and adoption of standards for training and endorsement of professionals to become qualified to provide mental health services to children birth to five and their parents or caregivers;

(g) Analyze, in consultation with the department of early learning, the health care authority, and the department of social and health services, existing and potential mental health supports for child care providers to reduce expulsions of children in child care and preschool; and

(h) Identify outreach strategies that will successfully disseminate information to parents, providers, schools, and other individuals who work with children and youth on the mental health services offered through the health care plans, including referrals to parenting programs, community providers, and behavioral health organizations.

(4) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120.

Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(5) The expenses of the work group must be paid jointly by the senate and the house of representatives. Work group expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The work group shall report its findings and recommendations to the appropriate committees of the legislature by December 1, 2016.

(7) Staff support for the committee must be provided by the house of representatives office of program research, the senate committee services, and the office of financial management.

(8) This section expires December 1, 2017.

NEW SECTION. Sec. 3. A new section is added to chapter 74.09 RCW to read as follows:

To better assure and understand issues related to network adequacy and access to services, the authority and the

department shall report to the appropriate committees of the legislature by December 1, 2017, and annually thereafter, on the status of access to behavioral health services for children birth through age seventeen using data collected pursuant to RCW 70.320.050. At a minimum, the report must include the following components broken down by age, gender, and race and ethnicity:

(1) The percentage of discharges for patients ages six through seventeen who had a visit to the emergency room with a primary diagnosis of mental health or alcohol or other drug dependence during the measuring year and who had a follow-up visit with any provider with a corresponding primary diagnosis of mental health or alcohol or other drug dependence within thirty days of discharge;

(2) The percentage of health plan members with an identified mental health need who received mental health services during the reporting period; and

(3) The percentage of children served by behavioral health organizations, including the types of services provided.

NEW SECTION. Sec. 4. (1)(a) Subject to appropriation, health care authority shall expand the partnership access line service by selecting a rural inclusive region of the state to offer an additional level of child mental health care support services for primary care, to be referred to as the PAL plus pilot program.

(b) For purposes of the PAL plus pilot program, the health care authority shall work in collaboration with faculty from the University of Washington working on the integration of mental health and medical care.

(2)(a) The PAL plus service is targeted to help children and families with medicaid coverage who have mental health concerns not already being served by the regional support network system or other local specialty care providers, and who instead receive treatment from their primary care providers. Services must be offered by regionally based and multipractice shared mental health service providers who deliver in person and over the telephone the following services upon primary care request:

- (i) Evaluation and diagnostic support;
- (ii) Individual patient care progress tracking;
- (iii) Behavior management coaching; and
- (iv) Other evidence supported psychosocial care supports which are delivered as an early and easily accessed intervention for families.

(b) The PAL team of child psychiatrists and psychologists shall provide mental health service providers with training and support, weekly care plan reviews and support on their caseloads, direct patient evaluations for selected enhanced assessments, and must utilize a shared electronic reporting and tracking system to ensure that children not improving are identified as such and helped to receive additional services. The PAL team shall promote the appropriate use of cognitive behavioral therapies and other treatments which are empirically supported or evidence-based and encourage providers to use psychotropic medications as a last resort.

(3)(a) The health care authority shall monitor PAL plus service outcomes, including, but not limited to:

- (i) Characteristics of the population being served;
- (ii) Process measures of service utilization;

(iii) Behavioral health symptom rating scale outcomes of individuals and aggregate rating scale outcomes of populations of children served;

(iv) Claims data comparison of implementation versus nonimplementation regions;

(v) Service referral patterns to local specialty mental health care providers; and

(vi) Family and provider feedback.

(b) By December 31, 2017, the health care authority shall make a preliminary evaluation of the viability of a statewide PAL plus service program and report to the appropriate committees of the legislature, with a final evaluation report due by December 31, 2018. The final report must include recommendations on sustainability and leveraging funds through behavioral health and managed care organizations.

(4) This section expires December 31, 2019.

NEW SECTION. Sec. 5. (1) The joint legislative audit and review committee shall conduct an inventory of the mental health service models available to students in schools, school districts, and educational service districts and report its findings by October 31, 2016. The report must be submitted to the appropriate committees of the house of representatives and the senate, in accordance with RCW 43.01.036.

(2) The committee must perform the inventory using data that is already collected by schools, school districts, and educational service districts. The committee must not collect or review student-level data and must not include student-level data in the report.

(3) The inventory and report must include information on the following:

- (a) How many students are served by mental health services funded with nonbasic education appropriations in each school, school district, or educational service district;
- (b) How many of these students are participating in medicaid programs;
- (c) How the mental health services are funded, including federal, state, local, and private sources;
- (d) Information on who provides the mental health services, including district employees and contractors; and
- (e) Any other available information related to student access and outcomes.

(4) The duties of this section must be carried out within existing appropriations.

(5) This section expires July 1, 2017.

Sec. 6. RCW 28A.310.500 and 2013 c 197 s 6 are each amended to read as follows:

(1) Each educational service district shall develop and maintain the capacity to offer training for educators and other school district staff on youth suicide screening and referral, and on recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. An educational service district may demonstrate capacity by employing staff with sufficient expertise to offer the training or by contracting with individuals or organizations to offer the training.

Training may be offered on a fee-for-service basis, or at no cost to school districts or educators if funds are appropriated specifically for this purpose or made available through grants or other sources.

(2)(a) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington shall convene a one-day in-person training of student support staff from the educational service districts to deepen the staff's capacity to assist schools in their districts in responding to concerns about suicide.

Educational service districts shall send staff members to the one-day in-person training within existing resources.

(b) Subject to the availability of amounts appropriated for this specific purpose, after establishing these relationships with the educational service districts, Forefront at the University of Washington must continue to meet with the educational service districts via videoconference on a monthly basis to answer questions that arise for the educational service districts, and to assess the feasibility of collaborating with the educational service districts to develop a multiyear, statewide rollout of a comprehensive school suicide prevention model involving regional trainings, on-site coaching, and cohorts of participating schools in each educational service district.

(c) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington must work to develop public-private partnerships to support the rollout of a comprehensive school suicide prevention model across Washington's middle and high schools.

(d) The comprehensive school suicide prevention model must consist of:

(i) School-specific revisions to safe school plans required under RCW 28A.320.125, to include procedures for suicide prevention, intervention, assessment, referral, reentry, and intervention and recovery after a suicide attempt or death;

(ii) Developing, within the school, capacity to train staff, teachers, parents, and students in how to recognize and support a student who may be struggling with behavioral health issues;

(iii) Improved identification such as screening, and response systems such as family counseling, to support students who are at risk;

(iv) Enhanced community-based linkages of support; and

(v) School selection of appropriate curricula and programs to enhance student awareness of behavioral health issues to reduce stigma, and to promote resilience and coping skills.

(e) Subject to the availability of amounts appropriated for this specific purpose, and by December 15, 2017, Forefront at the University of Washington shall report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, with the outcomes of the educational service district trainings, any public-private partnership developments, and recommendations on ways to work with the educational service districts or others to implement suicide prevention.

**NEW SECTION. Sec. 7.** If specific funding for the purposes of this act, with the exception of section 6 of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act, except for section 6 of this act, is null and void."

On page 1, line 2 of the title, after "youth;" strike the remainder of the title and insert "amending RCW

28A.310.500; adding a new section to chapter 74.09 RCW; creating new sections; and providing expiration dates."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

There being no objection, the House advanced to the seventh order of business.

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to E2SHB 2439 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 2, 2016

MR. SPEAKER:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2877, with the following amendment(s): 2877-S2 AMS WM S5052.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 74.04 RCW to read as follows:

The department must develop options for extending the duration of distribution of supplemental nutrition assistance program (SNAP) benefits beyond the current duration of the first ten days of the month. The department must recommend a preferred option that minimizes the costs to implement the changes, minimizes the disruption for existing families receiving SNAP benefits, and increases the duration of distribution as close to the first twenty days as feasible. The department must submit a report to the appropriate committees of the legislature describing the options and recommendation on or before October 1, 2016. The department may implement the recommended option at the earliest feasible date if it can do so within current appropriations. If additional funding is required to implement the recommended option, the department must submit a budget request to the office of financial management as part of the 2017 supplemental budget request or as part of the 2017-2019 biennial budget request."

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "and adding a new section to chapter 74.04 RCW."

and the same is herewith transmitted.

Hunter G. Goodman Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to 2SHB 2877 and asked the Senate to recede therefrom.

**MESSAGE FROM THE SENATE**

March 4, 2016

MR. SPEAKER:

The Senate has passed HOUSE BILL NO. 2929, with the following amendment(s): 2929 AMS OBAN S5111.1

On page 2, line 19, after "fees" insert "on a religious organization"

On page 2, line 22, after "buildings" insert "owned and operated by a religious organization"

On page 2, line 24, after "construction" insert "and are being used for housing the homeless no longer than fifteen continuous days at a time. Buildings owned by religious organizations that are being used for housing the homeless under this subsection must install smoke detectors in accordance with the smoke detector manufacturer's recommendations at the request of the fire code official"

On page 3, line 15, after "fees" insert "on a religious organization"

On page 3, line 18, after "buildings" insert "owned and operated by a religious organization"

On page 3, line 20, after "construction" insert "and are being used for housing the homeless no longer than fifteen continuous days at a time. Buildings owned by religious organizations that are being used for housing the homeless under this subsection must install smoke detectors in accordance with the smoke detector manufacturer's recommendations at the request of the fire code official"

On page 4, line 11, after "fees" insert "on a religious organization"

On page 4, line 14, after "buildings" insert "owned and operated by a religious organization"

On page 4, line 16, after "construction" insert "and are being used for housing the homeless no longer than fifteen continuous days at a time. Buildings owned by religious organizations that are being used for housing the homeless under this subsection must install smoke detectors in accordance with the smoke detector manufacturer's recommendations at the request of the fire code official"

On page 4, after line 27, insert the following:

**"NEW SECTION. Sec. 6.** The chair and ranking member of the house of representatives local government committee must convene a meeting of stakeholders impacted by the changes made in this act to assess the effectiveness of the provisions of this act no later than November 15, 2017."

On page 1, line 3 of the title, after "19.27 RCW;" strike the remainder of the title and insert "adding a new section to chapter 19.27 RCW; and creating a new section."

and the same is herewith transmitted.

Hunter G. Goodman Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House refused to concur in the Senate amendment to HB 2929 and asked the Senate to recede therefrom.

**MESSAGE FROM THE SENATE**

March 1, 2016

MR. SPEAKER:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2908, with the following amendment(s): 2908-S.E AMS LAW S4992.1

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 7.** The legislature recognizes the invaluable contributions of law enforcement officers, who risk their own lives every day to protect our families and communities. We hold law enforcement to a high standard in their positions of public trust and as the guardians in our communities, and the legislature applauds their efforts to show respect and compassion to all citizens while holding individuals accountable for their criminal activity.

The legislature acknowledges that officers are often placed in harm's way and must make decisions quickly while under extreme stress. Although regrettable in every case, the use of deadly force may sometimes be necessary to protect the safety of others. The legislature also recognizes that both the people of this state and law enforcement officers themselves rely on and expect accountability, the failure of which damages the public trust in those who serve the public honorably and with compassion.

It is the intent of the legislature to improve our law in a manner that provides clear guidance to law enforcement, respects and supports the role of law enforcement to maintain public safety, and fosters accountability and public trust.

**NEW SECTION. Sec. 8.** (1) A joint legislative task force on the use of deadly force in community policing is established.

(2) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint members representing the following:

(i) Washington association of sheriffs and police chiefs;

(ii) Washington state patrol;

(iii) Washington council of police and sheriffs;  
 (iv) Criminal justice training commission;  
 (v) Washington association of prosecuting attorneys;  
 (vi) Washington association of criminal defense lawyers, public defender association, or the Washington defender association;  
 (vii) Washington state association of counties;  
 (viii) Association of Washington cities;  
 (ix) Center for Latino leadership;  
 (x) National association for the advancement of colored people or its designee;  
 (xi) Northwest immigration rights project;  
 (xii) Black alliance of Thurston county;  
 (xiii) Disability rights Washington;  
 (xiv) Latino civic alliance;  
 (xv) COMPAS (council of metropolitan police and sheriffs);  
 (xvi) Washington state fraternal order of police;  
 (xvii) One other association, community organization, advocacy group, or faith-based organization with experience or interest in community policing; and  
 (xviii) One other association representing law enforcement officers who represent traditionally underrepresented communities.

(d) The governor shall appoint four members representing the following:

(i) Washington state commission on Hispanic affairs;  
 (ii) Washington state commission on Asian Pacific American affairs;  
 (iii) Washington state commission on African-American affairs; and  
 (iv) Governor's office of Indian affairs.

(3) The task force shall:

(a) Review laws, practices, and training programs regarding the use of deadly force in Washington state and other states;  
 (b) Review current policies, practices, and tools used by or otherwise available to law enforcement as an alternative to lethal uses of force, including tasers and other nonlethal weapons; and  
 (c) Recommend best practices to reduce the number of violent interactions between law enforcement officers and members of the public.

(4) The task force may review literature and reports on the use of deadly force, and may consult with persons, organizations, and entities with interest or experience in community policing including, but not limited to, law enforcement, local governments, professional associations, community organizations, advocacy groups, and faith-based organizations.

(5) The legislative membership shall convene the initial meeting of the task force no later than July 1, 2016. The task force shall convene at least four meetings in 2016. The task force shall choose its cochairs from among its legislative membership, which must include one representative from the house of representatives and one senator from the senate.

(6) The task force shall submit a report, which may include findings and recommendations, to the governor and the appropriate committees of the legislature by December

1, 2016. A minority report must be submitted along with the task force's report if requested by any member of the task force.

(7) Staff support for the task force shall be provided by the senate committee services and the house office of program research.

(8) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(9) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(10) This section expires December 31, 2016."

On page 1, line 2 of the title, after "Washington;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Hunter G. Goodman Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ESHB 2908 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 4, 2016

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1130 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 9. RCW 90.16.050 and 2007 c 286 s 1 are each amended to read as follows:

(1) Every person, firm, private or municipal corporation, or association hereinafter called "claimant", claiming the right to the use of water within or bordering upon the state of Washington for power development, shall on or before the first day of January of each year pay to the state of Washington in advance an annual license fee, based upon the theoretical water power claimed under each and every separate claim to water according to the following schedule:

(a) For projects in operation: For each and every theoretical horsepower claimed up to and including one thousand horsepower, at the rate of eighteen cents per horsepower; for each and every theoretical horsepower in excess of one thousand horsepower, up to and including ten thousand horsepower, at the rate of three and six-tenths cents per horsepower; for each and every theoretical

horsepower in excess of ten thousand horsepower, at the rate of one and eight-tenths cents per horsepower.

(b) For federal energy regulatory commission projects in operation that are subject to review for certification under section 401 of the federal clean water act, the following fee schedule applies in addition to the fees in (a) of this subsection: For each theoretical horsepower of capacity up to and including one thousand horsepower, at the rate of thirty-two cents per horsepower; for each theoretical horsepower in excess of one thousand horsepower, up to and including ten thousand horsepower, at the rate of six and four-tenths cents per horsepower; for each theoretical horsepower in excess of ten thousand horsepower, at the rate of three and two-tenths cents per horsepower.

(c) To justify the appropriate use of fees collected under (b) of this subsection, the department of ecology shall submit a progress report to the appropriate committees of the legislature prior to December 31, 2009, and biennially thereafter (~~until December 31, 2017~~).

(i) The progress report will: (A) Describe how license fees and other funds used for the work of the licensing program were expended in direct support of the federal energy regulatory commission licensing process and license implementation during the current biennium, and expected workload and full-time equivalent employees for federal energy regulatory commission licensing in the next biennium. In order to increase the financial accountability of the licensing, relicensing, and license implementation program, the report must include the amount of licensing fees and program funds that were expended on licensing work associated with each hydropower project. This project-specific program expenditure list must detail the program costs and staff time associated with each hydropower project during the time period immediately prior to license issuance process, the program costs and staff time deriving from the issuance or reissuance of a license to each hydropower project, and the program costs and staff time associated with license implementation after the issuance or reissuance of a license to a hydropower project. This program cost and staff time information must be collected beginning July 1, 2016, and included in biennial reports addressing program years 2016 or later. The report must also include an estimate of the total workload, program costs, and staff time for work associated with either certification under section 401 of the federal clean water act or license implementation for federally licensed hydropower projects expected to occur in the next reporting period, or both. In addition, the report must provide sufficient information to determine that the fees charged are not for activities already performed by other state or federal agencies or tribes that have jurisdiction over a specific license requirement and that duplicative work and expense is avoided; (B) include any recommendations based on consultation with the departments of ecology and fish and wildlife, hydropower project operators, and other interested parties; and (C) recognize hydropower operators that exceed their environmental regulatory requirements.

(ii) The fees required in (b) of this subsection expire June 30, (~~2017~~) 2023. The biennial progress reports submitted by the department of ecology will serve

as a record for considering the extension of the fee structure in (b) of this subsection.

(2) The following are exceptions to the fee schedule in subsection (1) of this section:

(a) For undeveloped projects, the fee shall be at one-half the rates specified for projects in operation; for projects partly developed and in operation the fees paid on that portion of any project that shall have been developed and in operation shall be the full annual license fee specified in subsection (1) of this section for projects in operation, and for the remainder of the power claimed under such project the fees shall be the same as for undeveloped projects.

(b) The fees required in subsection (1) of this section do not apply to any hydropower project owned by the United States.

(c) The fees required in subsection (1) of this section do not apply to the use of water for the generation of fifty horsepower or less.

(d) The fees required in subsection (1) of this section for projects developed by an irrigation district in conjunction with the irrigation district's water conveyance system shall be reduced by fifty percent to reflect the portion of the year when the project is not operable.

(e) Any irrigation district or other municipal subdivision of the state, developing power chiefly for use in pumping of water for irrigation, upon the filing of a statement showing the amount of power used for irrigation pumping, is exempt from the fees in subsection (1) of this section to the extent of the power used for irrigation pumping.

(3) In order to ensure accountability in the licensing, relicensing, and license implementation programs of the department of ecology and the department of fish and wildlife, the departments must implement the following administrative requirements:

(a)(i) Both the department of ecology and the department of fish and wildlife must be responsible for producing an annual work plan that addresses the work anticipated to be completed by each department associated with federal hydropower licensing and license implementation.

(ii) Both the department of ecology and the department of fish and wildlife must assign one employee to each licensed hydropower project to act as each department's designated licensing and implementation lead for a hydropower project. The responsibility assigned by each department to hydropower project licensing and implementation leads must include resolving conflicts with the license applicant or license holder and the facilitation of department decision making related to license applications and license implementation for the particular hydropower project assigned to a licensing lead.

(b) The department of ecology and the department of fish and wildlife must host an annual meeting with parties interested in or affected by hydropower project licensing and the associated fees charged under this section. The purposes of the annual meeting must include soliciting information from interested parties related to the annual hydropower work plan required by (a) of this subsection and to the biennial progress report produced pursuant to subsection (1)(c)(i) of this section.

(c) Prior to the annual meeting required by (b) of this subsection, the department of fish and wildlife and the department of ecology must circulate a survey to hydropower licensees soliciting feedback on the responsiveness of department staff, clarity of staff roles and responsibilities in the hydropower licensing and implementation process, and other topics related to the professionalism and expertise of department staff assigned to hydropower project licensing projects. This survey must be designed by the department of fish and wildlife and the department of ecology after consulting with hydropower licensees and the results of the survey must be included in the biennial progress report produced pursuant to subsection (1)(c)(i) of this section. Prior to the annual meeting, the department of ecology and the department of fish and wildlife must analyze the survey results. The departments must present summarized information based on their analysis of survey results at the annual meeting for purposes of discussion with hydropower project licensees."

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and amending RCW 90.16.050."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1130 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Fey and Short spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1130, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1130, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 80; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, McBride, McCabe, Moeller, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton,

Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilcox, Wilson, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, DeBolt, Dent, Hawkins, Holy, Manweller, McCaslin, Morris, Orcutt, Pike, Scott, Shea, Taylor, Vick and Young.

Excused: Representatives Stokesbary and Zeiger.

SUBSTITUTE HOUSE BILL NO. 1130, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2016

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2362 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 10.** The legislature finds that technological developments present opportunities for additional truth-finding, transparency, and accountability in interactions between law enforcement or corrections officers and the public. The legislature intends to promote transparency and accountability by permitting access to video and/or sound recordings of interactions with law enforcement or corrections officers, while preserving the public's reasonable expectation that the recordings of these interactions will not be publicly disclosed to enable voyeurism or exploitation.

**Sec. 11.** RCW 42.56.240 and 2015 c 224 s 3 and 2015 c 91 s 1 are each reenacted and amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement

agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator;

(6) Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates; ~~(and)~~

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030; and

(14) Body worn camera recordings to the extent nondisclosure is essential for the protection of any person's right to privacy as described in RCW 42.56.050, including, but not limited to, the circumstances enumerated in (a) of this subsection. A law enforcement or corrections agency

shall not disclose a body worn camera recording to the extent the recording is exempt under this subsection.

(a) Disclosure of a body worn camera recording is presumed to be highly offensive to a reasonable person under RCW 42.56.050 to the extent it depicts:

(i)(A) Any areas of a medical facility, counseling, or therapeutic program office where:

(I) A patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment; or

(II) Health care information is shared with patients, their families, or among the care team; or

(B) Information that meets the definition of protected health information for purposes of the health insurance portability and accountability act of 1996 or health care information for purposes of chapter 70.02 RCW;

(ii) The interior of a place of residence where a person has a reasonable expectation of privacy;

(iii) An intimate image as defined in RCW 9A.86.010;

(iv) A minor;

(v) The body of a deceased person;

(vi) The identity of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicates a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern; or

(vii) The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020.

(b) The presumptions set out in (a) of this subsection may be rebutted by specific evidence in individual cases.

(c) In a court action seeking the right to inspect or copy a body worn camera recording, a person who prevails against a law enforcement or corrections agency that withholds or discloses all or part of a body worn camera recording pursuant to (a) of this subsection is not entitled to fees, costs, or awards pursuant to RCW 42.56.550 unless it is shown that the law enforcement or corrections agency acted in bad faith or with gross negligence.

(d) A request for body worn camera recordings must:

(i) Specifically identify a name of a person or persons involved in the incident;

(ii) Provide the incident or case number;

(iii) Provide the date, time, and location of the incident or incidents; or

(iv) Identify a law enforcement or corrections officer involved in the incident or incidents.

(e)(i) A person directly involved in an incident recorded by the requested body worn camera recording, an attorney representing a person directly involved in an incident recorded by the requested body worn camera recording, a person or his or her attorney who requests a body worn camera recording relevant to a criminal case involving that person, or the executive director from either

the Washington state commission on African-American affairs, Asian Pacific American affairs, or Hispanic affairs, has the right to obtain the body worn camera recording, subject to any exemption under this chapter or any applicable law. In addition, an attorney who represents a person regarding a potential or existing civil cause of action involving the denial of civil rights under the federal or state Constitution, or a violation of a United States department of justice settlement agreement, has the right to obtain the body worn camera recording if relevant to the cause of action, subject to any exemption under this chapter or any applicable law. The attorney must explain the relevancy of the requested body worn camera recording to the cause of action and specify that he or she is seeking relief from redaction costs under this subsection (14)(e).

(ii) A law enforcement or corrections agency responding to requests under this subsection (14)(e) may not require the requesting individual to pay costs of any redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of a body worn camera recording.

(iii) A law enforcement or corrections agency may require any person requesting a body worn camera recording pursuant to this subsection (14)(e) to identify himself or herself to ensure he or she is a person entitled to obtain the body worn camera recording under this subsection (14)(e).

(f)(i) A law enforcement or corrections agency responding to a request to disclose body worn camera recordings may require any requester not listed in (e) of this subsection to pay the reasonable costs of redacting, altering, distorting, pixelating, suppressing, or otherwise obscuring any portion of the body worn camera recording prior to disclosure only to the extent necessary to comply with the exemptions in this chapter or any applicable law.

(ii) An agency that charges redaction costs under this subsection (14)(f) must use redaction technology that provides the least costly commercially available method of redacting body worn camera recordings, to the extent possible and reasonable.

(iii) In any case where an agency charges a requestor for the costs of redacting a body worn camera recording under this subsection (14)(f), the time spent on redaction of the recording shall not count towards the agency's allocation of, or limitation on, time or costs spent responding to public records requests under this chapter, as established pursuant to local ordinance, policy, procedure, or state law.

(g) For purposes of this subsection (14):

(i) "Body worn camera recording" means a video and/or sound recording that is made by a body worn camera attached to the uniform or eyewear of a law enforcement or corrections officer from a covered jurisdiction while in the course of his or her official duties and that is made on or after the effective date of this section and prior to July 1, 2019; and

(ii) "Covered jurisdiction" means any jurisdiction that has deployed body worn cameras as of the effective date of this section, regardless of whether or not body worn cameras are being deployed in the jurisdiction on the effective date of this section, including, but not limited to,

jurisdictions that have deployed body worn cameras on a pilot basis.

(h) Nothing in this subsection shall be construed to restrict access to body worn camera recordings as otherwise permitted by law for official or recognized civilian and accountability bodies or pursuant to any court order.

(i) Nothing in this section is intended to modify the obligations of prosecuting attorneys and law enforcement under *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963), *Kyles v. Whitley*, 541 U.S. 419, 115 S. Ct. 1555, 131 L. Ed.2d 490 (1995), and the relevant Washington court criminal rules and statutes.

(j) A law enforcement or corrections agency must retain body worn camera recordings for at least sixty days and thereafter may destroy the records.

**Sec. 12.** RCW 42.56.080 and 2005 c 483 s 1 and 2005 c 274 s 285 are each reenacted and amended to read as follows:

Public records shall be available for inspection and copying, and agencies shall, upon request for identifiable public records, make them promptly available to any person including, if applicable, on a partial or installment basis as records that are part of a larger set of requested records are assembled or made ready for inspection or disclosure. Agencies shall not deny a request for identifiable public records solely on the basis that the request is overbroad. Agencies shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.56.070(9) or 42.56.240(14), or other statute which exempts or prohibits disclosure of specific information or records to certain persons. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. Agencies shall honor requests received by mail for identifiable public records unless exempted by provisions of this chapter.

**Sec. 13.** RCW 42.56.120 and 2005 c 483 s 2 are each amended to read as follows:

No fee shall be charged for the inspection of public records (~~or~~ ~~no fee shall be charged for~~) or locating public documents and making them available for copying, except as provided in RCW 42.56.240(14). A reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for its actual costs directly incident to such copying. Agency charges for photocopies shall be imposed in accordance with the actual per page cost or other costs established and published by the agency. In no event may an agency charge a per page cost greater than the actual per page cost as established and published by the

agency. To the extent the agency has not determined the actual per page cost for photocopies of public records, the agency may not charge in excess of fifteen cents per page. An agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request. If an agency makes a request available on a partial or installment basis, the agency may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the agency is not obligated to fulfill the balance of the request.

**NEW SECTION. Sec. 14.** (1) A law enforcement or corrections agency that deploys body worn cameras must establish policies regarding the use of the cameras. The policies must, at a minimum, address:

- (a) When a body worn camera must be activated and deactivated, and when a law enforcement or corrections officer has the discretion to activate and deactivate the body worn camera;
  - (b) How a law enforcement or corrections officer is to respond to circumstances when it would be reasonably anticipated that a person may be unwilling or less willing to communicate with an officer who is recording the communication with a body worn camera;
  - (c) How a law enforcement or corrections officer will document when and why a body worn camera was deactivated prior to the conclusion of an interaction with a member of the public while conducting official law enforcement or corrections business;
  - (d) How, and under what circumstances, a law enforcement or corrections officer is to inform a member of the public that he or she is being recorded, including in situations where the person is a non-English speaker or has limited English proficiency, or where the person is deaf or hard of hearing;
  - (e) How officers are to be trained on body worn camera usage and how frequently the training is to be reviewed or renewed; and
  - (f) Security rules to protect data collected and stored from body worn cameras.
- (2) A law enforcement or corrections agency that deploys body worn cameras before the effective date of this section must establish the policies within one hundred twenty days of the effective date of this section. A law enforcement or corrections agency that deploys body worn cameras on or after the effective date of this section must establish the policies before deploying body worn cameras.
- (3) This section expires July 1, 2019.

**NEW SECTION. Sec. 15.** For a city or town that is not deploying body worn cameras on the effective date of this section, a legislative authority of a city or town is strongly encouraged to adopt an ordinance or resolution authorizing the use of body worn cameras prior to their use by law enforcement or a corrections agency. Any ordinance or resolution authorizing the use of body worn cameras should identify a community involvement process for providing input into the development of operational policies governing the use of body worn cameras.

**NEW SECTION. Sec. 16.** (1) The legislature shall convene a task force with the following voting members to examine the use of body worn cameras by law enforcement and corrections agencies:

- (a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;
- (b) One member from each of the two largest caucuses in the house of representatives, appointed by the speaker of the house of representatives;
- (c) A representative from the governor's office;
- (d) Two representatives from the Washington association of prosecuting attorneys;
- (e) A representative from the Washington defender association;
- (f) A representative of the Washington association of criminal defense lawyers;
- (g) A representative from the American civil liberties union of Washington;
- (h) A representative from the Washington association of sheriffs and police chiefs;
- (i) Four chief local law enforcement officers, at least two of whom must be from local law enforcement agencies that have deployed body worn cameras, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (j) Three law enforcement officers, one representing the council of metropolitan police and sheriffs and two representing the Washington council of police and sheriffs;
- (k) Two representatives of local governments responsible for oversight of law enforcement, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (l) A representative from the Washington coalition for open government;
- (m) A representative of the news media, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (n) A representative of victims advocacy groups, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (o) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on African-American affairs;
- (p) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on Asian Pacific American affairs;
- (q) Two representatives with experience in interactions between law enforcement and the public, appointed by the Washington state commission on Hispanic affairs;
- (r) One representative of immigrant or refugee communities, appointed jointly by the president of the senate and the speaker of the house of representatives;
- (s) One person with expertise in the technology of retaining and redacting body worn camera recordings, appointed jointly by the president of the senate and the speaker of the house of representatives;

(t) Two representatives of the tribal communities with experience in interactions between law enforcement and the public, appointed jointly by the president of the senate and the speaker of the house of representatives;

(u) A public member, appointed jointly by the president of the senate and the speaker of the house of representatives; and

(v) A representative of the Washington state fraternal order of police.

(2) The task force shall choose two cochairs from among its legislative members.

(3) The task force may request such information, recordings, and other records from agencies as the task force deems appropriate for it to effectuate this section. A participating agency must provide such information, recordings, or records upon request subject to exemptions under chapter 42.56 RCW or any applicable law.

(4) Staff support for the task force shall be provided by the senate committee services and the house of representatives office of program research.

(5) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer, governmental entity, or other organization, are entitled to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(7) The task force shall hold public meetings in locations that include rural and urban communities and communities in the eastern and western parts of the state.

(8) The task force shall specifically consider and report on the use of body worn cameras in health care facilities subject to the health insurance portability and accountability act of 1996, P.L. 104-191, and the uniform health care information act, chapter 70.02 RCW. The task force shall consult with subject matter experts, including, but not limited to, the Washington state hospital association and the Washington state medical association, and any findings or recommendations must be consistent with the obligations of health care facilities under both federal and state law.

(9) The task force shall report its findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2017. The report must include, but is not limited to, findings and recommendations regarding costs assessed to requesters, policies adopted by agencies, retention and retrieval of data, model policies regarding body worn cameras that at a minimum address the issues identified in section 5 of this act, and the use of body worn cameras for gathering evidence, surveillance, and police accountability. The task force must allow a minority report to be included with the task force report if requested by a member of the task force.

(10) This section expires June 1, 2019.

**NEW SECTION. Sec. 17.** (1) For state and local agencies, a body worn camera may only be used by officers

employed by a general authority Washington law enforcement agency as defined in RCW 10.93.020, any officer employed by the department of corrections, and personnel for jails as defined in RCW 70.48.020 and detention facilities as defined in RCW 13.40.020.

(2) This section expires July 1, 2019.

**NEW SECTION. Sec. 18.** Sections 5, 6, and 8 of this act constitute a new chapter in Title 10 RCW."

On page 1, line 2 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 42.56.120; reenacting and amending RCW 42.56.240 and 42.56.080; adding a new chapter to Title 10 RCW; creating new sections; and providing expiration dates."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2362 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hansen, Rodne, Hayes, Klippert, Nealey and Muri spoke in favor of the passage of the bill.

Representatives Holy, Condotta, Scott, Pollet, Young, Taylor, Shea, Taylor (again) Johnson and Farrell spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2362, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2362, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bergquist, Blake, Caldier, Clibborn, Cody, Dunshee, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Haler, Hansen, Hargrove, Harris, Hayes, Hickel, Hudgins, Hurst, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, Magendanz, McBride, Moeller, Morris, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Sawyer, Senn, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Farrell, Griffey, Harmsworth, Hawkins, Holy, Hunt, Johnson, Kretz, Kristiansen, MacEwen, Manweller, McCabe, McCaslin, Moscoso, Orcutt, Parker, Pike, Pollet, Ryu, Santos, Schmick, Scott,

Sells, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilcox, Wilson and Young.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED HOUSE BILL NO. 2362, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2511 with the following amendment:

Beginning on page 1, line 18, strike all of section 2 and insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 43.215 RCW to read as follows:

For children ages sixty months through six years, the child's school enrollment status may not be used as a reason to require the child be placed within a specific mixed-age group. Nothing in this section changes or requires the department to change the staff-to-child ratio requirements for mixed-age groups that include children who are ages thirty months through six years."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2511 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Pike and Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2511, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2511, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes,

Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2511, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2016

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2637 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 3.** A new section is added to chapter 27.34 RCW to read as follows:

(1) The Washington state historic cemetery preservation capital grant program is created in the department.

(2) The capital grant program is intended to benefit the public by preserving outstanding examples of the state's historical heritage, enabling historic cemeteries to continue to serve their communities, and honoring the military veterans buried within them.

(3) Subject to appropriation, grants may be awarded each biennium for construction, renovation, or rehabilitation projects that preserve the historic character, features, and materials of the cemetery, or that maintain or improve the functions of the cemetery.

(4) A capital grant award may not exceed fifty thousand dollars, adjusted biennially for inflation. The department may not require applicants to provide matching funds.

(5) Eligible applicants for capital grants include cemetery property owners, nonprofit organizations, and local governments.

(6) Applications for the capital grant program must be submitted to the department in a form and manner prescribed by the department. The applications must include a history of the cemetery which the department shall maintain on file.

(7) The director shall establish a committee to review applications. The committee shall consist of at least five members with expertise or association with historic preservation, cemetery associations, local cemetery boards, and other associations or professional organizations the director deems appropriate. When evaluating and

prioritizing projects, the committee shall consider the following criteria:

- (a) The relative historical significance of the cemetery;
- (b) Whether the proposed project will result in lower costs of maintenance and operations; and
- (c) The relative percentage of military burials in the cemetery.

(8) The conditions in this subsection must be met by recipients of funding in order to satisfy the public benefit requirements of the historic cemetery preservation capital grant program.

(a) The committee shall provide the department a prioritized list of projects for funding. The department and grant recipient must execute a contract before work on the grant project begins. The contract must specify public benefit and minimum maintenance requirements.

(b) Grant recipients must proactively maintain their historic cemetery for a minimum of ten years.

(c) Public access to the exterior of properties that are not visible from a public right-of-way must be provided under reasonable terms and circumstances, including the requirement that visits by nonprofit organizations or school groups must be offered at least one day per year. Tribal access must be provided under reasonable terms and circumstances to historic cemeteries in which there are Indian burials.

(9) Projects must be initiated within one year of funding approval and completed within two years, unless an extension is provided in writing by the department.

(10) If a recipient of an historic cemetery preservation capital grant, or subsequent owner of a property that was assisted by a grant, takes any action within ten years of the award with respect to the assisted property such as dismantlement, removal, substantial alteration, or any other action inconsistent with the property's status as a cemetery, the grant must be repaid in full within one year."

On page 1, line 2 of the title, after "cemeteries;" strike the remainder of the title and insert "and adding a new section to chapter 27.34 RCW."

**FISCAL IMPACT:** None.

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2637 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Manweller and Stanford spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2637, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of House Bill No. 2637, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Stokesbary and Zeiger.

HOUSE BILL NO. 2637, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 4, 2016

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2711 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 4.** A new section is added to chapter 43.280 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of crime victims advocacy shall study the availability of sexual assault nurse examiners throughout the state. The study must include:

(a) An identification of areas of the state that have an adequate number of sexual assault nurse examiners;

(b) An identification of areas of the state that have an inadequate number of sexual assault nurse examiners;

(c) A list of available resources for facilities in need of sexual assault nurse examiners or sexual assault nurse examiner training; and

(d) Strategies for increasing the availability of sexual assault nurse examiners in underserved areas.

(2) When identifying strategies for increasing the availability of sexual assault nurse examiners in underserved areas, the office of crime victims advocacy shall, at a minimum, consider:

(a) Remote training or consultation via electronic means;

(b) Mobile teams of sexual assault nurse examiners;

(c) Costs and reimbursement rates for sexual assault nurse examiners; and  
 (d) Funding options.  
 (3) When performing the study under this section, the office of crime victims advocacy shall consult with experts on sexual assault victims' advocacy, experts on sexual assault investigation, and providers including, but not limited to:  
 (a) The department of health;  
 (b) The Washington coalition of sexual assault programs;  
 (c) The Washington association of sheriffs and police chiefs;  
 (d) The Washington association of prosecuting attorneys;  
 (e) The Washington state hospital association;  
 (f) The Harborview center for sexual assault and traumatic stress;  
 (g) The nursing care quality assurance commission;  
 and  
 (h) The Washington state nurses association.  
 (4) The office of crime victims advocacy shall report its findings and recommendations to the governor and the appropriate committees of the legislature no later than December 1, 2016.  
 (5) This section expires July 31, 2017."  
 On page 1, line 2 of the title, after "examiners;" strike the remainder of the title and insert "adding a new section to chapter 43.280 RCW; and providing an expiration date."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2711 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives McCabe and Riccelli spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2711, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2711, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes,

Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Stokesbary and Zeiger.

SUBSTITUTE HOUSE BILL NO. 2711, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 1, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2793 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 5. The legislature finds that: Washington's suicide rate is fourteen percent higher than the national average; on average, two young people between the ages of ten and twenty-four die by suicide each week; almost a quarter of those who die by suicide are veterans; and many of the state's rural and tribal communities have the highest suicide rates. The legislature further finds that when suicide occurs, it has devastating consequences for communities and schools, yet, according to the United States surgeon general, suicide is the nation's most preventable form of death. The legislature further finds that one of the most immediate ways to reduce the tragedy of suicide is through suicide awareness and prevention education coupled with safe storage of lethal means commonly used in suicides, such as firearms and prescription medications. The legislature further finds that encouraging firearms dealers to voluntarily participate in suicide awareness and prevention education programs and provide certain safe storage devices at cost is an important step in creating safer homes and reducing suicide deaths in the state.

NEW SECTION. Sec. 6. (1)(a) Subject to the availability of amounts appropriated for this specific purpose, a safe homes task force is established to raise public awareness and increase suicide prevention education among new partners who are in key positions to help reduce suicide. The task force shall be administered and staffed by the University of Washington school of social work.

(b) The safe homes task force shall consist of the members comprised of a suicide prevention and firearms

subcommittee and a suicide prevention and pharmacy subcommittee, as follows:

(i) The suicide prevention and firearms subcommittee shall consist of the following members and be cochaired by the University of Washington school of social work and a member identified in (b)(i)(A) of this subsection (1):

(A) A representative of the national rifle association and a representative of the second amendment foundation;

(B) Two representatives of suicide prevention organizations, selected by the cochaairs of the subcommittee;

(C) Two representatives of the firearms industry, selected by the cochaairs of the subcommittee;

(D) Two individuals who are suicide attempt survivors or who have experienced suicide loss, selected by the cochaairs of the subcommittee;

(E) Two representatives of law enforcement agencies, selected by the cochaairs of the subcommittee;

(F) One representative from the department of health;

(G) One representative from the department of veterans affairs, and one other individual representing veterans to be selected by the cochaairs of the subcommittee; and

(H) No more than two other interested parties, selected by the cochaairs of the subcommittee.

(ii) The suicide prevention and pharmacy subcommittee shall consist of the following members and be cochaired by the University of Washington school of social work and a member identified in (b)(ii)(A) of this subsection (1):

(A) Two representatives of the Washington state pharmacy association;

(B) Two representatives of retailers who operate pharmacies, selected by the cochaairs of the subcommittee;

(C) One faculty member from the University of Washington school of pharmacy and one faculty member from the Washington State University school of pharmacy;

(D) One representative of the department of health;

(E) One representative of the pharmacy quality assurance commission;

(F) Two representatives of the Washington state poison control center;

(G) One representative of the department of veterans affairs, and one other individual representing veterans to be selected by the cochaairs of the subcommittee; and

(H) No more than two other interested parties, selected by the cochaairs of the subcommittee.

(c) The University of Washington school of social work shall convene the initial meeting of the task force.

(2) The task force shall:

(a) Develop and prepare to disseminate online trainings on suicide awareness and prevention for firearms dealers and their employees and firearm range owners and their employees;

(b) In consultation with the department of fish and wildlife, review the firearm safety pamphlet produced by the department of fish and wildlife under RCW 9.41.310 and, by January 1, 2017, recommend changes to the

pamphlet to incorporate information on suicide awareness and prevention;

(c) Develop suicide awareness and prevention messages for posters and brochures that are tailored to be effective for firearms owners for distribution to firearms dealers and firearm ranges;

(d) Develop suicide awareness and prevention messages for posters and brochures for distribution to pharmacies;

(e) In consultation with the department of fish and wildlife, develop strategies for creating and disseminating suicide awareness and prevention information for hunting safety classes, including messages to parents that can be shared during online registration, in either follow up electronic mail communications, or in writing, or both;

(f) Develop suicide awareness and prevention messages for training for the schools of pharmacy and provide input on trainings being developed for community pharmacists;

(g) Provide input to the department of health on the implementation of the safe homes project established in section 3 of this act;

(h) Create a web site that will be a clearinghouse for the newly created suicide awareness and prevention materials developed by the task force; and

(i) Conduct a survey of firearms dealers and firearms ranges in the state to determine the types and amounts of incentives that would be effective in encouraging those entities to participate in the safe homes project created in section 3 of this act;

(j) Create, implement, and evaluate a suicide awareness and prevention pilot program in two counties, one rural and one urban, that have high suicide rates. The pilot program shall include:

(i) Developing and directing advocacy efforts with firearms dealers to pair suicide awareness and prevention training with distribution of safe storage devices;

(ii) Developing and directing advocacy efforts with pharmacies to pair suicide awareness and prevention training with distribution of medication disposal kits and safe storage devices;

(iii) Training health care providers on suicide awareness and prevention, paired with distribution of medication disposal kits and safe storage devices; and

(iv) Training local law enforcement officers on suicide awareness and prevention, paired with distribution of medication disposal kits and safe storage devices.

(3) The task force shall consult with the department of health to develop timelines for the completion of the necessary tasks identified in subsection (2) of this section so that the department of health is able to implement the safe homes project under section 3 of this act by January 1, 2018.

(4) Beginning December 1, 2016, the task force shall annually report to the legislature on the status of its work. The task force shall submit a final report by December 1, 2019, that includes the findings of the suicide awareness and prevention pilot program evaluation under subsection (2) of this section and recommendations on possible continuation of the program. The task force shall submit its reports in accordance with RCW 43.01.036.

(5) This section expires July 1, 2020.

**NEW SECTION. Sec. 7.** A new section is added to chapter 43.70 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department shall develop and administer a safe homes project for firearms dealers and firearms ranges to encourage voluntary participation in a program to implement suicide awareness and prevention strategies.

(2) As part of the safe homes project, the department shall certify a firearms dealer or firearms range that meets the requirements of subsection (3) of this section as a safe homes partner.

(3) The department, in consultation with the safe homes task force created in section 2 of this act, shall develop criteria for certification of a firearms dealer or firearms range as a safe homes partner that include, at a minimum, the following requirements:

(a) Posting of suicide awareness and prevention posters, developed by the safe homes task force, at the firearms dealer's or firearms range's premises;

(b) Distribution of suicide awareness and prevention brochures, developed by the safe homes task force, to firearms purchasers and customers;

(c) Completion by the firearms dealer and employees, or firearms range and employees, of an online suicide awareness and prevention training developed by the safe homes task force; and

(d) Offering safe storage devices, in the form of a lock box or life jacket, for sale at cost to firearms purchasers, or customers.

(4) The department shall:

(a) Provide technical assistance to firearms dealers and firearms ranges that want to participate in the safe homes project;

(b) Track and report status updates of the program to the legislature in accordance with RCW 43.01.036; and

(c) Conduct, or contract with local health departments to conduct, random audits of businesses who participate in the safe homes project to ensure compliance with the requirements of this section.

(5) The department shall implement the safe homes project beginning January 1, 2018.

(6) For the purposes of this section:

(a) "Firearms dealer" means a firearms dealer licensed under RCW 9.41.110; and

(b) "Firearms range" means an entity that operates an area or facility designed for the safe discharge or other use of firearms for sport, recreational, or competitive shooting or training purposes.

**Sec. 8.** RCW 9.41.310 and 1994 c 264 s 2 are each amended to read as follows:

(1) After a public hearing, the department of fish and wildlife shall publish a pamphlet on firearms safety and the legal limits of the use of firearms. The pamphlet shall include current information on firearms laws and regulations and state preemption of local firearms laws. By July 1, 2017, the department of fish and wildlife shall update the pamphlet to incorporate information on suicide awareness and prevention as recommended by the safe homes task force established in section 2 of this act.

(2) This pamphlet may be used in the department's hunter safety education program and shall be provided to the department of licensing for distribution to firearms dealers and persons authorized to issue concealed pistol licenses. The department of fish and wildlife shall reimburse the department of licensing for costs associated with distribution of the pamphlet.

**Sec. 9.** RCW 43.70.442 and 2015 c 249 s 1 are each amended to read as follows:

(1)(a) Each of the following professionals certified or licensed under Title 18 RCW shall, at least once every six years, complete training in suicide assessment, treatment, and management that is approved, in rule, by the relevant disciplining authority:

(i) An adviser or counselor certified under chapter 18.19 RCW;

(ii) A chemical dependency professional licensed under chapter 18.205 RCW;

(iii) A marriage and family therapist licensed under chapter 18.225 RCW;

(iv) A mental health counselor licensed under chapter 18.225 RCW;

(v) An occupational therapy practitioner licensed under chapter 18.59 RCW;

(vi) A psychologist licensed under chapter 18.83 RCW;

(vii) An advanced social worker or independent clinical social worker licensed under chapter 18.225 RCW; and

(viii) A social worker associate—advanced or social worker associate—independent clinical licensed under chapter 18.225 RCW.

(b) The requirements in (a) of this subsection apply to a person holding a retired active license for one of the professions in (a) of this subsection.

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection ((9)) (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (1)(d) affects the validity of training completed prior to July 1, 2017.

(2)(a) Except as provided in (b) of this subsection, a professional listed in subsection (1)(a) of this section must complete the first training required by this section by the end of the first full continuing education reporting period after January 1, 2014, or during the first full continuing education reporting period after initial licensure or certification, whichever occurs later.

(b) A professional listed in subsection (1)(a) of this section applying for initial licensure may delay completion of the first training required by this section for six years after initial licensure if he or she can demonstrate successful completion of the training required in subsection

(1) of this section no more than six years prior to the application for initial licensure.

(3) The hours spent completing training in suicide assessment, treatment, and management under this section count toward meeting any applicable continuing education or continuing competency requirements for each profession.

(4)(a) A disciplining authority may, by rule, specify minimum training and experience that is sufficient to exempt an individual professional from the training requirements in subsections (1) and (5) of this section. Nothing in this subsection (4)(a) allows a disciplining authority to provide blanket exemptions to broad categories or specialties within a profession.

(b) A disciplining authority may exempt a professional from the training requirements of subsections (1) and (5) of this section if the professional has only brief or limited patient contact.

(5)(a) ~~(Beginning January 1, 2016,)~~ Each of the following professionals credentialed under Title 18 RCW shall complete a one-time training in suicide assessment, treatment, and management that is approved by the relevant disciplining authority:

(i) A chiropractor licensed under chapter 18.25 RCW;

(ii) A naturopath licensed under chapter 18.36A RCW;

(iii) A licensed practical nurse, registered nurse, or advanced registered nurse practitioner, other than a certified registered nurse anesthetist, licensed under chapter 18.79 RCW;

(iv) An osteopathic physician and surgeon licensed under chapter 18.57 RCW, other than a holder of a postgraduate osteopathic medicine and surgery license issued under RCW 18.57.035;

(v) An osteopathic physician assistant licensed under chapter 18.57A RCW;

(vi) A physical therapist or physical therapist assistant licensed under chapter 18.74 RCW;

(vii) A physician licensed under chapter 18.71 RCW, other than a resident holding a limited license issued under RCW 18.71.095(3);

(viii) A physician assistant licensed under chapter 18.71A RCW; ~~(and)~~

(ix) A pharmacist licensed under chapter 18.64 RCW; and

(x) A person holding a retired active license for one of the professions listed in (a)(i) through ~~((viii))~~ (ix) of this subsection.

(b)(i) A professional listed in (a)(i) through (viii) of this subsection or a person holding a retired active license for one of the professions listed in (a)(i) through (viii) of this subsection must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2016, or during the first full continuing education reporting period after initial licensure, whichever is later. Training completed between June 12, 2014, and January 1, 2016, that meets the requirements of this section, other than the timing requirements of this subsection (5)(b), must be accepted by the disciplining authority as meeting the one-time training requirement of this subsection (5).

(ii) A licensed pharmacist or a person holding a retired active pharmacist license must complete the one-time training by the end of the first full continuing education reporting period after January 1, 2017, or during the first full continuing education reporting period after initial licensure, whichever is later.

(c) The training required by this subsection must be at least six hours in length, unless a disciplining authority has determined, under subsection ~~((9))~~ (10)(b) of this section, that training that includes only screening and referral elements is appropriate for the profession in question, in which case the training must be at least three hours in length.

(d) Beginning July 1, 2017, the training required by this subsection must be on the model list developed under subsection (6) of this section. Nothing in this subsection (5)(d) affects the validity of training completed prior to July 1, 2017.

(6)(a) The secretary and the disciplining authorities shall work collaboratively to develop a model list of training programs in suicide assessment, treatment, and management.

(b) The secretary and the disciplining authorities shall update the list at least once every two years.

(c) By June 30, 2016, the department shall adopt rules establishing minimum standards for the training programs included on the model list. The minimum standards must require that six-hour trainings include content specific to veterans and the assessment of issues related to imminent harm via lethal means or self-injurious behaviors and that three-hour trainings for pharmacists include content related to the assessment of issues related to imminent harm via lethal means. When adopting the rules required under this subsection (6)(c), the department shall:

(i) Consult with the affected disciplining authorities, public and private institutions of higher education, educators, experts in suicide assessment, treatment, and management, the Washington department of veterans affairs, and affected professional associations; and

(ii) Consider standards related to the best practices registry of the American foundation for suicide prevention and the suicide prevention resource center.

(d) Beginning January 1, 2017:

(i) The model list must include only trainings that meet the minimum standards established in the rules adopted under (c) of this subsection and any three-hour trainings that met the requirements of this section on or before July 24, 2015;

(ii) The model list must include six-hour trainings in suicide assessment, treatment, and management, and three-hour trainings that include only screening and referral elements; and

(iii) A person or entity providing the training required in this section may petition the department for inclusion on the model list. The department shall add the training to the list only if the department determines that the training meets the minimum standards established in the rules adopted under (c) of this subsection.

(7) The department shall provide the health profession training standards created in this section to the professional ~~((education-educator))~~ educator standards

board as a model in meeting the requirements of RCW 28A.410.226 and provide technical assistance, as requested, in the review and evaluation of educator training programs. The educator training programs approved by the professional educator standards board may be included in the department's model list.

(8) Nothing in this section may be interpreted to expand or limit the scope of practice of any profession regulated under chapter 18.130 RCW.

(9) The secretary and the disciplining authorities affected by this section shall adopt any rules necessary to implement this section.

(10) For purposes of this section:

(a) "Disciplining authority" has the same meaning as in RCW 18.130.020.

(b) "Training in suicide assessment, treatment, and management" means empirically supported training approved by the appropriate disciplining authority that contains the following elements: Suicide assessment, including screening and referral, suicide treatment, and suicide management. However, the disciplining authority may approve training that includes only screening and referral elements if appropriate for the profession in question based on the profession's scope of practice. The board of occupational therapy may also approve training that includes only screening and referral elements if appropriate for occupational therapy practitioners based on practice setting.

(11) A state or local government employee is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

(12) An employee of a community mental health agency licensed under chapter 71.24 RCW or a chemical dependency program certified under chapter 70.96A RCW is exempt from the requirements of this section if he or she receives a total of at least six hours of training in suicide assessment, treatment, and management from his or her employer every six years. For purposes of this subsection, the training may be provided in one six-hour block or may be spread among shorter training sessions at the employer's discretion.

**NEW SECTION. Sec. 10.** The schools of pharmacy at the University of Washington and Washington State University shall convene a work group to jointly develop a curriculum on suicide assessment, treatment, and management for pharmacy students. The curriculum must include material on identifying at-risk patients and limiting access to lethal means. When developing the curriculum, the schools shall consult with experts on suicide assessment, treatment, and management, and with the safe homes task force created in section 2 of this act on appropriate suicide awareness and prevention messaging. The schools of pharmacy shall submit a progress report to the governor and the relevant committees of the legislature by December 1, 2016.

**NEW SECTION. Sec. 11.** By January 1, 2017, the department of health and the pharmacy quality assurance commission shall jointly develop written materials on suicide awareness and prevention that pharmacies may post or distribute to customers. When developing the written materials, the department and the commission shall consult with experts on suicide assessment, treatment, and management, and with the safe homes task force created in section 2 of this act on appropriate suicide awareness and prevention messaging.

**NEW SECTION. Sec. 12.** Section 5 of this act takes effect January 1, 2017.

**NEW SECTION. Sec. 13.** Section 3 of this act expires January 1, 2024."

On page 1, line 2 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 9.41.310 and 43.70.442; adding a new section to chapter 43.70 RCW; creating new sections; providing an effective date; and providing expiration dates."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2793 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Orwall and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2793, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2793, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli,

Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Scott and Taylor.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2793, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2016

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2831 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 14. A new section is added to chapter 66.24 RCW to read as follows:

(1) There is a wine retailer reseller endorsement to a beer and/or wine specialty shop license issued under RCW 66.24.371, to sell wine at retail in original containers to retailers licensed to sell wine for consumption on the premises, for resale at their licensed premises according to the terms of the license. However, no single sale may exceed twenty-four liters, unless the sale is made by a licensee that was a former state liquor store or contract liquor store at the location from which such sales are made. For the purposes of this title, a beer and/or wine specialty shop license is a retail license, and a sale by a beer and/or wine specialty shop license with a reseller endorsement is a retail sale only if not for resale. The annual fee for the wine retailer reseller endorsement is one hundred ten dollars for each store.

(2) A beer and/or wine specialty shop licensee with a wine retailer reseller endorsement issued under this section may accept delivery of wine at its licensed premises or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which it may deliver to its own licensed premises and, pursuant to sales permitted by this title, to other licensed premises, to other registered facilities, or to lawful purchasers outside the state. Facilities may be registered and utilized by associations, cooperatives, or comparable groups of beer and/or wine specialty shop licensees.

(3) A beer and/or wine specialty shop licensee, selling wine under the endorsement created in this section, may sell a maximum of five thousand liters of wine per day for resale to retailers licensed to sell wine for consumption on the premises.

**Sec. 15.** RCW 66.28.340 and 2012 c 2 s 123 are each amended to read as follows:

(1) A retailer authorized to sell wine may accept delivery of wine at its licensed premises or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which it may deliver to its own licensed premises and, pursuant to sales permitted by this title, to other licensed retailers, to other registered facilities, or to lawful purchasers outside the state; such facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers including at least one retailer licensed to sell wine. A restaurant retailer authorized to sell spirits may accept delivery of spirits at its licensed premises or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, from which it may deliver to its own licensed premises and, pursuant to sales permitted by this title, to other licensed retailers, to other registered facilities, or to lawful purchasers outside the state; such facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers including at least one restaurant retailer licensed to sell spirits. Nothing in this section authorizes sales of spirits or wine by a retailer holding only an on-sale privilege to another retailer.

(2) A retailer authorized to sell both wine and spirits for consumption off the licensed premises may accept delivery of wine and spirits at its licensed premises, at another licensed premises as designated by the retailer, or at one or more warehouse facilities registered with the board, which facilities may also warehouse and distribute nonliquor items, and from which it may deliver to its own licensed premises and, pursuant to sales permitted by this title, to other licensed retailers, to other registered facilities, or to lawful purchasers outside the state. Such warehouse facilities may be registered and utilized by associations, cooperatives, or comparable groups of retailers including at least one retailer licensed to sell both spirits and wine. For purposes of negotiating volume discounts, a group of individual retailers authorized to sell both wine and spirits for consumption off the licensed premises may accept delivery of wine and spirits at a single location, which may be their individual licensed premises or at any one of the individual licensee's premises, or at a warehouse facility registered with the board."

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 66.28.340; and adding a new section to chapter 66.24 RCW."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2831 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hurst and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2831, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2831, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Stokesbary and Zeiger.

SUBSTITUTE HOUSE BILL NO. 2831, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 2, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2847 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 16. RCW 90.58.030 and 2014 c 23 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

- (1) Administration:
  - (a) "Department" means the department of ecology;
  - (b) "Director" means the director of the department of ecology;
  - (c) "Hearings board" means the shorelines hearings board established by this chapter;
  - (d) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;
  - (e) "Person" means an individual, partnership, corporation, association, organization, cooperative, public

or municipal corporation, or agency of the state or local governmental unit however designated.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Floodway" means the area, as identified in a master program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(c) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(d) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

(i) Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.

(ii) Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands subject to the provisions of this subsection (2)(d)(ii) are not subject to additional regulations under this chapter;

(e) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(f) "Shorelines of statewide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta—from DeWolf Bight to Tatsolo Point,

(B) Birch Bay—from Point Whitehorn to Birch Point,

(C) Hood Canal—from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area—from Brown Point to Yokeko Point, and

(E) Padilla Bay—from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those shorelands associated with (f)(i), (ii), (iv), and (v) of this subsection (2);

(g) "Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state;

(h) "Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities,

wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(3) Procedural terms:

(a) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(b) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(c) "Master program" (~~shall~~) means the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. "Comprehensive master program update" means a master program that fully achieves the procedural and substantive requirements of the department guidelines effective January 17, 2004, as now or hereafter amended;

(d) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(e) "Substantial development" (~~shall~~) means any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. The following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single-family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed: (I) Twenty thousand dollars for docks that are constructed to replace existing docks, are of equal or lesser square footage than the existing dock being replaced, and are located in a county, city, or town that has updated its master program consistent with the master program guidelines in chapter 173-26 WAC as adopted in 2003; or (II) ten thousand dollars for all other docks constructed in fresh waters. However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified in either (e)(vii)(A) or (B) of this subsection (3), the subsequent construction shall be considered a substantial development for the purpose of this chapter. All dollar thresholds under (e)(vii)(B) of this subsection (3) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2018, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar thresholds, rounded to the nearest hundred dollar, and transmit them to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar thresholds are to take effect;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(xi) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(A) The activity does not interfere with the normal public use of the surface waters;

(B) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(C) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(D) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(E) The activity is not subject to the permit requirements of RCW 90.58.550;

(xii) The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department jointly with other state agencies under chapter 43.21C RCW;

(xiii) The external or internal retrofitting of an existing structure with the exclusive purpose of compliance with the Americans with disabilities act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities."

On page 1, line 4 of the title, after "disabilities;" strike the remainder of the title and insert "and amending RCW 90.58.030."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2847 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL**

**AS SENATE AMENDED**

Representatives Rossetti and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2847, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2847, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 86; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Fey, Frame, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Sullivan, Taylor, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Bergquist, Farrell, Fitzgibbon, Goodman, Hudgins, McBride, Peterson, Stanford, Tarleton and Tharinger.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2847, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 4, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.40.010 and 2004 c 120 s 1 are each amended to read as follows:

(1) This chapter shall be known and cited as the Juvenile Justice Act of 1977.

(2) It is the intent of the legislature that a system capable of having primary responsibility for, being accountable for, and responding to the needs of youthful offenders and their victims, as defined by this chapter, be established. It is the further intent of the legislature that youth, in turn, be held accountable for their offenses and that communities, families, and the juvenile courts carry out their functions consistent with this intent. To effectuate these policies, the

legislature declares the following to be equally important purposes of this chapter:

(a) Protect the citizenry from criminal behavior;

(b) Provide for determining whether accused juveniles have committed offenses as defined by this chapter;

(c) Make the juvenile offender accountable for his or her criminal behavior;

(d) Provide for punishment commensurate with the age, crime, and criminal history of the juvenile offender;

(e) Provide due process for juveniles alleged to have committed an offense;

(f) Provide for the rehabilitation and reintegration of juvenile offenders;

(g) Provide necessary treatment, supervision, and custody for juvenile offenders;

((g)) (h) Provide for the handling of juvenile offenders by communities whenever consistent with public safety;

((h)) (i) Provide for restitution to victims of crime;

((i)) (j) Develop effective standards and goals for the operation, funding, and evaluation of all components of the juvenile justice system and related services at the state and local levels;

((j)) (k) Provide for a clear policy to determine what types of offenders shall receive punishment, treatment, or both, and to determine the jurisdictional limitations of the courts, institutions, and community services;

((k)) (l) Provide opportunities for victim participation in juvenile justice process, including court hearings on juvenile offender matters, and ensure that Article I, section 35 of the Washington state Constitution, the victim bill of rights, is fully observed; and

((l)) (m) Encourage the parents, guardian, or custodian of the juvenile to actively participate in the juvenile justice process.

Sec. 2. RCW 13.40.020 and 2014 c 110 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Assessment" means an individualized examination of a child to determine the child's psychosocial needs and problems, including the type and extent of any mental health, substance abuse, or co-occurring mental health and substance abuse disorders, and recommendations for treatment. "Assessment" includes, but is not limited to, drug and alcohol evaluations, psychological and psychiatric evaluations, records review, clinical interview, and administration of a formal test or instrument;

(2) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services including, when appropriate, restorative justice programs; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(3) "Community-based sanctions" may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community restitution not to exceed one hundred fifty hours of community restitution;

(4) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(5) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

- (a) Community-based sanctions;
- (b) Community-based rehabilitation;
- (c) Monitoring and reporting requirements;
- (d) Posting of a probation bond;

(6) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(7) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(8) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(9) "Department" means the department of social and health services;

(10) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient

substance abuse programs, juvenile basic training camps, and electronic monitoring;

(11) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(12) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(13) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(14) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(15) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(16) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(17) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

(18) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

(19) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(20) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to

remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(21) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(22) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another;

(23) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;

(24) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(25) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(26) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(27) "Restorative justice" means practices, policies, and programs informed by and sensitive to the needs of crime victims that are designed to encourage offenders to accept responsibility for repairing the harm caused by their offense by providing safe and supportive opportunities for voluntary participation and communication between the victim, the offender, their families, and relevant community members;

(28) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;

(29) "Screening" means a process that is designed to identify a child who is at risk of having mental health, substance abuse, or co-occurring mental health and substance abuse disorders that warrant immediate attention, intervention, or more comprehensive assessment. A screening may be undertaken with or without the administration of a formal instrument;

(30) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(31) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(32) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(33) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(34) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(35) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location;

(36) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(37) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(38) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 3. RCW 13.40.127 and 2015 c 265 s 26 are each amended to read as follows:

(1) A juvenile is eligible for deferred disposition unless he or she:

(a) Is charged with a sex or violent offense;

(b) Has a criminal history which includes any felony;

(c) Has a prior deferred disposition or deferred adjudication; or

(d) Has two or more adjudications.

(2) The juvenile court may, upon motion at least fourteen days before commencement of trial and, after consulting the juvenile's custodial parent or parents or guardian and with the consent of the juvenile, continue the case for disposition for a period not to exceed one year from the date the juvenile is found guilty. ((The court shall consider whether the offender and the community will benefit from a deferred disposition before deferring the disposition.)) In all cases

where the juvenile is eligible for a deferred disposition, there shall be a strong presumption that the deferred disposition will be granted. The court may waive the fourteen-day period anytime before the commencement of trial for good cause.

(3) Any juvenile who agrees to a deferral of disposition shall:

(a) Stipulate to the admissibility of the facts contained in the written police report;

(b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a disposition if the juvenile fails to comply with terms of supervision;

(c) Waive the following rights to: (i) A speedy disposition; and (ii) call and confront witnesses; and

(d) Acknowledge the direct consequences of being found guilty and the direct consequences that will happen if an order of disposition is entered.

The adjudicatory hearing shall be limited to a reading of the court's record.

(4) Following the stipulation, acknowledgment, waiver, and entry of a finding or plea of guilt, the court shall defer entry of an order of disposition of the juvenile.

(5) Any juvenile granted a deferral of disposition under this section shall be placed under community supervision. The court may impose any conditions of supervision that it deems appropriate including posting a probation bond. Payment of restitution under RCW 13.40.190 shall be a condition of community supervision under this section.

The court may require a juvenile offender convicted of animal cruelty in the first degree to submit to a mental health evaluation to determine if the offender would benefit from treatment and such intervention would promote the safety of the community. After consideration of the results of the evaluation, as a condition of community supervision, the court may order the offender to attend treatment to address issues pertinent to the offense.

The court may require the juvenile to undergo a mental health or substance abuse assessment, or both. If the assessment identifies a need for treatment, conditions of supervision may include treatment for the assessed need that has been demonstrated to improve behavioral health and reduce recidivism.

The court shall require a juvenile granted a deferral of disposition for unlawful possession of a firearm in violation of RCW 9.41.040 to participate in a qualifying program as described in RCW 13.40.193(2)(b), when available, unless the court makes a written finding based on the outcome of the juvenile court risk assessment that participation in a qualifying program would not be appropriate.

(6) A parent who signed for a probation bond has the right to notify the counselor if the juvenile fails to comply with the bond or conditions of supervision. The counselor shall notify the court and surety of any failure to comply. A surety shall notify the court of the juvenile's failure to comply with the probation bond. The state shall bear the burden to prove, by a preponderance of the evidence, that the juvenile has failed to comply with the terms of community supervision.

(7)(a) Anytime prior to the conclusion of the period of supervision, the prosecutor or the juvenile's juvenile court community supervision counselor may file a motion with the court requesting the court revoke the deferred disposition

based on the juvenile's lack of compliance or treat the juvenile's lack of compliance as a violation pursuant to RCW 13.40.200.

(b) If the court finds the juvenile failed to comply with the terms of the deferred disposition, the court may:

(i) Revoke the deferred disposition and enter an order of disposition; or

(ii) Impose sanctions for the violation pursuant to RCW 13.40.200.

(8) At any time following deferral of disposition the court may, following a hearing, continue supervision for an additional one-year period for good cause.

(9)(a) At the conclusion of the period of supervision, the court shall determine whether the juvenile is entitled to dismissal of the deferred disposition only when the court finds:

(i) The deferred disposition has not been previously revoked;

(ii) The juvenile has completed the terms of supervision;

(iii) There are no pending motions concerning lack of compliance pursuant to subsection (7) of this section; and

(iv) The juvenile has either paid the full amount of restitution, or, made a good faith effort to pay the full amount of restitution during the period of supervision.

(b) If the court finds the juvenile is entitled to dismissal of the deferred disposition pursuant to (a) of this subsection, the juvenile's conviction shall be vacated and the court shall dismiss the case with prejudice, except that a conviction under RCW 16.52.205 shall not be vacated. Whenever a case is dismissed with restitution still owing, the court shall enter a restitution order pursuant to RCW 7.80.130 for any unpaid restitution. Jurisdiction to enforce payment and modify terms of the restitution order shall be the same as those set forth in RCW 7.80.130.

(c) If the court finds the juvenile is not entitled to dismissal of the deferred disposition pursuant to (a) of this subsection, the court shall revoke the deferred disposition and enter an order of disposition. A deferred disposition shall remain a conviction unless the case is dismissed and the conviction is vacated pursuant to (b) of this subsection or sealed pursuant to RCW 13.50.260.

(10)(a)(i) Any time the court vacates a conviction pursuant to subsection (9) of this section, if the juvenile is eighteen years of age or older and the full amount of restitution owing to the individual victim named in the restitution order, excluding restitution owed to any insurance provider authorized under Title 48 RCW has been paid, the court shall enter a written order sealing the case.

(ii) Any time the court vacates a conviction pursuant to subsection (9) of this section, if the juvenile is not eighteen years of age or older and full restitution ordered has been paid, the court shall schedule an administrative sealing hearing to take place no later than thirty days after the respondent's eighteenth birthday, at which time the court shall enter a written order sealing the case. The respondent's presence at the administrative sealing hearing is not required.

(iii) Any deferred disposition vacated prior to June 7, 2012, is not subject to sealing under this subsection.

(b) Nothing in this subsection shall preclude a juvenile from petitioning the court to have the records of his or her deferred dispositions sealed under RCW 13.50.260.

(c) Records sealed under this provision shall have the same legal status as records sealed under RCW 13.50.260.

Sec. 4. RCW 13.40.308 and 2009 c 454 s 4 are each amended to read as follows:

(1) If a respondent is adjudicated of taking a motor vehicle without permission in the first degree as defined in RCW 9A.56.070, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than three months of community supervision, forty five hours of community restitution, ((a two hundred dollar fine,)) and a requirement that the juvenile remain at home such that the juvenile is confined to a private residence for no less than five days. The juvenile may be subject to electronic monitoring where available. If the juvenile is enrolled in school, the confinement shall be served on nonschool days;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes six months of community supervision, no less than ten days of detention, and ninety hours of community restitution((, and a four hundred dollar fine)); and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks commitment to the juvenile rehabilitation administration, four months of parole supervision, and ninety hours of community restitution((, and a four hundred dollar fine)).

(2) If a respondent is adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, or possession of a stolen vehicle as defined under RCW 9A.56.068, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than three months of community supervision((, forty-five hours of community restitution, a two hundred dollar fine,)) and either ninety hours of community restitution or a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than five days, or a combination thereof that includes a minimum of three days home confinement and a minimum of forty hours of community restitution. The juvenile may be subject to electronic monitoring where available;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than six months of community supervision, no less than ten days of detention, and ninety hours of community restitution((, and a four hundred dollar fine)); and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks commitment to the juvenile rehabilitation administration, four months of parole supervision, and ninety hours of community restitution((, and a four hundred dollar fine)).

(3) If a respondent is adjudicated of taking a motor vehicle without permission in the second degree as defined

in RCW 9A.56.075, the court shall impose a standard range as follows:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes three months of community supervision, fifteen hours of community restitution, and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than one day. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than one day of detention, three months of community supervision, thirty hours of community restitution, ((a one hundred fifty dollar fine,)) and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than two days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than three days of detention, six months of community supervision, forty five hours of community restitution, ((a one hundred fifty dollar fine,)) and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than seven days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available.

Sec. 5. RCW 10.99.030 and 1996 c 248 s 6 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by January 1, 1997, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission shall include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training shall be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum shall include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the likelihood of officer injury and that promote victim safety, investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with the domestic violence laws. The program shall include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section shall be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.

(5) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(6)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(7) When a peace officer responds to a domestic violence call, the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

Information about shelters and alternatives to domestic violence is available from a statewide twenty-four-hour toll-free hot line at (include appropriate phone number). The battered women's shelter and other resources in your area are . . . . (include local information)"

(8) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(9) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation. Upon receiving the offense report, the prosecuting agency may, in its discretion, choose not to file the information as a domestic violence offense, if the offense was committed against a sibling, parent, stepparent, or grandparent.

(10) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidents of domestic violence reported to it.

(11) Records kept pursuant to subsections (6) and (10) of this section shall be made identifiable by means of a departmental code for domestic violence.

(12) Commencing January 1, 1994, records of incidents of domestic violence shall be submitted, in accordance with procedures described in this subsection, to the Washington association of sheriffs and police chiefs by all law enforcement agencies. The Washington criminal justice training commission shall amend its contract for collection of statewide crime data with the Washington association of sheriffs and police chiefs:

(a) To include a table, in the annual report of crime in Washington produced by the Washington association of sheriffs and police chiefs pursuant to the contract, showing the total number of actual offenses and the number and percent of the offenses that are domestic violence incidents for the following crimes: (i) Criminal homicide, with subtotals for murder and nonnegligent homicide and manslaughter by negligence; (ii) forcible rape, with subtotals for rape by force and attempted forcible rape; (iii) robbery, with subtotals for firearm, knife or cutting instrument, or other dangerous weapon, and strongarm robbery; (iv) assault, with subtotals for firearm, knife or cutting instrument, other dangerous weapon, hands, feet, aggravated, and other nonaggravated assaults; (v) burglary, with subtotals for forcible entry, nonforcible unlawful entry, and attempted forcible entry; (vi) larceny theft, except motor vehicle theft; (vii) motor vehicle theft, with subtotals for autos, trucks and buses, and other vehicles; (viii) arson; and (ix) violations of the provisions of a protection order or no-contact order restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, provided that specific appropriations are subsequently made for the collection and compilation of data regarding violations of protection orders or no-contact orders;

(b) To require that the table shall continue to be prepared and contained in the annual report of crime in Washington until that time as comparable or more detailed information about domestic violence incidents is available through the Washington state incident based reporting system and the information is prepared and contained in the annual report of crime in Washington; and

(c) To require that, in consultation with interested persons, the Washington association of sheriffs and police chiefs prepare and disseminate procedures to all law enforcement agencies in the state as to how the agencies

shall code and report domestic violence incidents to the Washington association of sheriffs and police chiefs.

Sec. 6. RCW 13.40.265 and 2003 c 53 s 101 are each amended to read as follows:

(1)((a)) If a juvenile thirteen years of age or older is found by juvenile court to have committed an offense while armed with a firearm or an offense that is a violation of RCW 9.41.040(2)(a)((iii)) (iv) or chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense while armed with a firearm, first unlawful possession of a firearm offense, or first offense in violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW.

((b)) (2) Except as otherwise provided in ((c) of this) subsection (3) of this section, upon petition of a juvenile who has been found by the court to have committed an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the court may at any time the court deems appropriate notify the department of licensing that the juvenile's driving privileges should be reinstated.

((c) If the offense is the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered, whichever is later.) (3) If the offense is the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the date the juvenile turns seventeen or one year after the date judgment was entered, whichever is later.

((2)(a) If a juvenile enters into a diversion agreement with a diversion unit pursuant to RCW 13.40.080 concerning an offense that is a violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the diversion unit shall notify the department of licensing within twenty-four hours after the diversion agreement is signed.

(b) If a diversion unit has notified the department pursuant to (a) of this subsection, the diversion unit shall notify the department of licensing when the juvenile has completed the agreement.)

Sec. 7. RCW 9.41.040 and 2014 c 111 s 1 are each amended to read as follows:

(1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted or found not guilty by reason of insanity in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

(ii) During any period of time that the person is subject to a court order issued under chapter 7.90, 7.92, 9A.46, 10.14, 10.99, 26.09, 26.10, 26.26, or 26.50 RCW that:

(A) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate;

(B) Restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C)(I) Includes a finding that the person represents a credible threat to the physical safety of the intimate partner or child; and

(II) By its terms, explicitly prohibits the use, attempted use, or threatened use of physical force against the intimate partner or child that would reasonably be expected to cause bodily injury;

(iii) After having previously been involuntarily committed for mental health treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(iv) If the person is under eighteen years of age, except as provided in RCW 9.41.042; and/or

(v) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-fact-finding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record

of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4)(a) Notwithstanding subsection (1) or (2) of this section, a person convicted or found not guilty by reason of insanity of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction or finding of not guilty by reason of insanity. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted or found not guilty by reason of insanity of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(i) Under RCW 9.41.047; and/or

(ii)(A) If the conviction or finding of not guilty by reason of insanity was for a felony offense, after five or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(B) If the conviction or finding of not guilty by reason of insanity was for a nonfelony offense, after three or more consecutive years in the community without being convicted or found not guilty by reason of insanity or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(b) An individual may petition a court of record to have his or her right to possess a firearm restored under (a) of this subsection (4) only at:

(i) The court of record that ordered the petitioner's prohibition on possession of a firearm; or

(ii) The superior court in the county in which the petitioner resides.

(5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265, unless the offense is the juvenile's first offense in violation of this section and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.52, 69.41, or 69.50 RCW.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense.

(8) For purposes of this section, "intimate partner" includes: A spouse, a domestic partner, a former spouse, a former domestic partner, a person with whom the restrained person has a child in common, or a person with whom the restrained person has cohabitated or is cohabitating as part of a dating relationship.

Sec. 8. RCW 46.20.265 and 2005 c 288 s 2 are each amended to read as follows:

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke all driving privileges of a juvenile when the department receives notice from a court pursuant to RCW 9.41.040(5), 13.40.265, 66.44.365, 69.41.065, 69.50.420, 69.52.070, or a substantially similar municipal ordinance adopted by a local legislative authority, or from a diversion unit pursuant to RCW 13.40.265.

(2) The driving privileges of the juvenile revoked under subsection (1) of this section shall be revoked in the following manner:

(a) Upon receipt of the first notice, the department shall impose a revocation for one year, or until the juvenile reaches seventeen years of age, whichever is longer.

(b) Upon receipt of a second or subsequent notice, the department shall impose a revocation for two years or until the juvenile reaches eighteen years of age, whichever is longer.

(c) Each offense for which the department receives notice shall result in a separate period of revocation. All periods of revocation imposed under this section that could otherwise overlap shall run consecutively up to the juvenile's twenty-first birthday, and no period of revocation imposed under this section shall begin before the expiration of all other periods of revocation imposed under this section or other law. Periods of revocation imposed consecutively under this section shall not extend beyond the juvenile's twenty-first birthday.

(3)(a) If the department receives notice from a court that the juvenile's privilege to drive should be reinstated, the department shall immediately reinstate any driving privileges that have been revoked under this section if the minimum term of revocation as specified in RCW 13.40.265(((1)(c))) (3), 66.44.365(3), 69.41.065(3), 69.50.420(3), 69.52.070(3), or similar ordinance has expired, and subject to subsection (2)(c) of this section.

(b) The juvenile may seek reinstatement of his or her driving privileges from the department when the juvenile reaches the age of twenty-one. A notice from the court

reinstating the juvenile's driving privilege shall not be required if reinstatement is pursuant to this subsection.

((4)(a) If the department receives notice pursuant to RCW 13.40.265(2)(b) from a diversion unit that a juvenile has completed a diversion agreement for which the juvenile's driving privileges were revoked, the department shall reinstate any driving privileges revoked under this section as provided in (b) of this subsection, subject to subsection (2)(c) of this section.

(b) If the diversion agreement was for the juvenile's first violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of ninety days after the date the juvenile turns sixteen or ninety days after the juvenile entered into a diversion agreement for the offense. If the diversion agreement was for the juvenile's second or subsequent violation of chapter 66.44, 69.41, 69.50, or 69.52 RCW, the department shall not reinstate the juvenile's privilege to drive until the later of the date the juvenile turns seventeen or one year after the juvenile entered into the second or subsequent diversion agreement.)

Sec. 9. RCW 66.44.365 and 1989 c 271 s 118 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of eighteen is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense in violation of this chapter and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 69.41, 69.50, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, a juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 69.41, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 10. RCW 69.41.065 and 1989 c 271 s 119 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense in violation of this chapter and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.50, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may notify the department of licensing that the juvenile's privilege to drive should be reinstated.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.50, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 11. RCW 69.50.420 and 1989 c 271 s 120 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense in violation of this chapter and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, or 69.52 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.52 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered.

Sec. 12. RCW 69.52.070 and 1989 c 271 s 121 are each amended to read as follows:

(1) If a juvenile thirteen years of age or older and under the age of twenty-one is found by a court to have committed any offense that is a violation of this chapter, the court shall notify the department of licensing within twenty-four hours after entry of the judgment, unless the offense is the juvenile's first offense in violation of this chapter and has not committed an offense while armed with a firearm, an unlawful possession of a firearm offense, or an offense in violation of chapter 66.44, 69.41, or 69.50 RCW.

(2) Except as otherwise provided in subsection (3) of this section, upon petition of a juvenile whose privilege to drive has been revoked pursuant to RCW 46.20.265, the court may

at any time the court deems appropriate notify the department of licensing to reinstate the juvenile's privilege to drive.

(3) If the conviction is for the juvenile's first violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of ninety days after the date the juvenile turns sixteen or ninety days after the judgment was entered. If the conviction was for the juvenile's second or subsequent violation of this chapter or chapter 66.44, 69.41, or 69.50 RCW, the juvenile may not petition the court for reinstatement of the juvenile's privilege to drive revoked pursuant to RCW 46.20.265 until the later of the date the juvenile turns seventeen or one year after the date judgment was entered."

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "and amending RCW 13.40.010, 13.40.020, 13.40.127, 13.40.308, 10.99.030, 13.40.265, 9.41.040, 46.20.265, 66.44.365, 69.41.065, 69.50.420, and 69.52.070."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Stambaugh and Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2906, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2906, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 82; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Clibborn, Cody, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton,

Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dye, Hawkins, Klippert, McCaslin, Pike, Schmick, Scott, Shea, Taylor, Van Werven and Young.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 4, 2016

Mr. Speaker:

The Senate has passed HOUSE JOINT MEMORIAL NO. 4010 with the following amendment:

Beginning on page 1, line 1, strike all of the joint memorial and insert the following:

"TO THE SECRETARY OF  
TRANSPORTATION, AND TO THE WASHINGTON  
STATE TRANSPORTATION COMMISSION, AND TO  
THE WASHINGTON STATE DEPARTMENT OF  
TRANSPORTATION:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, Mr. William P. Stewart (12/9/1839 – 12/11/1907) of Snohomish served bravely during the Civil War after he volunteered for service in the 29th U.S. Colored Infantry Regiment; and

WHEREAS, That military unit suffered enormous losses during the war, with one out of three soldiers becoming casualties; and

WHEREAS, Stewart demonstrated tremendous courage and dedication to the cause of liberty by volunteering to serve as an African-American during the Civil War; and

WHEREAS, Stewart served honorably during the closing days of the war and during its aftermath in Texas, where Stewart and his unit were deployed in response to instability in Mexico due to French intervention; and

WHEREAS, Stewart was a farmer before he volunteered for combat and a respected pioneer of the town of Snohomish after the war, but he and his fellow soldiers received little recognition for their bravery and sacrifice; and

WHEREAS, Stewart married Elizabeth Thornton and became a highly respected pioneer in the city of Snohomish, where his house is still standing; and

WHEREAS, Stewart is buried in the Grand Army of the Republic cemetery in Snohomish along with two hundred other civil war veterans who founded the cemetery; and

WHEREAS, It is in the interest of the State of Washington to finally recognize its citizens who volunteered and served bravely in the defense of our union;

NOW, THEREFORE, Your Memorialists respectfully pray that the Washington State Transportation

Commission commence proceedings to name State Route Number 99 the "William P. Stewart Memorial Highway."

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Secretary of Transportation, the Washington State Transportation Commission, and the Washington State Department of Transportation."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE JOINT MEMORIAL NO. 4010 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Clibborn and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4010, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4010, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Stokesbary and Zeiger.

HOUSE JOINT MEMORIAL NO. 4010, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

#### HOUSE BILL NO. 2667, by Representatives Farrell, Holy, Pollet, Shea, Nealey, Walsh, Scott, Kagi, Senn, Johnson and Short

Concerning administrative processes of the state parks and recreation commission that require a majority vote of the commission.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2667 was substituted for House Bill No. 2667 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2667 was read the second time.

Representative Farrell moved the adoption of amendment (911):

Strike everything after the enacting clause and insert the following:

"Sec. 17. RCW 79A.05.025 and 1999 c 249 s 202 are each amended to read as follows:

(1) The commission shall elect one of its members as chair. The commission may be convened at such times as the chair deems necessary, and a majority shall constitute a quorum for the transaction of business.

(2)(a) Except as provided in (b) of this subsection, the lease of park land or property for a period exceeding twenty years requires the unanimous consent of the commission.

(b) With the affirmative vote of at least five members of the commission, the commission may enter into a lease for up to sixty-two years for property at Saint Edward state park. The commission may only enter into a lease under the provisions of this subsection (2)(b) if the commission finds that the department of commerce study required by section 3 of this act fails to identify an economically viable public or nonprofit use for the property that is consistent with the state parks and recreation commission's mission and could proceed on a reasonable timeline. The lease at Saint Edward state park may only include the following:

(i) The main seminary building;

(ii) The pool building;

(iii) The gymnasium;

(iv) The parking lot located in between locations identified in (b)(i), (ii), and (iii) of this subsection;

(v) The parking lot immediately north of the gymnasium; and

(vi) Associated property immediately adjacent to the areas listed in (b)(i) through (v) of this subsection.

Sec. 18. RCW 79A.05.030 and 2005 c 373 s 1 and 2005 c 360 s 5 are each reenacted and amended to read as follows:

The commission shall:

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt policies, and adopt, issue, and enforce rules pertaining to the use, care, and administration of state parks and parkways. The commission shall cause a copy of the rules to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules as shall be adopted.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions or leases in state parks and parkways~~(s)~~ upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than fifty years, except for a lease associated with land or property described in RCW 79A.05.025(2)(b) which may not exceed sixty-two years, and upon such conditions as shall be approved by the commission~~(=PROVIDED, That))~~.

(a) Leases exceeding a twenty-year term, or the amendment or modification of these leases, shall require a ((unanimous vote of the commission: PROVIDED FURTHER, That)) vote consistent with RCW 79A.05.025(2).

(b) If, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease(=PROVIDED FURTHER, That).

(c) Television station leases shall be subject to the provisions of RCW 79A.05.085(~~=only: PROVIDED FURTHER, That~~).

(d) The rates of ((such)) concessions or leases shall be renegotiated at five-year intervals. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary. Commission expenses relating to its use of volunteer assistance shall be limited to premiums or assessments for the insurance of volunteers by the department of labor and industries, compensation of staff who assist volunteers, materials and equipment used in authorized volunteer projects, training, reimbursement of volunteer travel as provided in RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to volunteer recognition. The commission, at its discretion, may waive commission fees otherwise applicable to volunteers. The commission shall not use volunteers to replace or supplant classified positions. The use of volunteers may not lead to the elimination of any employees or permanent positions in the bargaining unit.

(7) By majority vote of its authorized membership, select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and

parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights-of-way for state highways. Option agreements executed under authority of this subsection shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition, development, redevelopment, renovation, care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to which the state contributed or in whose care, control, or supervision the state participated pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Within allowable resources, maintain policies that increase the number of people who have access to free or low-cost recreational opportunities for physical activity, including noncompetitive physical activity.

(10) Adopt rules establishing the requirements for a criminal history record information search for the following: Job applicants, volunteers, and independent contractors who have unsupervised access to children or vulnerable adults, or who will be responsible for collecting or disbursing cash or processing credit/debit card transactions. These background checks will be done through the Washington state patrol criminal identification section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. A permanent employee of the commission, employed as of July 24, 2005, is exempt from the provisions of this subsection.

**NEW SECTION. Sec. 19.** (1) The department of commerce, in consultation with the state parks and recreation commission, shall conduct a study on the economic feasibility of potential public or nonprofit uses of the seminary building at Saint Edward state park. The study must consider:

(a) Existing cost estimates for building renovation;

(b) Maintenance costs;

(c) Traffic implications of potential uses;

(d) Potential limitations in uses imposed by the United States national park service as a result of land water and conservation funding and land use codes; and

(e) Data developed by the state parks and recreation commission, the city of Kenmore, and independent third parties that have previously studied potential uses of the building.

(2) The study must be submitted to the state parks and recreation commission, the governor's office, and the appropriate fiscal and policy committees of the legislature by July 31, 2016. The department of commerce may contract out for the study."

Correct the title.

Representatives Farrell and Manweller spoke in favor of the adoption of the amendment.

Amendment (911) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Farrell, Holy, Pollet and Stanford spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2667.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2667, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Hudgins and Taylor.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2667, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

#### MESSAGE FROM THE SENATE

March 7, 2016

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5206 and asks the House to recede therefrom, and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendment to SUBSTITUTE SENATE BILL NO. 5206 and asked the Senate to concur therein.

#### MESSAGE FROM THE SENATE

March 7, 2016

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 6180 and asks the House to recede therefrom, and the same is herewith transmitted.

Hunter Goodman, Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendment to SENATE BILL NO. 6180 and asked the Senate to concur therein.

#### MESSAGE FROM THE SENATE

March 3, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1351 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 20. RCW 77.32.480 and 2013 c 101 s 1 are each amended to read as follows:

(1) Upon written application, a combination fishing license shall be issued at the reduced rate of five dollars and all hunting licenses shall be issued at the reduced rate of a youth hunting license fee for the following individuals:

(a) A resident sixty-five years old or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability;

(b) A resident who is an honorably discharged veteran of the United States armed forces with a thirty percent or more service-connected disability;

(c) A resident with a disability who permanently uses a wheelchair;

(d) A resident who is blind or visually impaired; and

(e) A resident with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability certified by a physician licensed to practice in this state.

(2) Upon department verification of eligibility, a nonstate resident veteran with a disability who otherwise

satisfies the criteria of subsection (1)(a) and (b) of this section must be issued a combination fishing license or any hunting license at the same cost charged to a nondisabled Washington resident for the same license.

(3) Upon written application and department verification, the following recreational hunting licenses must be issued at no cost to a resident member of the state guard or national guard, as defined in RCW 38.04.010, as long as the state guard or national guard member is: An active full-time state guard or national guard employee; or a state guard or national guard member whose status requires the state guard or national guard member to participate in drill training on a part-time basis:

(a) A small game hunting license under RCW 77.32.460(1);

(b) A supplemental migratory bird permit under RCW 77.32.350; and

(c) A big game hunting license under RCW 77.32.450 (1) and (2)."

On page 1, line 2 of the title, after "77 RCW;" strike the remainder of the title and insert "and amending RCW 77.32.480."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1351 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Blake and Buys spoke in favor of the passage of the bill.

#### **MOTION**

On motion of Representative Harris, Representative Klippert was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1351, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1351, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer,

Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Klippert, Stokesbary and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1351, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 3, 2016

Mr. Speaker:

The Senate has passed THIRD SUBSTITUTE HOUSE BILL NO. 1682 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that schools are places of academic as well as personal enrichment and that schools provide safety, stability, support, and relationships necessary to help students succeed. These resources are vitally necessary for tens of thousands of students in Washington with no permanent home who often struggle in school because they are worried about where their families are staying night after night.

(2) The legislature also recognizes the population of homeless students disproportionately includes students of color.

(3) The intent of the legislature is to start a competitive grant system for high-need school districts and to supplement federal McKinney-Vento Act dollars to ensure homeless students continue attending the same schools, maintain housing stability, and improve academic achievement.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose the office of the superintendent of public instruction shall create a competitive grant process to evaluate and award state-funded grants to school districts to increase identification of homeless students and the capacity of the districts to provide support, which may include education liaisons, for homeless students. The process must complement any similar federal grant program or programs in order to minimize agency overhead and administrative costs for the superintendent of public instruction and school districts. School districts may access both federal and state funding to identify and support homeless students.

(2) Award criteria for the state grants must be based on the demonstrated need of the school district and may consider the number or overall percentage, or both, of homeless children and youths enrolled in preschool, elementary, and secondary schools in the school district, and

the ability of the local school district to meet these needs. Award criteria for these must also be based on the quality of the applications submitted. Preference must be given to districts that demonstrate a commitment to serving the needs of unaccompanied youth.

(3) Districts receiving grants must measure during the academic year how often each student physically moves, what services families or unaccompanied youth could access, and whether or not a family or unaccompanied youth received stable housing by the end of the school year.

(4) Homeless students are defined as students without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento homeless education assistance act (P.L. 100-77; 101 Stat. 482).

(5) School districts may not use funds allocated under this section to supplant existing federal, state, or local resources for homeless student supports, which may include education liaisons.

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.185C RCW to read as follows:

(1) Subject to funds appropriated for this specific purpose, the department, in consultation with the office of the superintendent of public instruction, shall administer a grant program that links homeless students and their families with stable housing located in the homeless student's school district. The goal of the program is to provide educational stability for homeless students by promoting housing stability.

(2) The department, working with the office of the superintendent of public instruction, shall develop a competitive grant process to make grant awards of no more than one hundred thousand dollars per school, not to exceed five hundred thousand dollars per school district, to school districts partnered with eligible organizations on implementation of the proposal. For the purposes of this subsection, "eligible organization" means any local government, local housing authority, regional support network established under chapter 71.24 RCW, nonprofit community or neighborhood-based organization, federally recognized Indian tribe in the state of Washington, or regional or statewide nonprofit housing assistance organization. Applications for the grant program must include contractual agreements between the housing providers and school districts defining the responsibilities and commitments of each party to identify, house, and support homeless students.

(3) The grants awarded to school districts shall not exceed fifteen school districts per school year. In determining which partnerships will receive grants, preference must be given to districts with a demonstrated commitment of partnership and history with eligible organizations.

(4) Activities eligible for assistance under this grant program include but are not limited to:

(a) Rental assistance, which includes utilities, security and utility deposits, first and last month's rent, rental application fees, moving expenses, and other eligible expenses to be determined by the department;

(b) Transportation assistance, including gasoline assistance for families with vehicles and bus passes;

(c) Emergency shelter; and

(d) Housing stability case management.

(5) All beneficiaries of funds from the grant program must be unaccompanied youth or from very low-income households. For the purposes of this subsection, "very low-income household" means an unaccompanied youth or family or unrelated persons living together whose adjusted income is less than fifty percent of the median family income, adjusted for household size, for the county where the grant recipient is located.

(6)(a) Grantee school districts must compile and report information to the department. The department shall report to the legislature the findings of the grantee, the housing stability of the homeless families, the academic performance of the grantee population, and any related policy recommendations.

(b) Data on all program participants must be entered into and tracked through the Washington homeless client management information system as described in RCW 43.185C.180.

(7) In order to ensure that school districts are meeting the requirements of an approved program for homeless students, the office of the superintendent of public instruction shall monitor the programs at least once every two years. Monitoring shall begin during the 2016-17 school year.

(8) Any program review and monitoring under this section may be conducted concurrently with other program reviews and monitoring conducted by the department. In its review, the office of the superintendent of public instruction shall monitor program components that include but need not be limited to the process used by the district to identify and reach out to homeless students, assessment data and other indicators to determine how well the district is meeting the academic needs of homeless students, district expenditures used to expand opportunities for these students, and the academic progress of students under the program.

**Sec. 4.** RCW 28A.300.540 and 2015 c 69 s 28 are each amended to read as follows:

(1) For the purposes of this section, "unaccompanied homeless student" means a student who is not in the physical custody of a parent or guardian and is homeless as defined in RCW 43.330.702(2).

(2) By December 31, 2010, the office of the superintendent of public instruction shall establish a uniform process designed to track the additional expenditures for transporting homeless students, including expenditures required under the McKinney Vento act, reauthorized as Title X, Part C, of the no child left behind act, P.L. 107-110, in January 2002. Once established, the superintendent shall adopt the necessary administrative rules to direct each school district to adopt and use the uniform process and track these expenditures. The superintendent shall post on the superintendent's web site total expenditures related to the transportation of homeless students.

(3)(a) By January 10, 2015, and every odd-numbered year thereafter, the office of the superintendent of public instruction shall report to the governor and the legislature the following data for homeless students:

(i) The number of identified homeless students enrolled in public schools;

(ii) The number of identified unaccompanied homeless students enrolled in public schools, which number shall be

included for each district and the state under "student demographics" on the Washington state report card web site;

(iii) The number of identified homeless students of color;

(iv) The number of students participating in the learning assistance program under chapter 28A.165 RCW, the highly capable program under chapter 28A.185 RCW, and the running start program under chapter 28A.600 RCW; and

((iv)) (v) The academic performance and educational outcomes of homeless students and unaccompanied homeless students, including but not limited to the following performance and educational outcomes:

(A) Student scores on the statewide administered academic assessments;

(B) English language proficiency;

(C) Dropout rates;

(D) Four-year adjusted cohort graduation rate;

(E) Five-year adjusted cohort graduation rate;

(F) Absenteeism rates;

(G) Truancy rates, if available; and

(H) Suspension and expulsion data.

(b) The data reported under this subsection (3) must include state and district-level information and must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and gender.

(4) By July 1, 2014, the office of the superintendent of public instruction in collaboration with experts from community organizations on homelessness and homeless education policy, shall develop or acquire a short video that provides information on how to identify signs that indicate a student may be homeless, how to provide services and support to homeless students, and why this identification and support is critical to student success. The video must be posted on the superintendent of public instruction's web site.

(5) By July 1, 2014, the office of the superintendent of public instruction shall adopt and distribute to each school district, best practices for choosing and training school district-designated homeless student liaisons.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.320 RCW to read as follows:

Each school district that has identified more than ten unaccompanied youth must establish a building point of contact in each middle school and high school. These points of contact must be appointed by the principal of the designated school and are responsible for identifying homeless and unaccompanied youth and connecting them with the school district's homeless student liaison. The school district homeless student liaison is responsible for training building points of contact.

Sec. 6. RCW 28A.320.145 and 2014 c 212 s 3 are each amended to read as follows:

(1) On an annual basis, each school district must strongly encourage:

(a) All school staff to annually review the video posted on the office of the superintendent of public instruction's web site on how to identify signs that indicate a student may be homeless, how to provide services and support to homeless students, and why this identification and support is

critical to student success to ensure that homeless students are appropriately identified and supported; and

(b) Every district-designated homeless student liaison to attend trainings provided by the state to ensure that homeless children and youth are identified and served.

(2) Each school district shall include in existing materials that are shared with students at the beginning of the school year or at enrollment, information about services and support for homeless students, including the provisions of section 7 of this act. School districts may use the brochure posted on the web site of the office of the superintendent of public instruction as a resource. Schools are also strongly encouraged to use a variety of communications each year to notify students and families about services and support available to them if they experience homelessness, including but not limited to:

(a) Distributing and collecting an annual housing intake survey;

(b) Providing parent brochures directly to students and families;

(c) Announcing the information at school-wide assemblies; or

(d) Posting information on the district's web site or linking to the office of the superintendent of public instruction's web site.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.320 RCW to read as follows:

(1) As allowed by RCW 7.70.065(2), a school nurse, school counselor, or homeless student liaison is authorized to provide informed consent for health care for a patient under the age of majority when:

(a) Consent is necessary for nonemergency outpatient primary care services, including physical examinations, vision examinations and eyeglasses, dental examinations, hearing examinations, and hearing aids, immunizations, treatments for illnesses and conditions, and routine follow-up care customarily provided by a health care provider in an outpatient setting, excluding elective surgeries;

(b) The patient meets the definition of a "homeless child or youth" under the federal McKinney-Vento homeless education assistance improvements act of 2001, P.L. 107-110, January 8, 2002, (115 Stat. 2005); and

(c) The patient is not under the supervision or control of a parent, custodian, or legal guardian.

(2) A person consenting to care under this section and the person's employing school are not liable for any care or payment for any care rendered pursuant to this section.

(3) A person consenting to care under this section must provide written notice of his or her exemption from liability under this section to the person providing care.

NEW SECTION. Sec. 8. This act may be known and cited as the homeless student stability and opportunity gap act."

On page 1, line 3 of the title, after "services;" strike the remainder of the title and insert "amending RCW 28A.300.540 and 28A.320.145; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 43.185C RCW; adding new sections to chapter 28A.320 RCW; and creating new sections."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to THIRD SUBSTITUTE HOUSE BILL NO. 1682 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Fey and Stambaugh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 1682, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1682, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 80; Nays, 16; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Clibborn, Cody, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dye, Hargrove, Holy, Klippert, Kretz, McCaslin, Pike, Schmick, Scott, Shea, Short, Taylor and Vick.

Excused: Representatives Stokesbary and Zeiger.

THIRD SUBSTITUTE HOUSE BILL NO. 1682, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 3, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1763 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 21.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Copyright owner" means the owner of a copyright of a nondramatic musical work recognized and enforceable under the copyright laws of the United States pursuant to Title 17 of the United States Code (17 U.S.C. Sec. 101 et seq.). "Copyright owner" does not include the owner of a copyright in a motion picture or audiovisual work, or in part of a motion picture or audiovisual work.

(2) "Music licensing agency" means a performing rights society.

(3) "Performing rights society" means an association or corporation that licenses the public performance of non-dramatic musical works on behalf of copyright owners, such as the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), and SESAC, Inc.

(4) "Proprietor" means the owner of a retail establishment, restaurant, inn, bar, tavern, sports or entertainment facility, or any other similar place of business or professional office located in this state in which the public may assemble and in which nondramatic musical works or similar copyrighted works may be performed, broadcast, or otherwise transmitted for the enjoyment of members of the public there assembled.

(5) "Royalty" or "royalties" means the fees payable to a copyright owner or performing rights society for the public performance of nondramatic musical works or other similar works.

**NEW SECTION. Sec. 22.** A performing rights society that licenses the performing rights to music may not license or attempt to license the use of or collect or attempt to collect any compensation on account of any sale, license, or other disposition regarding the performance rights of music unless the performing rights society:

(1) Registers and files annually with the department of licensing an electronic copy of each performing rights form agreement providing for the payment of royalties made available from the performing rights society to any proprietor within the state; and

(2) Has a valid Washington unified business identifier number.

**NEW SECTION. Sec. 23.** A performing rights society must make available electronically to business proprietors the most current available list of members and affiliates represented by the performing rights society and the most current available list of the performed works that the performing rights society licenses.

**NEW SECTION. Sec. 24.** A person who willfully violates any of the provisions of this chapter may be liable for a civil penalty of not more than one thousand dollars per violation. Multiple violations on a single day may be considered separate violations. The attorney general, acting in the name of the state, may seek recovery of all such penalties in a civil action. The attorney general may issue

civil investigative demands for the inspection of documents, interrogatory responses, and oral testimony in the enforcement of this section.

**NEW SECTION. Sec. 25.** (1) Before seeking payment or a contract for payment of royalties for the use of copyrighted works by that proprietor, a representative or agent for a performing rights society must:

Identify himself or herself to the proprietor or the proprietor's employees, disclose that he or she is acting on behalf of a performing rights society, and disclose the purpose for being on the premises.

(2) A representative or agent of a performing rights society must not:

(a) Use obscene, abusive, or profane language when communicating with the proprietor or his or her employees;

(b) Communicate by telephone or in-person with a proprietor other than at the proprietor's place of business during the hours when the proprietor's business is open to the public. However, such communications may occur at a location other than the proprietor's place of business or during hours when the proprietor's business is not open to the public if the proprietor or the proprietor's agents, employees, or representatives so authorizes;

(c) Engage in any coercive conduct, act, or practice that is substantially disruptive to a proprietor's business;

(d) Use or attempt to use any unfair or deceptive act or practice in negotiating with a proprietor; or

(e) Communicate with an unlicensed proprietor about licensing performances of musical works at the proprietor's establishment after receiving notification in writing from an attorney representing the proprietor that all further communications related to the licensing of the proprietor's establishment by the performing rights society should be addressed to the attorney. However, the performing rights society may resume communicating directly with the proprietor if the attorney fails to respond to communications from the performing rights society within sixty days, or the attorney becomes nonresponsive for a period of sixty days or more.

**NEW SECTION. Sec. 26.** (1) The department of revenue shall inform proprietors of their rights and responsibilities regarding the public performance of copyrighted music as part of the business licensing service.

(2) Performing rights societies are encouraged to conduct outreach campaigns to educate existing proprietors on their rights and responsibilities regarding the public performance of copyrighted music.

**NEW SECTION. Sec. 27.** (1) No performing rights society may enter into, or offer to enter into, a contract for the payment of royalties by a proprietor unless at least seventy-two hours prior to the execution of that contract it provides to the proprietor or the proprietor's employees, in writing, the following:

(a) A schedule of the rates and terms of royalties under the contract; and

(b) Notice that the proprietor is entitled to the information contained in section 3 of this act.

(2) A contract for the payment of royalties executed in this state must:

(a) Be in writing;

(b) Be signed by the parties; and

(c) Include, at least, the following information:

(i) The proprietor's name and business address;

(ii) The name and location of each place of business to which the contract applies;

(iii) The duration of the contract; and

(iv) The schedule of rates and terms of the royalties to be collected under the contract, including any sliding scale or schedule for any increase or decrease of those rates for the duration of that contract.

**NEW SECTION. Sec. 28.** Nothing in this act may be construed to prohibit a performing rights society from conducting investigations to determine the existence of music use by a proprietor's business or informing a proprietor of the proprietor's obligations under the copyright laws of the United States pursuant to Title 17 of the United States Code (17 U.S.C. Sec. 101 et seq.).

**NEW SECTION. Sec. 29.** Sections 1 through 8 of this act constitute a new chapter in Title 19 RCW.

**NEW SECTION. Sec. 30.** This act takes effect January 1, 2017."

On page 1, line 1 of the title, after "agencies;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1763 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Van De Wege and Vick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1763, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1763, as

amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, Dent and Taylor.  
Excused: Representatives Stokesbary and Zeiger.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1763, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 3, 2016

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2530 with the following amendment:

Strike everything after the enacting clause and insert the following:

#### "PART I - TRACKING AND TESTING OF SEXUAL ASSAULT KITS

NEW SECTION. Sec. 1. The legislature recognizes the deep pain and suffering experienced by victims of sexual assault. Sexual assault is an extreme violation of a person's body and sense of self and safety. Sexual violence is a pervasive social problem. National studies indicate that approximately one in four women will be sexually assaulted in their lifetimes. Survivors often turn to hospitals and local law enforcement for help, and many volunteer to have professionals collect a sexual assault kit to preserve physical evidence from their bodies. The process of collecting a sexual assault kit is extremely invasive and difficult.

The legislature finds that, when forensic analysis is completed, the biological evidence contained inside sexual assault kits can be an incredibly powerful tool for law enforcement to solve and prevent crime. Forensic analysis of all sexual assault kits sends a message to survivors that they matter. It sends a message to perpetrators that they will be held accountable for their crimes. The legislature is committed to bringing healing and justice to survivors of sexual assault.

The legislature recognizes the laudable and successful efforts of law enforcement in the utilization of forensic analysis of sexual assault kits in the investigation and prosecution of crimes in Washington state. In 2015, the legislature enhanced utilization of this tool by requiring the

preservation and forensic analysis of sexual assault kits. The legislature intends to continue building on its efforts through the establishment of the statewide sexual assault kit tracking system. The system will be designed to track all sexual assault kits in Washington state, regardless of when they were collected, in order to further empower survivors with information, assist law enforcement with investigations and crime prevention, and create transparency and foster public trust.

NEW SECTION. Sec. 2. A new section is added to chapter 43.43 RCW to read as follows:

(1) The Washington state patrol shall create and operate a statewide sexual assault kit tracking system. The Washington state patrol may contract with state or nonstate entities including, but not limited to, private software and technology providers, for the creation, operation, and maintenance of the system.

(2) The statewide sexual assault kit tracking system must:

(a) Track the location and status of sexual assault kits throughout the criminal justice process, including the initial collection in examinations performed at medical facilities, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, and storage and any destruction after completion of analysis;

(b) Allow medical facilities performing sexual assault forensic examinations, law enforcement agencies, prosecutors, the Washington state patrol bureau of forensic laboratory services, and other entities in the custody of sexual assault kits to update and track the status and location of sexual assault kits;

(c) Allow victims of sexual assault to anonymously track or receive updates regarding the status of their sexual assault kits; and

(d) Use electronic technology or technologies allowing continuous access.

(3) The Washington state patrol may use a phased implementation process in order to launch the system and facilitate entry and use of the system for required participants. The Washington state patrol may phase initial participation according to region, volume, or other appropriate classifications. All entities in the custody of sexual assault kits shall fully participate in the system no later than June 1, 2018. The Washington state patrol shall submit a report on the current status and plan for launching the system, including the plan for phased implementation, to the joint legislative task force on sexual assault forensic examination best practices, the appropriate committees of the legislature, and the governor no later than January 1, 2017.

(4) The Washington state patrol shall submit a semiannual report on the statewide sexual assault kit tracking system to the joint legislative task force on sexual assault forensic examination best practices, the appropriate committees of the legislature, and the governor. The Washington state patrol may publish the current report on its web site. The first report is due July 31, 2018, and subsequent reports are due January 31st and July 31st of each year. The report must include the following:

(a) The total number of sexual assault kits in the system statewide and by jurisdiction;

(b) The total and semiannual number of sexual assault kits where forensic analysis has been completed statewide and by jurisdiction;

(c) The number of sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(d) The total and semiannual number of sexual assault kits where forensic analysis has been requested but not completed statewide and by jurisdiction;

(e) The average and median length of time for sexual assault kits to be submitted for forensic analysis after being added to the system, including separate sets of data for all sexual assault kits in the system statewide and by jurisdiction and for sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(f) The average and median length of time for forensic analysis to be completed on sexual assault kits after being submitted for analysis, including separate sets of data for all sexual assault kits in the system statewide and by jurisdiction and for sexual assault kits added to the system in the reporting period statewide and by jurisdiction;

(g) The total and semiannual number of sexual assault kits destroyed or removed from the system statewide and by jurisdiction;

(h) The total number of sexual assault kits, statewide and by jurisdiction, where forensic analysis has not been completed and six months or more have passed since those sexual assault kits were added to the system; and

(i) The total number of sexual assault kits, statewide and by jurisdiction, where forensic analysis has not been completed and one year or more has passed since those sexual assault kits were added to the system.

(5) For the purpose of reports under subsection (4) of this section, a sexual assault kit must be assigned to the jurisdiction associated with the law enforcement agency anticipated to receive the sexual assault kit or otherwise in the custody of the sexual assault kit.

(6) Any public agency or entity, including its officials and employees, and any hospital and its employees providing services to victims of sexual assault may not be held civilly liable for damages arising from any release of information or the failure to release information related to the statewide sexual assault kit tracking system, so long as the release was without gross negligence.

**NEW SECTION. Sec. 3.** A new section is added to chapter 35.21 RCW to read as follows:

Local law enforcement agencies shall participate in the statewide sexual assault kit tracking system established in section 2 of this act for the purpose of tracking the status of all sexual assault kits in the custody of local law enforcement agencies and other entities contracting with local law enforcement agencies. Local law enforcement agencies shall begin full participation in the system according to the implementation schedule established by the Washington state patrol.

**NEW SECTION. Sec. 4.** A new section is added to chapter 36.28 RCW to read as follows:

A sheriff and his or her deputies shall participate in the statewide sexual assault kit tracking system established in section 2 of this act for the purpose of tracking the status of all sexual assault kits in the custody of the department and other entities contracting with the department. A sheriff shall begin full participation in the system according to the

implementation schedule established by the Washington state patrol.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.43 RCW to read as follows:

The Washington state patrol bureau of forensic laboratory services shall participate in the statewide sexual assault kit tracking system established in section 2 of this act for the purpose of tracking the status of all sexual assault kits in the custody of the Washington state patrol and other entities contracting with the Washington state patrol. The Washington state patrol bureau of forensic laboratory services shall begin full participation in the system according to the implementation schedule established by the Washington state patrol.

**NEW SECTION. Sec. 6.** A new section is added to chapter 70.41 RCW to read as follows:

Hospitals licensed under this chapter shall participate in the statewide sexual assault kit tracking system established in section 2 of this act for the purpose of tracking the status of all sexual assault kits collected by or in the custody of hospitals and other entities contracting with hospitals. Hospitals shall begin full participation in the system according to the implementation schedule established by the Washington state patrol.

**Sec. 7.** RCW 36.27.020 and 2012 1st sp.s. c 5 s 2 are each amended to read as follows:

The prosecuting attorney shall:

(1) Be legal adviser of the legislative authority, giving it his or her written opinion when required by the legislative authority or the chairperson thereof touching any subject which the legislative authority may be called or required to act upon relating to the management of county affairs;

(2) Be legal adviser to all county and precinct officers and school directors in all matters relating to their official business, and when required draw up all instruments of an official nature for the use of said officers;

(3) Appear for and represent the state, county, and all school districts subject to the supervisory control and direction of the attorney general in all criminal and civil proceedings in which the state or the county or any school district in the county may be a party;

(4) Prosecute all criminal and civil actions in which the state or the county may be a party, defend all suits brought against the state or the county, and prosecute actions upon forfeited recognizances and bonds and actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or the county;

(5) Attend and appear before and give advice to the grand jury when cases are presented to it for consideration and draw all indictments when required by the grand jury;

(6) Institute and prosecute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of felonies when the prosecuting attorney has information that any such offense has been committed and the prosecuting attorney shall for that purpose attend when required by them if the prosecuting attorney is not then in attendance upon the superior court;

(7) Carefully tax all cost bills in criminal cases and take care that no useless witness fees are taxed as part of the costs and that the officers authorized to execute process tax no other or greater fees than the fees allowed by law;

(8) Receive all cost bills in criminal cases before district judges at the trial of which the prosecuting attorney was not present, before they are lodged with the legislative authority for payment, whereupon the prosecuting attorney may retax the same and the prosecuting attorney must do so if the legislative authority deems any bill exorbitant or improperly taxed;

(9) Present all violations of the election laws which may come to the prosecuting attorney's knowledge to the special consideration of the proper jury;

(10) Examine once in each year the official bonds of all county and precinct officers and report to the legislative authority any defect in the bonds of any such officer;

(11) Seek to reform and improve the administration of criminal justice and stimulate efforts to remedy inadequacies or injustice in substantive or procedural law;

(12) Participate in the statewide sexual assault kit tracking system established in section 2 of this act for the purpose of tracking the status of all sexual assault kits connected to criminal investigations and prosecutions within the county. Prosecuting attorneys shall begin full participation in the system according to the implementation schedule established by the Washington state patrol.

Sec. 8. RCW 42.56.240 and 2015 c 224 s 3 and 2015 c 91 s 1 are each reenacted and amended to read as follows:

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter:

(1) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy;

(2) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

(3) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b);

(4) License applications under RCW 9.41.070; copies of license applications or information on the applications may be released to law enforcement or corrections agencies;

(5) Information revealing the identity of child victims of sexual assault who are under age eighteen. Identifying information means the child victim's name, address, location, photograph, and in cases in which the child victim is a relative or stepchild of the alleged perpetrator,

identification of the relationship between the child and the alleged perpetrator;

(6) Information contained in a local or regionally maintained gang database as well as the statewide gang database referenced in RCW 43.43.762;

(7) Data from the electronic sales tracking system established in RCW 69.43.165;

(8) Information submitted to the statewide unified sex offender notification and registration program under RCW 36.28A.040(6) by a person for the purpose of receiving notification regarding a registered sex offender, including the person's name, residential address, and email address;

(9) Personally identifying information collected by law enforcement agencies pursuant to local security alarm system programs and vacation crime watch programs. Nothing in this subsection shall be interpreted so as to prohibit the legal owner of a residence or business from accessing information regarding his or her residence or business;

(10) The felony firearm offense conviction database of felony firearm offenders established in RCW 43.43.822;

(11) The identity of a state employee or officer who has in good faith filed a complaint with an ethics board, as provided in RCW 42.52.410, or who has in good faith reported improper governmental action, as defined in RCW 42.40.020, to the auditor or other public official, as defined in RCW 42.40.020;

(12) The following security threat group information collected and maintained by the department of corrections pursuant to RCW 72.09.745: (a) Information that could lead to the identification of a person's security threat group status, affiliation, or activities; (b) information that reveals specific security threats associated with the operation and activities of security threat groups; and (c) information that identifies the number of security threat group members, affiliates, or associates; ((and))

(13) The global positioning system data that would indicate the location of the residence of an employee or worker of a criminal justice agency as defined in RCW 10.97.030; and

(14) Any records and information contained within the statewide sexual assault kit tracking system established in section 2 of this act.

## PART II - ACCEPTING DONATIONS FOR PROTECTING VICTIMS

NEW SECTION. Sec. 9. A new section is added to chapter 43.31 RCW to read as follows:

(1) The Washington sexual assault kit program is created within the department for the purpose of accepting private funds conducting forensic analysis of sexual assault kits in the possession of law enforcement agencies but not submitted for analysis as of July 24, 2015. The director may accept gifts, grants, donations, or moneys from any source for deposit in the Washington sexual assault kit account created under subsection (2) of this section.

(2) The Washington sexual assault kit account is created in the custody of the state treasurer. Funds deposited in the Washington sexual assault kit account may be used for the Washington sexual assault kit program established under this section. The Washington sexual assault kit account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(3) Funds deposited in the Washington sexual assault kit account must be transferred and used exclusively for the following:

(a) Eighty-five percent of the funds for the Washington state patrol bureau of forensic laboratory services for the purpose of conducting forensic analysis of sexual assault kits in the possession of law enforcement agencies but not submitted for forensic analysis as of July 24, 2015; and

(b) Fifteen percent of the funds for the office of crime victims advocacy in the department for the purpose of funding grants for sexual assault nurse examiner services and training.

(4) This section expires June 30, 2022.

Sec. 10. RCW 43.79A.040 and 2013 c 251 s 5 and 2013 c 88 s 1 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the Washington advanced college tuition payment program account, the accessible communities account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law

enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the Washington sexual assault kit account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

On page 1, line 1 of the title, after "crimes;" strike the remainder of the title and insert "amending RCW 36.27.020; reenacting and amending RCW 42.56.240 and 43.79A.040; adding new sections to chapter 43.43 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.28 RCW; adding a new section to chapter 70.41 RCW; adding a new section to chapter 43.31 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2530 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Orwall and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2530, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2530, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Stokesbary and Zeiger.

SECOND SUBSTITUTE HOUSE BILL NO. 2530, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 4, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2545 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 31. RCW 70.240.010 and 2008 c 288 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Children's cosmetics" means cosmetics that are made for, marketed for use by, or marketed to children under the age of twelve. "Children's cosmetics" includes cosmetics that meet any of the following conditions:

- (a) Represented in its packaging, display, or advertising as appropriate for use by children;
  - (b) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children;
- or

(c) Sold in any of the following:

(i) Retail store, catalogue, or online web site, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

(ii) A discrete portion of a retail store, catalogue, or online web site, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(2) "Children's jewelry" means jewelry that is made for, marketed for use by, or marketed to children under the age of twelve. "Children's jewelry" includes jewelry that meets any of the following conditions:

(a) Represented in its packaging, display, or advertising as appropriate for use by children under the age of twelve;

(b) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children;

(c) Sized for children and not intended for use by adults; or

(d) Sold in any of the following:

(i) A vending machine;

(ii) Retail store, catalogue, or online web site, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

(iii) A discrete portion of a retail store, catalogue, or online web site, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(3)(a) "Children's product" includes any of the following:

(i) Toys;

(ii) Children's cosmetics;

(iii) Children's jewelry;

(iv) A product designed or intended by the manufacturer to help a child with sucking or teething, to facilitate sleep, relaxation, or the feeding of a child, or to be worn as clothing by children; or

(v) ~~((Child car seats))~~ Portable infant or child safety seat designed to attach to an automobile seat.

(b) "Children's product" does not include the following:

(i) Batteries;

(ii) Slings and catapults;

(iii) Sets of darts with metallic points;

(iv) Toy steam engines;

(v) Bicycles and tricycles;

(vi) Video toys that can be connected to a video screen and are operated at a nominal voltage exceeding twenty-four volts;

(vii) Chemistry sets;

(viii) Consumer and children's electronic products, including but not limited to personal computers, audio and video equipment, calculators, wireless phones, game consoles, and hand-held devices incorporating a video screen, used to access interactive software and their associated peripherals;

(ix) Interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact disks;

- (x) BB guns, pellet guns, and air rifles;
- (xi) Snow sporting equipment, including skis, poles, boots, snow boards, sleds, and bindings;
- (xii) Sporting equipment, including, but not limited to bats, balls, gloves, sticks, pucks, and pads;
- (xiii) Roller skates;
- (xiv) Scooters;
- (xv) Model rockets;
- (xvi) Athletic shoes with cleats or spikes; and
- (xvii) Pocket knives and multitools.

(4) "Cosmetics" includes articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and articles intended for use as a component of such an article. "Cosmetics" does not include soap, dietary supplements, or food and drugs approved by the United States food and drug administration.

(5) "Department" means the department of ecology.

(6) "High priority chemical" means a chemical identified by a state agency, federal agency, or accredited research university, or other scientific evidence deemed authoritative by the department on the basis of credible scientific evidence as known to do one or more of the following:

- (a) Harm the normal development of a fetus or child or cause other developmental toxicity;
- (b) Cause cancer, genetic damage, or reproductive harm;
- (c) Disrupt the endocrine system;
- (d) Damage the nervous system, immune system, or organs or cause other systemic toxicity;
- (e) Be persistent, bioaccumulative, and toxic; or
- (f) Be very persistent and very bioaccumulative.

(7) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces ((a)) residential upholstered furniture as defined in RCW 70.76.010 or children's product or an importer or domestic distributor of ((a)) residential upholstered furniture as defined in RCW 70.76.010 or children's product. For the purposes of this subsection, "importer" means the owner of the residential upholstered furniture as defined in RCW 70.76.010 or children's product.

(8) "Phthalates" means di-(2-ethylhexyl) phthalate (DEHP), dibutyl phthalate (DBP), benzyl butyl phthalate (BBP), diisononyl phthalate (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP).

(9) "Toy" means a product designed or intended by the manufacturer to be used by a child at play.

(10) "Trade association" means a membership organization of persons engaging in a similar or related line of commerce, organized to promote and improve business conditions in that line of commerce and not to engage in a regular business of a kind ordinarily carried on for profit.

(11) "Very bioaccumulative" means having a bioconcentration factor or bioaccumulation factor greater than or equal to five thousand, or if neither are available, having a log Kow greater than 5.0.

(12) "Very persistent" means having a half-life greater than or equal to one of the following:

- (a) A half-life in soil or sediment of greater than one hundred eighty days;
- (b) A half-life greater than or equal to sixty days in water or evidence of long-range transport.

(13) "Additive TBBPA" means the chemical tetrabromobisphenol A, chemical abstracts service number 79-94-7, as of the effective date of this section, in a form that has not undergone a reactive process and is not covalently bonded to a polymer in a product or product component.

(14) "Decabromodiphenyl ether" means the chemical decabromodiphenyl ether, chemical abstracts service number 1163-19-5, as of the effective date of this section.

(15) "HBCD" means the chemical hexabromocyclododecane, chemical abstracts service number 25637-99-4, as of the effective date of this section.

(16) "IPTPP" means the chemical isopropylated triphenyl phosphate, chemical abstracts service number 68937-41-7, as of the effective date of this section.

(17) "TBB" means the chemical (2-ethylhexyl)-2,3,4,5-tetrabromobenzoate, chemical abstracts service number 183658-27-7, as of the effective date of this section.

(18) "TBPH" means the chemical bis (2-ethylhexyl)-2,3,4,5-tetrabromophthalate, chemical abstracts service number 26040-51-7, as of the effective date of this section.

(19) "TCEP" means the chemical (tris(2-chloroethyl)phosphate); chemical abstracts service number 115-96-8, as of the effective date of this section.

(20) "TCPP" means the chemical tris (1-chloro-2-propyl) phosphate); chemical abstracts service number 13674-84-5, as of the effective date of this section.

(21) "TDCPP" means the chemical (tris(1,3-dichloro-2-propyl)phosphate); chemical abstracts service number 13674-87-8, as of the effective date of this section.

(22) "TPP" means the chemical triphenyl phosphate, chemical abstracts service number 115-86-6, as of the effective date of this section.

(23) "V6" means the chemical bis(chloromethyl) propane-1,3-diyltetrakis (2-chloroethyl) bisphosphate, chemical abstracts service number 385051-10-4, as of the effective date of this section.

**NEW SECTION. Sec. 32.** A new section is added to chapter 70.240 RCW to read as follows:

Beginning July 1, 2017, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state children's products or residential upholstered furniture, as defined in RCW 70.76.010, containing any of the following flame retardants in amounts greater than one thousand parts per million in any product component:

- (1) TDCPP;
- (2) TCEP;
- (3) Decabromodiphenyl ether;
- (4) HBCD; or
- (5) Additive TBBPA.

**NEW SECTION. Sec. 33.** A new section is added to chapter 70.240 RCW to read as follows:

(1) The department shall consider whether the following flame retardants meet the criteria of a chemical of high concern for children:

- (a) IPTPP;
- (b) TBB;
- (c) TBPH;
- (d) TCPP;
- (e) TPP;
- (f) V6.

(2)(a) Within one year of the department adopting a rule that identifies a flame retardant in subsection (1) of this section as a chemical of high concern for children, the department of health, in consultation with the department, must create a stakeholder advisory committee for each flame retardant chemical to provide stakeholder input, expertise, and additional information in the development of recommendations as provided under subsection (4) of this section. All advisory committee meetings must be open to the public.

(b) The advisory committee membership must include, but is not limited to, representatives from: Large and small business sectors; community, environmental, and public health advocacy groups; local governments; affected and interested businesses; and public health agencies.

(c) The department may request state agencies and technical experts to participate. The department of health shall provide technical expertise on human health impacts including: Early childhood and fetal exposure, exposure reduction, and safer substitutes.

(3) When developing policy options and recommendations consistent with subsection (4) of this section, the department must rely on credible scientific evidence and consider information relevant to the hazards based on the quantitative extent of exposures to the chemical under its intended or reasonably anticipated conditions of use. The department of health, in consultation with the department, must include the following:

(a) Chemical name, properties, uses, and manufacturers;

(b) An analysis of available information on the production, unintentional production, uses, and disposal of the chemical;

(c) Quantitative estimates of the potential human and environmental exposures associated with the use and release of the chemical;

(d) An assessment of the potential impacts on human health and the environment resulting from the quantitative exposure estimates referred to in (c) of this subsection;

(e) An evaluation of:

- (i) Environmental and human health benefits;
- (ii) Economic and social impacts;
- (iii) Feasibility;
- (iv) Availability and effectiveness of safer

substitutes for uses of the chemical;

(v) Consistency with existing federal and state regulatory requirements; and

(f) Recommendations for:

(i) Managing, reducing, and phasing out the different uses and releases of the chemical;

- (ii) Minimizing exposure to the chemical;
- (iii) Using safer substitutes; and
- (iv) Encouraging the development of safer alternatives.

(4)(a) The department of health must submit to the legislature recommendations on policy options for reducing exposure, designating and developing safer substitutes, and restricting or prohibiting the use of the flame retardant chemicals identified in subsection (1) of this section as a chemical of high concern for children.

(b) When the department of health, in consultation with the department, determines that flame retardant chemicals identified in subsection (1) of this section as a chemical of high concern for children should be restricted or prohibited from use in children's products, residential upholstered furniture as defined in RCW 70.76.010, or other commercial products or processes, the department of health must include citations of the peer-reviewed science and other sources of information reviewed and ultimately relied upon in support of the recommendation to restrict or prohibit the chemical.

**Sec. 34.** RCW 70.240.050 and 2008 c 288 s 7 are each amended to read as follows:

(1) A manufacturer of products that are restricted under this chapter must notify persons that sell the manufacturer's products in this state about the provisions of this chapter no less than ninety days prior to the effective date of the restrictions.

(2) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution in this state under this chapter shall recall the product and reimburse the retailer or any other purchaser for the product.

(3) A manufacturer of ~~((children's))~~ products in violation of this chapter is subject to a civil penalty not to exceed five thousand dollars for each violation in the case of a first offense. Manufacturers who are repeat violators are subject to a civil penalty not to exceed ten thousand dollars for each repeat offense. Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

(4) Retailers who unknowingly sell products that are restricted from sale under this chapter are not liable under this chapter.

(5) The sale or purchase of any previously owned products containing a chemical restricted under this chapter made in casual or isolated sales as defined in RCW 82.04.040, or by a nonprofit organization, is exempt from this chapter."

On page 1, line 5 of the title, after "products;" strike the remainder of the title and insert "amending RCW 70.240.010 and 70.240.050; and adding new sections to chapter 70.240 RCW."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2545 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Van De Wege and Short spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2545, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2545, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2545, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 3, 2016

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2681 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 35. A new section is added to chapter 18.64 RCW to read as follows:

To increase awareness of the availability of contraceptives in pharmacies, the pharmacy quality assurance commission shall develop a sticker or sign to be displayed on the window or door of a pharmacy that

initiates or modifies drug therapy related to self-administered contraception."

On page 1, line 2 of the title, after "contraceptives;" strike the remainder of the title and insert "and adding a new section to chapter 18.64 RCW."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2681 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Stambaugh and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2681, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2681, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives McCaslin, Scott, Shea and Taylor.

Excused: Representatives Stokesbary and Zeiger.

SECOND SUBSTITUTE HOUSE BILL NO. 2681, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 4, 2016

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2791 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the cycle of recidivism warrants a closer examination of our criminal justice system, correctional systems, and community services in Washington. Over ninety-five percent of persons in prison will return to the community, and more than half of those persons will reoffend and be reincarcerated in today's system. This high rate of recidivism results in more crimes, more victims, more prisons, and more trauma within families and communities. We can do better for the people of Washington.

The legislature intends to establish the Washington statewide reentry council to develop collaborative and cooperative relationships between the criminal justice system, victims and their families, impacted individuals and their families, and service providers, with the purpose of improving public safety and outcomes for people reentering the community from incarceration.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Council" means the Washington statewide reentry council.

(2) "Department" means the department of commerce.

NEW SECTION. Sec. 3. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington statewide reentry council is created and located within the department for the purpose of promoting successful reentry of offenders after incarceration.

(2) Through the executive director that may be appointed by the council, the department shall administer the council by:

(a) Providing the council and its executive director use of the department's facilities; and

(b) Managing grants and other funds received, used, and disbursed by the council.

(3) The department may not designate additional full-time staff to the administration of the council beyond the executive director.

NEW SECTION. Sec. 4. (1) The council comprises fifteen members appointed by the governor.

(2) The governor must create a membership that includes:

(a)(i) Representatives of: The department of corrections; the juvenile rehabilitation administration; a statewide organization representing community and technical colleges; a statewide organization representing law enforcement interests; a statewide organization representing the interests of crime victims; a statewide organization representing prosecutors; a statewide organization representing public defenders; a statewide or local organization representing businesses and employers; housing providers; and faith-based organizations or communities;

(ii) At least two persons with experience reentering the community after incarceration; and

(iii) Two other community leaders.

(b) At least one position of the council must be reserved for an invited person with a background in tribal affairs, and such position has all of the same voting and other powers of other members.

(3) When making appointments, the governor shall consider:

(a) The racial and ethnic background of applicants in order for the membership to reflect the diversity of racial and ethnic backgrounds of all those who are incarcerated in the state;

(b) The gender of applicants in order for the membership to reflect the gender diversity of all those who are incarcerated in the state;

(c) The geographic location of all applicants in order for the membership to represent the different geographic regions of the state; and

(d) The experiences and background of all applicants relating to the incarcerated population.

NEW SECTION. Sec. 5. (1) The governor shall make initial appointments to the council. Initial appointments are for staggered terms from the date of appointment according to the following: Four members have four-year terms; four members have three year terms; and five members have two-year terms. The governor shall designate the appointees who will serve the staggered terms.

(2) Except for initial appointments under subsection (1) of this section, all appointments are for two years from the date of appointment. Any member may be reappointed for additional terms. Any member of the council may be removed by the governor for misfeasance, malfeasance, or willful neglect of duty after notice and a public hearing, unless such notice and hearing is expressly waived in writing by the affected member. In the event of a vacancy due to death, resignation, or removal, or upon the expiration of a term, the governor shall appoint a successor for the remainder of the unexpired term according to the procedures in subsection (3) of this section. Vacancies must be filled within ninety days.

(3) The council shall create a selection committee to recruit, review, and recommend future members. Prior to thirty days before the expiration of a term or within sixty days of a vacancy due to death, resignation, or removal, the selection committee shall submit a recommendation of possible appointees. The governor shall consider the recommendations of the committee when making appointments.

(4) The council shall elect cochair from among its membership. Cochairs are elected for two-year terms from the date of election. Any former or current cochair may be reelected for an additional term.

NEW SECTION. Sec. 6. (1) In addition to other powers and duties prescribed in this chapter, the council is empowered to:

(a) Meet at such times and places as necessary;

(b) Advise the legislature and the governor on issues relating to reentry and reintegration of offenders;

(c) Review, study, and make policy and funding recommendations on issues directly and indirectly related to reentry and reintegration of offenders in Washington state, including, but not limited to: Correctional programming and other issues in state and local correctional facilities; housing;

employment; education; treatment; and other issues contributing to recidivism;

(d) Apply for, receive, use, and leverage public and private grants as well as specifically appropriated funds to establish, manage, and promote initiatives and programs related to successful reentry and reintegration of offenders;

(e) Contract for services as it deems necessary in order to carry out initiatives and programs;

(f) Adopt policies and procedures to facilitate the orderly administration of initiatives and programs;

(g) Create committees and subcommittees of the council as is necessary for the council to conduct its business; and

(h) Create and consult with advisory groups comprising nonmembers. Advisory groups are not eligible for reimbursement under section 7 of this act.

(2) Subject to the availability of amounts appropriated for this specific purpose, the council may select an executive director to administer the business of the council.

(a) The council may delegate to the executive director by resolution all duties necessary to efficiently carry on the business of the council. Approval by a majority vote of the council is required for any decisions regarding employment of the executive director.

(b) The executive director may not be a member of the council while serving as executive director.

(c) Employment of the executive director must be confirmed by the senate and terminates after a term of three years. At the end of a term, the council may consider hiring the executive director for an additional three-year term or an extension of a specified period less than three years. The council may fix the compensation of the executive director.

(d) Subject to the availability of amounts appropriated for this specific purpose, the executive director shall reside in and be funded by the department.

(3) In conducting its business, the council shall solicit input and participation from stakeholders interested in reducing recidivism, promoting public safety, and improving community conditions for people reentering the community from incarceration. The council shall consult: The two largest caucuses in the house of representatives; the two largest caucuses in the senate; the governor; local governments; educators; mental health and substance abuse providers; behavioral health organizations; managed care organizations; city and county jails; the department of corrections; specialty courts; persons with expertise in evidence-based and research-based reentry practices; and persons with criminal histories and their families.

(4) The council shall submit to the governor and appropriate committees of the legislature a preliminary report of its activities and recommendations by December 1st of its first year of operation, and every two years thereafter.

NEW SECTION. Sec. 7. The members of the council shall serve without compensation, but are entitled to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 8. (1) Meetings of the council must be held in accordance with the open public meetings act, chapter 42.30 RCW, and at the call of the cochairs or when a majority of the council membership so requests. Members may participate in a meeting of the council by

means of a conference telephone or similar communication equipment as described in RCW 23B.08.200.

(2) Seven members of the council constitute a quorum.

(3) Once operational, the council must convene on a regular schedule at least four times during each year.

NEW SECTION. Sec. 9. (1) The joint legislative audit and review committee shall conduct a performance audit of the council every six years.

(2) Each audit must include but not be limited to:

(a) A determination of the extent to which funds expended by the council or provided in biennial budget acts expressly for implementing the duties of the council have contributed toward reducing recidivism in Washington;

(b) A determination of the efficiency and effectiveness of the council, based upon the achievement of the objectives and benchmarks established by this chapter and any applicable biennial budget acts; and

(c) Any recommendations for changes to the council's performance and structure necessary to ensure or improve accountability.

(3) The council may use the audits as the basis for developing changes to its policies and programs.

NEW SECTION. Sec. 10. (1) Subject to the availability of amounts appropriated for this specific purpose, the Washington state institute for public policy shall conduct a meta-analysis on the effectiveness of programs aimed at assisting offenders with reentering the community after incarceration. The study must include a review and update of the literature on reentry programs in Washington and across the country. The institute shall report on the types of programs demonstrated to be effective in reducing recidivism among the general offender population. The institute shall report results to the governor, appropriate committees of the legislature, and the Washington statewide reentry council no later than June 1, 2017.

(2) This section expires August 1, 2017.

Sec. 11. RCW 41.06.070 and 2011 1st sp.s. c 43 s 1010, 2011 1st sp.s. c 39 s 4, and 2011 1st sp.s. c 16 s 22 are each reenacted and amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;

(m) Officers and employees of the Washington state fruit commission;

(n) Officers and employees of the Washington apple commission;

(o) Officers and employees of the Washington state dairy products commission;

(p) Officers and employees of the Washington tree fruit research commission;

(q) Officers and employees of the Washington state beef commission;

(r) Officers and employees of the Washington grain commission;

(s) Officers and employees of any commission formed under chapter 15.66 RCW;

(t) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(u) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(v) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(w) Staff employed by the department of commerce to administer energy policy functions;

(x) The manager of the energy facility site evaluation council;

(y) A maximum of ten staff employed by the department of commerce to administer innovation and policy functions, including the three principal policy assistants exempted under (v) of this subsection;

(z) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5);

(aa) Officers and employees of the consolidated technology services agency created in RCW 43.105.006 that perform the following functions or duties: Systems integration; data center engineering and management; network systems engineering and management; information technology contracting; information technology customer relations management; and network and systems security;

(bb) The executive director of the Washington statewide reentry council.

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the director may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the office of financial management stating the reasons for requesting such exemptions. The director shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is

requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, or is a senior expert in enterprise information technology infrastructure, engineering, or systems, the director shall grant the request. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (t) and (2) of this section, shall be determined by the director. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

From July 1, 2011, through June 29, 2013, salaries for all positions exempt from classification under this chapter are subject to RCW 41.04.820.

From February 18, 2009, through June 30, 2013, a salary or wage increase shall not be granted to any position exempt from classification under this chapter, except that a salary or wage increase may be granted to employees pursuant to collective bargaining agreements negotiated under chapter 28B.52, 41.56, 47.64, or 41.76 RCW, and except that increases may be granted for positions for which the employer has demonstrated difficulty retaining qualified employees if the following conditions are met:

(a) The salary increase can be paid within existing resources;

(b) The salary increase will not adversely impact the provision of client services; and

(c) For any state agency of the executive branch, not including institutions of higher education, the salary increase is approved by the director of the office of financial management.

Any agency granting a salary increase from February 15, 2010, through June 30, 2011, to a position exempt from classification under this chapter shall submit a report to the fiscal committees of the legislature no later than July 31, 2011, detailing the positions for which salary increases were granted, the size of the increases, and the reasons for giving the increases.

Any agency granting a salary increase from July 1, 2011, through June 30, 2013, to a position exempt from classification under this chapter shall submit a report to the fiscal committees of the legislature by July 31, 2012, and July 31, 2013, detailing the positions for which salary increases were granted during the preceding fiscal year, the size of the increases, and the reasons for giving the increases.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is

subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

From February 15, 2010, until June 30, 2013, no monetary performance-based awards or incentives may be granted by the director or employers to employees covered by rules adopted under this section. This subsection does not prohibit the payment of awards provided for in chapter 41.60 RCW.

From July 1, 2011, until June 30, 2013, no performance-based awards or incentives may be granted by the director or employers to employees pursuant to a performance management confirmation granted by the department of personnel under WAC 357-37-055.

NEW SECTION. Sec. 12. Sections 1 through 9 of this act constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "council;" strike the remainder of the title and insert "reenacting and amending RCW 41.06.070; adding a new chapter to Title 43 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2791 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2791, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2791, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Stokesbary and Zeiger.

SECOND SUBSTITUTE HOUSE BILL NO. 2791, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2016

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2959 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that over forty cities currently impose local business and occupation taxes and that approximately two hundred twelve cities require a business license. The legislature further finds that, unlike sales and use taxes and property taxes, the state has had little involvement in the administration of local business taxes. The legislature further finds that the business community has expressed concerns for decades with respect to local tax compliance and licensing obligations in numerous cities, which often tax and license similar transactions very differently. This lack of local uniformity, in conjunction with any lack of centralized administration, has created confusion and an undue burden on Washington businesses, especially smaller businesses that lack the financial wherewithal to seek sophisticated tax and licensing assistance.

(2) The legislature further finds that over the past fifteen years, the state and cities have made the following substantial inroads with respect to bringing uniformity to local business and occupation tax provisions and streamlining the collection of both local taxes and business licenses:

(a) In 2003, the legislature enacted Engrossed House Bill No. 2030 that provided for a more uniform system of municipal business and occupation taxes. It required the cities, working through the association of Washington cities, to form a committee to adopt a model ordinance for municipal business and occupation taxes. Engrossed House Bill No. 2030, through the model ordinance, establishes

uniform local definitions, tax classifications, and apportionment methodology.

(b) In 1977, the legislature created a master license service to streamline business licensing and renewal. The program transferred to the department of revenue on July 1, 2011. The master license service was renamed to the business licensing service to better reflect the program's purpose: The business licensing service is the clearinghouse for business licensing, offering more than two hundred endorsements from ten state agency partners, and issuing local business licenses on behalf of approximately seventy cities, with more cities joining every year. Agency programs and municipalities retain full regulatory control over their registration and compliance requirements.

(c) In 2010, the governor signed Executive Order No. 10-05 – improving the way state government serves small business. The order outlined priorities to make it easier to do business in Washington state. In the executive order, the department was specifically charged with exploring, evaluating, and recommending tax simplification solutions as a way to assist small businesses, draw businesses to the state, and keep Washington competitive. The order called for a business process with findings and recommendations due to the governor by June 30, 2011. Based on extensive feedback from small businesses, there was consensus that the top priority to simplify their tax burden is to have a single way to file taxes across the state. To meet this need, the department of revenue recommended centralizing administration of state and local business and occupation tax reporting, as is done with sales tax reporting today. In addition, the department recommended continued work to address feedback on administrative processes and ongoing efforts to look at integration of state systems, working towards a goal of a single business portal for small businesses to use to interact with the state. As part of the feedback provided to the department of revenue, local governments pointed out the following benefits of centralized administration, if it was revenue neutral and retained local flexibility regarding local tax rates, exemptions, deductions, and credits:

- (i) Reduce cities' administrative costs;
- (ii) Allow cities that cannot afford administration to have the option of enacting a local business and occupation tax;
- (iii) Increase statewide economic data;
- (iv) Reduce cities' employee workloads;
- (v) Potentially increase enforcement and broaden compliance;
- (vi) Eliminate redundant processes; and
- (vii) Provide an opportunity for state and local government to look at tax structure, reporting, etc., holistically.

(d) The cities of Seattle, Tacoma, Bellevue, and Everett have been working together since 2010 to simplify the process of local business licensing and business and occupation tax filing. In 2014, these cities signed an interlocal agreement to establish a "one-stop" system for tax payment and business license application filing to make it easier and more efficient for businesses to apply for local business licenses and file local taxes, while the cities retain local control over local licensing and tax collection functions and policies. This joint effort to create an internet web application gateway where tax collection and business

licensing functions can be collectively administered, and where businesses operating in multiple cities can use a one-stop system for tax payment or local business license application filing, began operations in 2016 and is known as FileLocal.

(3) The legislature finds that despite the significant improvements to local business tax and licensing administration over the past fifteen years legislative action is still required. The legislature directs the state, cities, towns, and identified business associations to partner in developing options for centralized and simplified administration of local business and occupation taxes and business licensing, and in particular to evaluate the following:

(a) Options to coordinate administration of local business and occupation taxes;

(b) Options for centralized administration of local business and occupation taxes for those cities and towns that desire to participate in a state-provided alternative;

(c) Options for all cities and towns to partner with the state business licensing service; and

(d) Implementing data sharing and establishing a seamless state and local user interface for those cities and towns participating in FileLocal.

(4) By January 1, 2017, the task force established in subsection (5) of this section must prepare a report to the legislature with the following:

(a) Additional or alternative options to improve the administration of local business tax and licensing that are not described in subsection (3) of this section;

(b) An examination of the differences in apportionment and nexus between state and local business and occupation taxes, and how these differences affect taxpayers and cities; and

(c) Recommendations that address the issues described in subsection (3) of this section.

(5)(a) A task force for local business tax and licensing simplification is established. The task force must consist of the following nine members:

(i) Two representatives of the association of Washington business;

(ii) One representative of the national federation of independent business;

(iii) One representative of the association of Washington cities;

(iv) One representative from a Washington city or town that imposes a local business and occupation tax and has a population greater than one hundred thousand persons using the most recent official population estimate determined under RCW 43.62.030 prior to the effective date of this section;

(v) One representative from a Washington city or town that imposes a business and occupation tax and has a population of less than one hundred thousand persons using the most recent official population estimate determined under RCW 43.62.030 prior to the effective date of this section;

(vi) One representative from FileLocal who is not otherwise included on the task force under (a)(iv) or (v) of this subsection (5);

(vii) One representative from the Washington retail association; and

(viii) One representative from the department of revenue.

(b) The task force may seek input or collaborate with any other parties it deems necessary. The department must serve as the task force chair and must staff the task force.

(c) Beginning in the first month following the effective date of this section, the task force must meet no less than once per month until it reports to the legislature as provided under subsection (4) of this section.

(d) The task force should focus on options that provide the greatest benefit to taxpayers. From these options, the task force must produce the report described in subsection (4) of this section. The report must be adopted and approved by a majority of the members of the task force, and the report must include a minority report if the task force does not reach consensus. If a member or a group to be represented in the task force does not participate in the task force or the task force's voting, the task force must adopt and approve the report described in subsection (4) of this section by a majority of those representatives participating.

(e) The task force terminates February 1, 2017, unless legislation is enacted to extend such termination date."

On page 1, line 2 of the title, after "simplification;" strike the remainder of the title and insert "and creating a new section."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2959 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Robinson and Nealey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2959, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed House Bill No. 2959, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso,

Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Stokesbary and Zeiger.

ENGROSSED HOUSE BILL NO. 2959, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Kilduff to preside.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the following bills were referred to the Committee on Rules:

HOUSE CONCURRENT RESOLUTION NO. 4415  
ENGROSSED SUBSTITUTE SENATE BILL NO.

5561

SENATE BILL NO. 6147

SENATE BILL NO. 6151

SUBSTITUTE SENATE BILL NO. 6267

SUBSTITUTE SENATE BILL NO. 6285

SENATE BILL NO. 6343

SENATE BILL NO. 6626

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 9, 2016, the 59th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## SIXTY FOURTH LEGISLATURE - REGULAR SESSION

## FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 9, 2016

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nathan Blinn and Chloe Laney. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Interfaith Leader Ryan Welton, Islamic Center of Bothell, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGES FROM THE SENATE**

March 8, 2016

MR. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5029,  
SENATE BILL NO. 5605,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5635,  
SUBSTITUTE SENATE BILL NO. 5728,  
SENATE BILL NO. 5879,  
SUBSTITUTE SENATE BILL NO. 6120,  
SUBSTITUTE SENATE BILL NO. 6165,  
SUBSTITUTE SENATE BILL NO. 6179,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6203,  
SUBSTITUTE SENATE BILL NO. 6314,  
SUBSTITUTE SENATE BILL NO. 6338,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6427,  
SUBSTITUTE SENATE BILL NO. 6430,  
SUBSTITUTE SENATE BILL NO. 6445,  
SENATE BILL NO. 6459,  
SUBSTITUTE SENATE BILL NO. 6536,  
SUBSTITUTE SENATE BILL NO. 6558,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6605,  
SENATE BILL NO. 6614,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 8, 2016

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5109,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5435,  
SENATE BILL NO. 5689,  
SUBSTITUTE SENATE BILL NO. 5778,  
FIFTH ENGROSSED SUBSTITUTE SENATE BILL NO.  
5857,  
ENGROSSED SENATE BILL NO. 6091,  
ENGROSSED SENATE BILL NO. 6100,

SUBSTITUTE SENATE BILL NO. 6160,  
SUBSTITUTE SENATE BILL NO. 6211,  
SUBSTITUTE SENATE BILL NO. 6227,  
SUBSTITUTE SENATE BILL NO. 6238,  
SUBSTITUTE SENATE BILL NO. 6261,  
SUBSTITUTE SENATE BILL NO. 6264,  
SUBSTITUTE SENATE BILL NO. 6273,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6293,  
SUBSTITUTE SENATE BILL NO. 6329,  
SUBSTITUTE SENATE BILL NO. 6337,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6470,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6528,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6534,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6564,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6601,  
ENGROSSED SENATE BILL NO. 6620,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

**RESOLUTION****HOUSE RESOLUTION NO. 2016-4681, by  
Representative Morris**

WHEREAS, It is the policy of the Washington State House of Representatives to honor the successes and excellence of the citizens of the state of Washington in all endeavors; and

WHEREAS, The Life Sciences Discovery Fund was established in 2005 by the Legislature and Governor Christine Gregoire, and has served the state of Washington as a resource to promote life science research for companies of all sizes; and

WHEREAS, John DeRosier has exhibited leadership and diligence throughout his nine-year commitment with the organization, serving first as Director of Programs, before taking over as the Executive Director; and

WHEREAS, The dedicated and capable staff of the Life Sciences Discovery Fund also include Lee Huntsman, Alden Jones, Rich Murphy, Lisa Stewart, Mark Hertle, Kelly Moutsos, Brenda Stav, Cathy Manner, Tina Montgomery, Jill Lauson, and Jeffrey Rico; and

WHEREAS, The staff of the Life Sciences Discovery Fund developed a process of scientific review and procurement of research funding opportunities that has become the standard of excellence amongst the 50 states;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives extend its gratitude for all scientific progress and excellence which has been developed by the Life Sciences Discovery Fund and its employees.

The Speaker (Representative Moeller presiding) stated the question before the House to be adoption of House Resolution No. 4681.

HOUSE RESOLUTION NO. 4681 was adopted.

The Speaker assumed the chair.

#### **SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

ENGROSSED HOUSE BILL NO. 1003  
 SECOND SUBSTITUTE HOUSE BILL NO. 1448  
 ENGROSSED HOUSE BILL NO. 1918  
 SUBSTITUTE HOUSE BILL NO. 2359  
     HOUSE BILL NO. 2394  
     HOUSE BILL NO. 2808  
     HOUSE BILL NO. 2856  
 SUBSTITUTE HOUSE BILL NO. 2938  
 ENGROSSED HOUSE BILL NO. 2971  
 SECOND SUBSTITUTE HOUSE BILL NO. 1408  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2323  
     HOUSE BILL NO. 2326  
     HOUSE BILL NO. 2391  
     HOUSE BILL NO. 2771  
     HOUSE BILL NO. 2842  
 SUBSTITUTE HOUSE BILL NO. 2876  
 ENGROSSED HOUSE BILL NO. 2883  
     HOUSE BILL NO. 2918  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 2061  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2274  
     HOUSE BILL NO. 2356  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 2375  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2458  
 ENGROSSED HOUSE BILL NO. 2478  
 SUBSTITUTE HOUSE BILL NO. 2580  
     HOUSE BILL NO. 2694  
 ENGROSSED HOUSE BILL NO. 2749  
     SENATE BILL NO. 5143  
     SENATE BILL NO. 5270  
 SUBSTITUTE SENATE BILL NO. 5597  
 SUBSTITUTE SENATE BILL NO. 5670  
 SUBSTITUTE SENATE BILL NO. 6117  
     SENATE BILL NO. 6156  
 ENGROSSED SENATE BILL NO. 6166  
     SENATE BILL NO. 6171  
 ENGROSSED SECOND SUBSTITUTE SENATE  
     BILL NO. 6242  
     SENATE BILL NO. 6245  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6248  
 SUBSTITUTE SENATE BILL NO. 6283

SENATE BILL NO. 6325  
 SUBSTITUTE SENATE BILL NO. 6358  
 SENATE BILL NO. 6400  
 SENATE BILL NO. 6405  
 SUBSTITUTE SENATE BILL NO. 6449  
 SENATE BILL NO. 6475  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6513  
 ENGROSSED SENATE BILL NO. 6589  
     SENATE BILL NO. 6607  
 SENATE JOINT MEMORIAL NO. 8019  
 SENATE JOINT RESOLUTION NO. 8210  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5029  
     SENATE BILL NO. 5605  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5635  
 SUBSTITUTE SENATE BILL NO. 5728  
     SENATE BILL NO. 5879  
 SUBSTITUTE SENATE BILL NO. 6120  
 SUBSTITUTE SENATE BILL NO. 6165  
 SUBSTITUTE SENATE BILL NO. 6179  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6203  
 SUBSTITUTE SENATE BILL NO. 6314  
 SUBSTITUTE SENATE BILL NO. 6338  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6427  
 SUBSTITUTE SENATE BILL NO. 6430  
 SUBSTITUTE SENATE BILL NO. 6445  
     SENATE BILL NO. 6459  
 SUBSTITUTE SENATE BILL NO. 6536  
 SUBSTITUTE SENATE BILL NO. 6558  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6605  
     SENATE BILL NO. 6614

The Speaker called upon Representative Moeller to preside.

There being no objection, the House advanced to the fourth order of business.

#### **INTRODUCTION & FIRST READING**

HB 3007 by Representatives Young, Caldier, Shea, Scott, Taylor, Condotta, Buys, Rodne, Parker, Klippert, Hargrove, McCaslin, Dye, Harris, Holy, Orcutt, Dent, Hayes, Wilcox, Barkis, Wilson, Pike, Vick, Nealey, Harmsworth, Chandler, McCabe, Schmick, Kretz, Muri, Griffey, Stambaugh, DeBolt, Haler, Kochmar, Short, Kristiansen and MacEwen

AN ACT Relating to protecting the first amendment rights of school sports coaches and others; adding a new section to chapter 49.60 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 3008 by Representatives Haler and Klippert

AN ACT Relating to prohibiting purchases of land within urban growth areas by state agencies; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Capital Budget.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

**MESSAGE FROM THE SENATE**

March 3, 2016

MR. SPEAKER:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2841, with the following amendment(s): 2841-S AMS GOS S4829.1

Strike everything after the enacting clause and insert the following:

"Sec. 36. RCW 19.27.070 and 2011 1st sp.s. c 43 s 244 are each amended to read as follows:

There is hereby established in the department of enterprise services a state building code council, to be appointed by the governor.

(1) The state building code council shall consist of fifteen members:

(a) Two members must be county elected legislative body members or elected executives;

(b) Two members must be city elected legislative body members or mayors;

(c) One member must be a local government building code enforcement official;

(d) One member must be a local government fire service official;

(e) One member must be a person with a physical disability and shall represent the disability community;

(f) One member must represent the general public;  
and

(g) Seven members must represent the private sector as follows:

(i) One member shall represent general construction, specializing in commercial and industrial building construction;

~~((f))~~ (ii) One member shall represent general construction, specializing in residential and multifamily building construction;

~~((g))~~ (iii) One member shall represent the architectural design profession;

~~((h))~~ (iv) One member shall represent the structural engineering profession;

~~((i))~~ (v) One member shall represent the mechanical engineering profession;

~~((j))~~ (vi) One member shall represent the construction building trades;

~~((k))~~ (vii) One member shall represent manufacturers, installers, or suppliers of building materials and components;

~~(1) One member must be a person with a physical disability and shall represent the disability community; and (m) One member shall represent the general public).~~

(2) At least six of these fifteen members shall reside east of the crest of the Cascade mountains.

(3) The council shall include: Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership.

(4)(a) Terms of office shall be for three years, or for so long as the member remains qualified for the appointment.

(b) The council shall elect a member to serve as chair of the council for one-year terms of office.

(c) Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment.

(d) Any member who is appointed to represent a specific private sector industry must maintain sufficiently similar private sector employment or circumstances throughout the term of office to remain qualified to represent the specified industry. Retirement or unemployment is not cause for termination. However, if a councilmember appointed to represent a specific private sector industry enters into employment outside of the industry, or outside of the private sector, he or she has been appointed to represent, then he or she shall be removed from the council.

(e) Any member who no longer qualifies for appointment under this section may not vote on council actions, but may participate as an ex officio, nonvoting member until a replacement member is appointed. A member must notify the council staff and the governor's office within thirty days of the date the member no longer qualifies for appointment under this section. The governor shall appoint a qualified replacement for the member within sixty days of notice.

(5) Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests identified in this section.

(6) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

~~((7) The department of enterprise services shall provide administrative and clerical assistance to the building code council.)~~

**Sec. 37.** RCW 19.27.074 and 1989 c 266 s 3 are each amended to read as follows:

(1) The state building code council shall:

(a) Adopt and maintain the codes to which reference is made in RCW 19.27.031 in a status which is consistent with the state's interest as set forth in RCW 19.27.020. In maintaining these codes, the council shall regularly review updated versions of the codes referred to in RCW 19.27.031 and other pertinent information and shall amend the codes as deemed appropriate by the council;

(b) Approve or deny all county or city amendments to any code referred to in RCW 19.27.031 to the degree the amendments apply to single-family or multifamily residential buildings;

(c) As required by the legislature, develop and adopt any codes relating to buildings; and

(d) Propose a budget for the operation of the state building code council to be submitted to the office of financial management pursuant to RCW 43.88.090.

(2) The state building code council may:

(a) Appoint technical advisory committees which may include members of the council;

(b) ~~(Employ permanent and temporary staff and)~~ Contract for services; and

(c) Conduct research into matters relating to any code or codes referred to in RCW 19.27.031 or any related matter.

~~(3)~~(a) All meetings of the state building code council shall be open to the public under the open public meetings act, chapter 42.30 RCW. All actions of the state building code council which adopt or amend any code of statewide applicability shall be pursuant to the administrative procedure act, chapter 34.05 RCW.

(b) All council decisions relating to the codes enumerated in RCW 19.27.031 shall require approval by at least a majority of the members of the council.

(c) All decisions to adopt or amend codes of statewide application shall be made prior to December 1 of any year and shall not take effect before the end of the regular legislative session in the next year.

(4) The department of enterprise services shall employ permanent and temporary staff and contract for services for the state building code council.

**Sec. 38.** RCW 19.27A.020 and 2015 c 11 s 3 are each amended to read as follows:

(1) The state building code council established in the department of enterprise services shall adopt rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to adopt rules to be known as the Washington state energy code. The Washington state energy code shall be designed to:

(a) Construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031;

(b) Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design,

construction, and heating equipment efficiencies within that framework; and

(c) Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. One climate zone includes: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties. The other climate zone includes all other counties not listed in this subsection (3). The assignment of a county to a climate zone may not be changed by adoption of a model code or rule. Nothing in this section prohibits the council from adopting the same rules or standards for each climate zone.

(4) The Washington state energy code for residential buildings shall be the 2006 edition of the Washington state energy code, or as amended by rule by the council.

(5) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 2006 edition, or as amended by the council by rule.

(6)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990.

(7) The state building code council shall consult with the department of enterprise services as provided in RCW 34.05.310 prior to publication of proposed rules. The director of the department of enterprise services shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(8) The state building code council shall evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code.

(9) The definitions in RCW 19.27A.140 apply throughout this section.

**NEW SECTION. Sec. 39.** A new section is added to chapter 19.27 RCW to read as follows:

(1)(a) A legislative task force on the state building code council's administration and operations is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The president of the senate and the speaker of the house of representatives shall appoint two current members of the building code council representing the private sector and two current members of the state building code council representing local government.

(iv) The director of the department of enterprise services shall appoint one member from each of the department of enterprise services and department of commerce energy program.

(v) The director of the department of enterprise services shall appoint six members who regularly work with the state building code council, of which two members must represent local government, two members must represent private sector interests, and two members must represent labor interests.

(b) The task force shall choose its chair from among its legislative membership. The legislative members of the task force shall convene the initial meeting of the task force.

(2) The task force shall review and provide recommendations regarding the following issues:

(a) The current structure, operations, and resources of the state building code council;

(b) The building code development process, including the policy and procedure, technical, and economic aspects of review and adoption of the state building code;

(c) Economic aspects, including fiscal impact on private and public sector construction;

(d) The current code cycle length;

(e) The state building code council's membership and composition, including interests and industries represented;

(f) Total resources necessary for an effective state building code development process, including staffing and needs;

(g) Options for long-term, reliable funding of the state building code council; and

(h) The powers, duties, and support services of the department of enterprise services relevant to the state building code council.

(3) Staff support for the task force must be provided by senate committee services and the house of representatives office of program research.

(4) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(5) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The task force shall report its findings and recommendations to the appropriate committees of the

legislature consistent with RCW 43.01.036 by October 1, 2017.

(7) This section expires October 1, 2017."

On page 1, line 1 of the title, after "council;" strike the remainder of the title and insert "amending RCW 19.27.070, 19.27.074, and 19.27A.020; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House refused to concur in the Senate amendment to SHB 2841 and asked the Senate to recede therefrom.

**MESSAGE FROM THE SENATE**

March 8, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2524 with the following amendment:

Strike everything after the enacting clause and insert the following:

"2015-2017 FISCAL BIENNIUM  
GENERAL GOVERNMENT AGENCIES—  
OPERATING

Sec. 101. 2015 1st sp.s. c 10 s 101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY  
AND HISTORIC PRESERVATION

Motor Vehicle Account—State	Appropriation	
(((\$476,000))		\$488,000

Sec. 102. 2015 1st sp.s. c 10 s 102 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION  
COMMISSION

Grade Crossing Protective Account—State	Appropriation	(((\$504,000))	\$1,604,000
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Sec. 103. 2015 1st sp.s. c 10 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT	Motor Vehicle Account—State	Appropriation	(((\$2,268,000))	\$2,296,000
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Puget Sound Ferry Operations Account—State	Appropriation	(((\$110,000))	\$115,000
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State Patrol Highway Account—State	Appropriation	\$150,000
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TOTAL APPROPRIATION	\$2,378,000
	\$2,561,000

The appropriations in this section are subject to the following conditions and limitations:

((2)) (1) \$835,000 of the motor vehicle account—state appropriation is provided solely for the office of financial management, from amounts set aside out of statewide fuel

taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to develop, implement, and report on transportation metrics associated with transportation system policy goals outlined in RCW 47.04.280. The Washington state association of counties, in cooperation with state agencies, must: Evaluate and implement opportunities to streamline reporting of county transportation financial data; expand reporting and collection of short-span bridge and culvert data; evaluate and report on the impact of increased freight and rail traffic on county roads; and to evaluate, implement, and report on the opportunities for improved capital project management and delivery.

((3)) (2) \$100,000 of the motor vehicle account—state appropriation is provided solely for the office of financial management, from funds set aside out of statewide fuel taxes distributed to counties according to RCW 46.68.120(3), to contract with the Washington state association of counties to work with the department of fish and wildlife to develop voluntary programmatic agreements for the maintenance, preservation, rehabilitation, and replacement of water crossing structures. A report must be presented to the legislature by December 31, 2016, on the implementation of developed voluntary programmatic agreements.

(3) \$150,000 of the state patrol highway account—state appropriation is provided solely for an organizational assessment of the Washington state patrol.

(4) The office of financial management, in conjunction with the office of the chief information officer, shall provide oversight and review of the department of transportation's development of the request for proposal for a new tolling customer service toll collection system and development of a project management plan as required in section 209(8) of this act.

Sec. 104. 2015 1st sp.s. c 10 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE  
Motor Vehicle Account—State Appropriation  
((\$1,212,000))  
\$1,240,000

Sec. 105. 2015 1st sp.s. c 10 s 106 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND  
ACCOUNTABILITY PROGRAM COMMITTEE  
Motor Vehicle Account—State Appropriation  
((\$563,000))  
\$582,000

Sec. 106. 2015 1st sp.s. c 10 s 107 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE  
Motor Vehicle Account—State Appropriation  
\$300,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department must work with the Washington state association of counties to develop voluntary programmatic agreements for the maintenance, preservation, rehabilitation, and replacement of water crossing structures. Such programmatic agreements when agreed to by the department and participating counties are binding agreements for permitting, design, and mitigation of county water crossing structures.

(2) \$300,000 of the motor vehicle account—state appropriation is provided solely for the department to implement activities of the fish passage barrier removal board created in RCW 77.95.160. The department must coordinate with cities and counties to inventory and undertake predesign and scoping activities associated with fish passage barrier corrections on city streets and county roads. The department must work with the department of ecology to provide a combined report to the transportation committees of the legislature on the board's activities and accomplishments and the activities funded in section 108 of this act by June 30, 2017. \$170,000 is provided from the cities' statewide fuel tax distributions under RCW 46.68.110(2) and \$130,000 is provided from the counties' statewide fuel tax distributions under RCW 46.68.120(3).

NEW SECTION. Sec. 107. A new section is added to 2015 1st sp.s. c 10 (uncodified) to read as follows: FOR THE DEPARTMENT OF ENTERPRISE SERVICES

The department must provide a detailed accounting of the revenues and expenditures of the self-insurance fund and a copy of the most recent annual actuarial review to the transportation committees of the legislature on December 31st and June 30th of each year.

NEW SECTION. Sec. 108. A new section is added to 2015 1st sp.s. c 10 (uncodified) to read as follows: FOR THE DEPARTMENT OF ECOLOGY

Motor Vehicle Account—State Appropriation  
\$131,000

The appropriation in this section is subject to the following conditions and limitations: \$131,000 of the motor vehicle account—state appropriation from cities' statewide fuel tax distributions under RCW 46.68.110(2) is provided solely for the department to develop a framework with the department of transportation and the department of fish and wildlife for correcting fish passage barriers on city streets as compensatory mitigation for environmental impacts of transportation projects, as required in RCW 77.95.185(2)(a). In addition, the department must develop and implement an umbrella statewide in lieu fee program or other formal means to provide a streamlined mechanism to undertake priority local fish passage barrier corrections, as required in RCW 77.95.185(2)(c). The department must work with the department of fish and wildlife to provide a combined report to the transportation committees of the legislature on the implementation of the program, the mechanism implemented to prioritize fish passage barrier corrections, and the activities funded in section 106(2) of this act by June 30, 2017.

NEW SECTION. Sec. 109. A new section is added to 2015 1st sp.s. c 10 (uncodified) to read as follows: FOR THE EVERGREEN STATE COLLEGE

Motor Vehicle Account—State Appropriation  
\$100,000

The appropriation in this section is subject to the following conditions and limitations: \$100,000 of the motor vehicle account—state appropriation is provided solely to the Washington state institute for public policy for a cost-benefit analysis of the state's ferry vessel procurement practices as required in chapter 14, Laws of 2015 3rd sp. sess.

TRANSPORTATION AGENCIES—OPERATING

Sec. 201. 2015 1st sp.s. c 10 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account—State Appropriation	(\$3,154,000))	\$3,183,000	
Highway Safety Account—Federal Appropriation	(((\$27,383,000))	\$21,644,000	
Highway Safety Account—Private/Local Appropriation	\$118,000		
School Zone Safety Account—State Appropriation	\$850,000		
<b>TOTAL APPROPRIATION</b>	<b>\$31,505,000</b>	<b>\$25,795,000</b>	

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission may continue to oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population of more than one hundred ninety-five thousand and that are located in a county with a population of fewer than one million five hundred thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

(a) The commission shall comply with RCW 46.63.170 in administering the pilot projects.

(b) By January 1, 2017, any local authority that is operating an automated traffic safety camera to detect speed violations must provide a summary to the transportation committees of the legislature concerning the use of the cameras and data regarding infractions, revenues, and costs.

(2) \$99,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter (. . . (Substitute Senate Bill No. 5957))) 243, Laws of 2015 (pedestrian safety reviews). (If chapter . . . (Substitute Senate Bill No. 5957), Laws of 2015 is not enacted by June 30, 2015, the amount provided in this subsection lapses.)

(3) \$6,500,000 of the highway safety account—federal appropriation is provided solely for federal funds that may be obligated to the commission pursuant to 23 U.S.C. Sec. 164 during the 2015-2017 fiscal biennium.

(4) Within current resources, the commission must examine the declining revenue going to the school zone safety account with the goal of identifying factors contributing to the decline. By December 31, 2015, the commission must provide a report to the transportation committees of the legislature that summarizes its findings and provides recommendations designed to ensure that the account is receiving all amounts that should be deposited into the account.

Sec. 202. 2015 1st sp.s. c 10 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State Appropriation	(((\$969,000))	\$1,000,000	
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Motor Vehicle Account—State Appropriation (((\$2,283,000))

	\$2,459,000	
County Arterial Preservation Account—State Appropriation	(((\$1,481,000))	\$1,518,000
<b>TOTAL APPROPRIATION</b>	<b>\$4,733,000</b>	<b>\$4,977,000</b>

Sec. 203. 2015 1st sp.s. c 10 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Transportation Improvement Account—State Appropriation	(((\$3,915,000))	\$4,063,000
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Sec. 204. 2015 1st sp.s. c 10 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account—State Appropriation	(((\$1,727,000))	\$2,222,000
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The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$250,000 of the motor vehicle account—state appropriation is for a consultant study of Washington state patrol recruitment and retention of troopers. The study must identify barriers to effective candidate recruitment, candidates' successful completion of training, and retention of trained troopers of various tenure. The study must provide:

- (i) An overview of current attrition rates;
- (ii) Options and strategies on reducing the average number of trooper positions that are vacant;
- (iii) Identification of best practices for recruitment and retention of law enforcement officers;
- (iv) Recommendations to improve existing recruitment and selection programs;
- (v) Recommendations for where salary and benefit adjustments should be targeted to most effectively address recruitment and retention challenges;
- (vi) Recommendations regarding changes to the training and education program; and
- (vii) Other recommendations for cost-effective personnel strategies.

(b) The joint transportation committee shall issue a report of its findings to the house and senate transportation committees by December 14, 2015. The Washington state patrol shall work with the consultant to identify costs for each recommendation.

(2)(a) \$125,000 of the motor vehicle account—state appropriation is for a study of Washington state weigh station planning, placement, and operations by the Washington state patrol and department of transportation as they relate to roadway safety and preservation. The study must:

- (i) Provide a high-level overview of commercial vehicle enforcement programs, with a focus on weigh stations, including both state and federal funding programs. This overview must include a description of how the Washington state patrol and department of transportation allocate these state and federal funds.

(ii) Review Washington state patrol and department of transportation planning related to weigh station location and operation, and the extent to which their efforts complement, coordinate with, or overlap each other;

(iii) Identify best practices in the funding, placement, and operation of weigh stations;

(iv) Review plans by the department of transportation and Washington state patrol to reopen a Federal Way area southbound weigh station;

(v) Recommend changes in state statutes, policy, or agency practices and rules to improve the efficiency and effectiveness of weigh station funding, placement, and operation, including potential savings to be achieved by adopting the changes; and

(vi) Review whether it is cost-effective or more efficient to place future weigh stations in the median of a highway instead of placing two individual weigh stations on either side of a highway.

(b) The joint transportation committee must issue a report of its findings and recommendations to the house of representatives and senate transportation committees by December 14, 2015.

(3) \$250,000 of the motor vehicle account—state appropriation, from the cities' statewide fuel tax distributions under RCW 46.68.110(2), is for a study to be conducted in 2016 to identify prominent road-rail conflicts, recommend a corridor-based prioritization process for addressing the impacts of projected increases in rail traffic, and identify areas of state public policy interest, such as the critical role of freight movement to the Washington economy and the state's competitiveness in world trade. The study must consider the results of the updated marine cargo forecast due to be delivered to the joint transportation committee on December 1, 2015. In conducting the study, the joint transportation committee must consult with the department of transportation, the freight mobility strategic investment board, the utilities and transportation commission, local governments, and other relevant stakeholders. The joint transportation committee must issue a report of its recommendations and findings by ((December 1, 2016)) January 9, 2017.

(4) The legislature intends for the joint transportation committee to undertake a study during the 2017-2019 fiscal biennium of consolidating rail employee safety and regulatory functions in the utilities and transportation commission. The joint transportation committee should review the information provided by the utilities and transportation commission ((as required under section 102 of this act)) and should provide recommendations to the transportation committees of the legislature regarding such a consolidation of rail employee safety and regulatory functions.

(5) Within existing resources, during the interim periods between regular sessions of the legislature, the joint transportation committee shall include on its agendas work sessions on the Alaskan Way viaduct replacement project. These work sessions must include a report on current progress of the project, timelines for completion, outstanding claims, the financial status of the project, and any other information necessary for the legislature to maintain appropriate oversight of the project. The parties invited to present may include the department of

transportation, the Seattle tunnel partners, and other appropriate stakeholders. The joint transportation committee shall have at least two such work sessions before December 31, 2015.

(6) \$450,000 of the motor vehicle account—state appropriation is for the design-build contracting review study established in chapter 18, Laws of 2015 3rd sp. sess. The department of transportation must provide technical assistance, as necessary.

(7) The joint transportation committee must study the issues surrounding minority and women-owned business contracting related to the transportation sector. The study should identify any best practices adopted in other states that encourage participation by minority and women-owned businesses. The joint transportation committee, with direction from the executive committee, may form a legislative task force at the conclusion of the study to help to inform the legislature of any best practices identified from other states that encourage minority and women-owned businesses' participation in the transportation sector.

Sec. 205. 2015 1st sp.s. c 10 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account—State Appropriation  
(((\$2,452,000))

\$2,667,000

Motor Vehicle Account—Federal Appropriation  
\$500,000

Multimodal Transportation Account—State  
Appropriation \$112,000

TOTAL APPROPRIATION \$2,564,000

\$3,279,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$300,000 of the motor vehicle account—state appropriation is provided solely to continue evaluating a road usage charge as an alternative to the motor vehicle fuel tax to fund investments in transportation. The evaluation must include monitoring and reviewing work that is underway in other states and nationally. The commission may coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available and eligible for road usage charge pilot projects. The commission must reconvene the road usage charge steering committee, with the same membership authorized in chapter 222, Laws of 2014, and report to the governor's office and the transportation committees of the house of representatives and the senate by December 15, 2015.

(2) \$150,000 of the motor vehicle account—state appropriation is provided solely for the commission to use an outside survey firm to conduct three transportation surveys during the 2015-2017 fiscal biennium. The commission must consult with the joint transportation committee when deciding on the survey topics and design to ensure the survey results will deliver the data, information, and analysis for future transportation policy and strategic planning decisions in a manner useful to the legislature.

(3)(a) The legislature finds that, while some travel times have improved through Interstate 405 between the junctions with Interstate 5 on the north end and NE 6th Street in the city of Bellevue on the south end, especially for transit trips,

the implementation of the express toll lane system has made travel more difficult for a number of other drivers and trips. To provide some relief to drivers, the legislature encourages the commission to expedite consideration of the elimination of tolls during evening nonpeak hours, weekends, and holidays, to the extent that such a change will improve commuters' experience on this portion of Interstate 405. The legislature further finds that the commission, as the tolling authority of the state, should act swiftly, working in conjunction with the department of transportation's comprehensive effort to tackle obstacles adversely affecting commutes on this portion of Interstate 405, to drive improved results for the users of this critical corridor as soon as is practicable.

(b) In accordance with the rule-making authority provided under RCW 34.05.350(1)(a), the legislature deems it necessary, for preservation of the general welfare, that operational changes be made to improve the express toll lane program on Interstate 405 and that the tolling authority use its emergency rule-making authority to effect such changes in accordance with RCW 47.56.850 and 47.56.880. The legislature finds that the need for improvements to the commuter experience on the portion of Interstate 405 identified in (a) of this subsection necessitates that such action be taken in an expedited fashion. The tolling authority, with input from the department of transportation, shall evaluate the hours and days of operation for the express toll lanes and the minimum high occupancy vehicle passenger requirements for using the express toll lanes, taking into consideration the goals of: Reducing travel time on this portion of Interstate 405, including in the general purpose lanes; reducing the cost of traveling within the express toll lanes on this portion of Interstate 405; and maintaining sufficient revenue to pay for this portion of Interstate 405's express toll lane operating costs. This subsection (3) does not create a private right of action.

(4)(a) \$500,000 of the motor vehicle account—federal appropriation is provided solely to advance the work completed since 2011 in evaluating a road usage charge as an alternative to the motor vehicle fuel tax to fund future investments in transportation by completing the work necessary to launch a road usage charge pilot project, with all implementation details for a pilot project identified and incorporated into a pilot project implementation plan.

(i) Pilot project implementation preparation must include identification of all essential agency roles and responsibilities for the pilot project, a selection of the technologies and methodologies to be included, a target number of participants and participant characteristics, rigorous specific evaluation criteria by which the pilot project will be assessed, a communication plan for the pilot project that consists of a participant recruitment plan and a plan for communicating information about the launch and ongoing progress of the pilot project, and pilot project expenditure and revenue estimates.

(ii) In developing the road usage charge pilot project implementation plan, the commission shall consult and coordinate with the department of transportation, the department of licensing, the department of revenue, and the office of the state treasurer to establish participation and coordination parameters for the project.

(b) The commission shall coordinate with the department of transportation to jointly pursue any federal or other funds that are or might become available to fund a road usage charge pilot project. Where feasible, grant application content prepared by the commission must reflect the direction provided by the road usage charge steering committee on the preferred road usage charge pilot project approach. One or more grant applications may be developed as part of the road usage charge pilot project implementation plan development work, but the pilot project implementation plan must nevertheless include any details necessary for a full launch of the pilot project not required to be included in any grant application.

(c) The commission shall reconvene the road usage charge steering committee, with the same membership authorized in chapter 222, Laws of 2014, as well as the addition of a representative from the Puget Sound regional council, and may obtain guidance from the steering committee when it reaches key pilot project implementation plan development milestones. The commission must provide a report on the road usage charge pilot project implementation plan that includes all implementation details for a road usage charge pilot project to the governor's office and the transportation committees of the house of representatives and the senate by November 1, 2016.

(5) \$150,000 of the motor vehicle account—state appropriation is provided solely for supporting the disadvantaged business enterprise advisory committee established in chapter . . . (Senate Bill No. 6180), Laws of 2016. If chapter . . . (Senate Bill No. 6180), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.

Sec. 206. 2015 1st sp.s. c 10 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account—State Appropriation ((979,000))

\$1,024,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the motor vehicle account—state appropriation is provided solely to conduct a study of freight infrastructure needs, including an update of the long-term marine cargo forecast. The board must work with the Washington public ports association to evaluate: (1) Forecasted cargo movement by commodity, type, and mode of land transport; and (2) current and projected freight infrastructure capacity needs. A report on the study must be delivered to the joint transportation committee by December 1, 2015.

Sec. 207. 2015 1st sp.s. c 10 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account—State Appropriation ((407,771,000))

\$415,364,000

State Patrol Highway Account—Federal Appropriation ((12,779,000))

\$13,291,000

State Patrol Highway Account—Private/Local Appropriation ((3,631,000))

\$3,823,000

Highway Safety Account—State Appropriation  
 ((\$1,323,000))  
 \$1,494,000  
 Multimodal Transportation Account—State  
 Appropriation \$276,000  
 TOTAL APPROPRIATION \$425,780,000  
 \$434,248,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol must be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) \$510,000 of the highway safety account—state appropriation is provided solely for the ignition interlock program at the Washington state patrol to provide funding for two staff to work and provide support for the program in working with manufacturers, service centers, technicians, and participants in the program.

(3) \$23,000 of the state patrol highway account—state appropriation is provided solely for the implementation of chapter (. . . (Engrossed Second Substitute House Bill No. 1276)) 3, Laws of 2015 2nd sp. sess. (impaired driving). ((If chapter . . . (Engrossed Second Substitute House Bill No. 1276), Laws of 2015 is not enacted by June 30, 2015, the amount provided in this subsection lapses.))

(4) \$5,000,000 of the state patrol highway account—state appropriation is provided solely for compensation increases for Washington state patrol troopers, sergeants, lieutenants, and captains. This increase is not subject to interest arbitration and is for salary and benefits that are in addition to the current interest arbitration award. It is the intent of the legislature that chapter . . . (Engrossed Second Substitute House Bill No. 2872), Laws of 2016 provide the revenue to support the ongoing costs associated with the compensation increases identified in this subsection in order to provide the means necessary to recruit and retain state patrol officers in subsequent biennia.

(5)(a) The department and the Washington state patrol must work collaboratively to develop a comprehensive plan for weigh station construction and preservation for the entire state. The plan must be submitted to the transportation committees of the legislature by January 1, 2017.

(b) As part of the 2017-2019 biennial budget submittal, the department and the Washington state patrol must jointly submit a prioritized list of weigh station projects for legislative approval.

Sec. 208. 2015 1st sp.s. c 10 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING  
 Marine Fuel Tax Refund Account—State  
 Appropriation \$34,000  
 License Plate Technology Account—State  
 Appropriation \$3,200,000  
 Motorcycle Safety Education Account—State  
 Appropriation ((\$4,442,000))  
 \$4,488,000

State Wildlife Account—State Appropriation  
 ((\$949,000))  
 \$1,001,000  
 Highway Safety Account—State Appropriation  
 ((\$183,610,000))  
 \$201,666,000  
 Highway Safety Account—Federal  
 Appropriation \$3,573,000  
 Motor Vehicle Account—State Appropriation  
 ((\$86,014,000))  
 \$92,044,000  
 Motor Vehicle Account—Federal Appropriation  
 \$362,000  
 Motor Vehicle Account—Private/Local  
 Appropriation \$1,544,000  
 Ignition Interlock Device Revolving Account—  
 State  
 Appropriation ((\$5,133,000))  
 \$5,142,000  
 Department of Licensing Services Account—  
 State  
 Appropriation ((\$6,575,000))  
 \$6,672,000  
 TOTAL APPROPRIATION \$295,436,000  
 \$319,726,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((\$24,212,000)) \$30,954,000 of the highway safety account—state appropriation and \$3,200,000 of the license plate technology account—state appropriation are provided solely for business and technology modernization. The department and the state chief information officer or his or her designee must provide a joint project status report to the transportation committees of the legislature on at least a calendar quarter basis. The report must include, but is not limited to: Detailed information about the planned and actual scope, schedule, and budget; status of key vendor and other project deliverables; and a description of significant changes to planned deliverables or system functions over the life of the project. Project staff will periodically brief the committees or the committees' staff on system security and data protection measures.

(2) \$5,059,000 of the motor vehicle account—state appropriation is provided solely for replacing prorated and fuel tax computer systems used to administer interstate licensing and the collection of fuel tax revenues.

(3) \$3,714,000 of the highway safety account—state appropriation is provided solely for the implementation of an updated central issuance system.

(4) \$3,082,000 of the highway safety account—state appropriation is provided solely for exam and licensing activities, including the workload associated with providing driver record abstracts, and is subject to the following additional conditions and limitations:

(a) The department may furnish driving record abstracts only to those persons or entities expressly authorized to receive the abstracts under Title 46 RCW;

(b) The department may furnish driving record abstracts only for an amount that does not exceed the specified fee amounts in RCW 46.52.130 (2)(e)(v) and (4); and

(c) The department may not enter into a contract, or otherwise participate in any arrangement, with a third party

or other state agency for any service that results in an additional cost, in excess of the fee amounts specified in RCW 46.52.130 (2)(e)(v) and (4), to statutorily authorized persons or entities purchasing a driving record abstract.

(5) The department when modernizing its computer systems must place personal and company data elements in separate data fields to allow the department to select discrete data elements when providing information or data to persons or entities outside the department. This requirement must be included as part of the systems design in the department's business and technology modernization. A person's photo, social security number, or medical information must not be made available through public disclosure or data being provided under RCW 46.12.630 or 46.12.635.

(6) Within existing resources and in consultation with the traffic safety commission, the Washington state patrol, and a representative of the insurance industry and the professional driving school association, the department must review options and make recommendations on strategies for addressing young and high-risk drivers. The recommendations must consider the findings of Washington state's strategic highway safety plan, Target Zero, and must include an analysis of expanding traffic safety education to eighteen to twenty-four year olds that have not taken a traffic safety course and drivers that have been convicted of high-risk behavior, such as driving under the influence of drugs and alcohol and reckless driving. An overview of the work conducted and the recommendations are due to the transportation committees of the legislature and the governor by December 31, 2015.

(7) \$57,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter (. . . (Substitute House Bill No. 1157))) 1, Laws of 2015 ((or chapter . . . (Substitute Senate Bill No. 5025), Laws of 2015)) 2nd sp. sess. (quick title service fees). ((If both chapter . . . (Substitute House Bill No. 1157), Laws of 2015 and chapter . . . (Substitute Senate Bill No. 5025), Laws of 2015 are not enacted by June 30, 2015, the amount provided in this subsection lapses.))

(8) \$283,000 of the highway safety account—state appropriation and \$33,000 of the ignition interlock device revolving account—state appropriation are provided solely for the implementation of chapter ((. . . (Engrossed Second Substitute House Bill No. 1276))) 3, Laws of 2015 2nd sp. sess. (impaired driving). ((If chapter . . . (Engrossed Second Substitute House Bill No. 1276), Laws of 2015 is not enacted by June 30, 2015, the amount provided in this subsection lapses.))

(9) \$63,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute Senate Bill No. 5656), Laws of 2015 (distracted driving). If chapter . . . (Engrossed Substitute Senate Bill No. 5656), Laws of 2015 is not enacted by June 30, 2015, the amount provided in this subsection lapses.))

(9) \$4,000,000 of the motor vehicle account—state appropriation is provided solely for implementation of chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue).

(10) \$335,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Substitute House Bill No. 2942), Laws of 2016

or chapter . . . (Senate Bill No. 6591), Laws of 2016 (nondomiciled commercial drivers' licenses). If both chapter . . . (Substitute House Bill No. 2942), Laws of 2016 and chapter . . . (Senate Bill No. 6591), Laws of 2016 are not enacted by June 30, 2016, the amount provided in this subsection lapses.

(11) \$2,421,000 of the highway safety account—state appropriation is provided solely for costs necessary to accommodate increased demand for enhanced drivers' licenses and enhanced identicards. The office of financial management shall place the entire amount provided in this subsection in unallotted status. The office of financial management may release portions of the funds when it determines that average wait times have increased by more than two minutes based on wait time and volume data provided by the department compared to average wait times and volume during the month of December 2015. The department and the office of financial management shall evaluate the use of these funds on a monthly basis and periodically report to the transportation committees of the legislature on average wait times and volume data for enhanced drivers' licenses and enhanced identicards.

(12) \$43,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Senate Bill No. 6200), Laws of 2016 (Washington's fish collection license plate). If chapter . . . (Senate Bill No. 6200), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.

(13) \$388,000 of the highway safety account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2700), Laws of 2016 (impaired driving). If chapter . . . (Engrossed Substitute House Bill No. 2700), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.

(14) \$29,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Substitute Senate Bill No. 6254), Laws of 2016 (Purple Heart license plate). If chapter . . . (Substitute Senate Bill No. 6254), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.

(15) \$20,000 of the motor vehicle account—state appropriation is provided solely for the implementation of chapter . . . (Engrossed Substitute House Bill No. 2778), Laws of 2016 (alternative fuel vehicles). If chapter . . . (Engrossed Substitute House Bill No. 2778), Laws of 2016 is not enacted by June 30, 2016, the amount provided in this subsection lapses.

Sec. 209. 2015 1st sp.s. c 10 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—TOLL OPERATIONS AND MAINTENANCE—PROGRAM B

High Occupancy Toll Lanes Operations Account—State

Appropriation ((\$2,688,000))

\$3,185,000

Motor Vehicle Account—State Appropriation ((\$503,000))

\$510,000

State Route Number 520 Corridor Account—State

Appropriation (((\$39,543,000))  
 \$39,029,000  
 State Route Number 520 Civil Penalties Account—State  
  
 Appropriation (((\$6,703,000))  
 \$6,008,000  
 Tacoma Narrows Toll Bridge Account—State  
 Appropriation (((\$25,660,000))  
 \$26,636,000  
 Interstate 405 Express Toll Lanes Operations  
 Account—State Appropriation (((\$9,931,000))  
 \$15,552,000  
 TOTAL APPROPRIATION \$85,028,000  
 \$90,920,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,300,000 of the Tacoma Narrows toll bridge account—state appropriation and \$8,157,000 of the state route number 520 corridor account—state appropriation are provided solely for the purposes of addressing unforeseen operations and maintenance costs on the Tacoma Narrows bridge and the state route number 520 bridge, respectively. The office of financial management shall place the amounts provided in this section, which represent a portion of the required minimum fund balance under the policy of the state treasurer, in unallotted status. The office may release the funds only when it determines that all other funds designated for operations and maintenance purposes have been exhausted.

(2) \$4,778,000 of the state route number 520 civil penalties account—state appropriation and \$2,065,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for expenditures related to the toll adjudication process. The department shall report on the civil penalty process to the office of financial management and the house of representatives and senate transportation committees by the end of each calendar quarter. The reports must include a summary table for each toll facility that includes: The number of notices of civil penalty issued; the number of recipients who pay before the notice becomes a penalty; the number of recipients who request a hearing and the number who do not respond; workload costs related to hearings; the cost and effectiveness of debt collection activities; and revenues generated from notices of civil penalty.

(3) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of toll revenue by facility on all operating toll facilities and high occupancy toll lane systems, and an itemized depiction of the use of that revenue.

(4) \$3,100,000 of the Interstate 405 express toll lanes operations account—state appropriation, \$1,498,000 of the state route number 520 corridor account—state appropriation, and (((\$1,291,000)) \$1,802,000 of the high occupancy toll lanes operations account—state appropriation are provided solely for the operation and maintenance of roadside toll collection systems.

(5) (((\$6,831,000)) \$12,202,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for operational costs related to the express

toll lane facility, including the customer service center vendor, transponders, credit card fees, printing and postage, rent, office supplies, telephone and communications equipment, computers, and vehicle operations. Within the amount provided in this subsection, the department must, to the greatest extent possible, without adding additional tolling gantries, continue to expand the length of the access and exit points to the express toll lanes, clarify signage and striping to eliminate confusion, and make other operational and customer service improvements to enhance the public's use of the toll facility. The office of financial management shall place \$5,371,000 of the amount provided in this subsection in unallotted status. The office of financial management may release funds to the department on a monthly basis beginning July 1, 2016; however, the amount to be released monthly must be calculated to address the department's projected expenditure need based on the previous month's actual expenditures, financial statement, actual toll transaction experience, and actual revenue collections for the Interstate 405 express toll lanes facility. Prior to releasing any funding from unallotted status, the office of financial management shall notify the joint transportation committee of the amount to be released and provide the documentation used in determining the amount.

(6) \$250,000 of the Interstate 405 express toll lanes operations account—state appropriation is provided solely for the identification and prioritization of projects that will help reduce congestion and provide added capacity on the Interstate 405 tolling corridor between state route number 522 and Interstate 5.

(7) The department must provide quarterly reports to the transportation committees of the legislature on the Interstate 405 express toll lane project performance measures listed in RCW 47.56.880(4). These reports must include:

(a) Information on the travel times and travel time reliability (at a minimum, average and 90th percentile travel times) maintained during peak and nonpeak periods in the express toll lanes and general purpose lanes for both the entire corridor and commonly made trips in the corridor including, but not limited to, northbound from Bellevue to Rose Hill, state route number 520 at NE 148th to Interstate 405 at state route number 522, Bellevue to Bothell (both NE 8th to state route number 522 and NE 8th to state route number 527), and a trip internal to the corridor (such as NE 85th to NE 160th) and similar southbound trips;

(b) A month-to-month comparison of travel times and travel time reliability for the entire corridor and commonly made trips in the corridor as specified in (a) of this subsection since implementation of the express toll lanes and, to the extent available, a comparison to the travel times and travel time reliability prior to implementation of the express toll lanes;

(c) Total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane (i) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, on this segment of Interstate 405 prior to implementation of the express toll lanes and (ii) compared to total express toll lane and total general purpose lane traffic volumes, as well as per lane traffic volumes for each type of lane, from month to month since implementation of the express toll lanes; and

(d) Underlying congestion measurements, that is, speeds, that are being used to generate the summary graphs provided, to be made available in a digital file format.

(8) \$56,000 of the high occupancy toll lanes operations account—state appropriation, \$1,124,000 of the state route number 520 corridor account—state appropriation, and \$596,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely for the department to develop a request for proposal(s) for a new tolling customer service center.

(a) The department must address the replacement of the Wave2Go ferry ticketing system that is reaching the end of its useful life by developing functional and technical requirements that integrate Washington state ferries ticketing into the new tolling division customer service center toll collection system. The department shall continue to report quarterly to the governor, legislature, and state auditor on: ((a)) (i) The department's effort to mitigate risk to the state, ((b)) (ii) the development of a request for proposal(s), and ((c)) (iii) the overall progress towards procuring a new tolling customer service center.

(b) The department shall release a request for proposal for a new tolling customer service toll collection system by December 1, 2016.

(i) During the request for proposal development process and prior to its release, the office of financial management shall review the request for proposal for a new tolling customer service toll collection system to ensure the request for proposal:

- (A) Provides for the business needs of the state; and
- (B) Mitigates risk to the state.

(ii) During development of the request for proposal and prior to its release, the office of the chief information officer shall review the request for proposal for a new tolling customer service toll collection system to ensure the request for proposal:

- (A) Contains requirements that meet the security standards and policies of the office of the chief information officer; and
- (B) Is flexible and adaptable to advances in technology.

(c)(i) Prior to commencement of the new tolling customer service toll collection system implementation, the department shall submit a draft project management plan to the office of financial management and the office of the chief information officer that includes a provision for independent verification and validation of contract deliverables from the successful bidder and a provision for quality assurance that includes reporting independently to the office of the chief information officer on an ongoing basis during system implementation;

(ii) The office of financial management and the office of the chief information officer shall review the draft project management plan to ensure that it contains adequate contract management and quality assurance measures.

(iii) The department shall submit the project management plan to the transportation committees of the legislature prior to the commencement of system implementation.

((7)) (9) The department shall make detailed quarterly reports to the governor and the transportation committees of the legislature on the following:

(a) The use of consultants in the tolling program, including the name of the contractor, the scope of work, the type of contract, timelines, deliverables, any new task orders, and any extensions to existing consultant contracts;

(b) The nonvendor costs of administering toll operations, including the costs of staffing the division, consultants and other personal service contracts required for technical oversight and management assistance, insurance, payments related to credit card processing, transponder purchases and inventory management, facility operations and maintenance, and other miscellaneous nonvendor costs; and

(c) The vendor-related costs of operating tolled facilities, including the costs of the customer service center, cash collections on the Tacoma Narrows bridge, electronic payment processing, and toll collection equipment maintenance, renewal, and replacement.

((8)) (10) \$5,000 of the motor vehicle account—state appropriation is provided solely for membership dues for the alliance for toll interoperability.

((9) \$1,925,000) (11) \$1,230,000 of the state route number 520 civil penalties account—state appropriation ((is) and \$695,000 of the Tacoma Narrows toll bridge account—state appropriation are provided solely to implement chapter (. . . (Substitute Senate Bill No. 5481)) 292, Laws of 2015 (tolling customer service reform) to improve integration between the Good to Go! electronic tolling system with the pay-by-mail system through increased communication with customers and improvements to the Good to Go! web site allowing customers to manage all of their toll accounts regardless of method of payment. Within the amounts provided, the department must include in the request for proposals for a new customer service center the requirement that the new tolling customer service center link to the vehicle records system of the department of licensing to enable vehicle record updates that relate to tolling customer accounts to occur between the two systems seamlessly. The department must work with the department of licensing to develop the appropriate specifications to include in the request for proposals to allow the new tolling customer service center to link to the vehicle records system without cost to the department of licensing and report to the transportation committees of the legislature when the appropriate specifications have been completed. By June 30, 2017, the department shall report how many people with Good to Go! accounts were issued civil penalties for each toll facility and whether the number was reduced each fiscal year in the biennium. The department shall also report on the number of customer contacts that occur, number of civil penalties reduced or waived, the amount of the total civil penalties that are waived, and the number of customers that are referred to the administrative law judge process during the biennium.

Sec. 210. 2015 1st sp.s. c 10 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF  
TRANSPORTATION—INFORMATION  
TECHNOLOGY—PROGRAM C

Transportation Partnership Account—State	
Appropriation	\$1,460,000
Motor Vehicle Account—State	Appropriation
((67,458,000))	

\$69,291,000

Multimodal Transportation Account—State  
 Appropriation \$2,883,000  
 Transportation 2003 Account (Nickel Account)—  
 State  
 Appropriation \$1,460,000  
 Puget Sound Ferry Operations Account—State  
 Appropriation \$263,000  
 TOTAL APPROPRIATION \$73,524,000  
 \$75,357,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,460,000 of the transportation partnership account—state appropriation and \$1,460,000 of the transportation 2003 account (nickel account)—state appropriation are provided solely for maintaining the department's project management reporting system.

(2) \$250,000 of the motor vehicle account—state appropriation is provided solely for the development of a timeline and funding plan for the labor system replacement project. As part of its 2017-2019 biennial budget submittal, and in coordination with the office of financial management and the office of the chief information officer, the department shall submit a timeline and funding plan for the labor system replacement project. The plan must identify a timeline and all one-time and ongoing costs for the integration of all headquarters, regional, and marine employees into the new labor system.

Sec. 211. 2015 1st sp.s. c 10 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF  
 TRANSPORTATION—FACILITY MAINTENANCE,  
 OPERATIONS, AND CONSTRUCTION—PROGRAM  
 D—OPERATING  
 Motor Vehicle Account—State Appropriation  
 ((\$27,098,000))  
 \$27,609,000  
 State Route Number 520 Corridor Account—State  
 Appropriation \$34,000  
 TOTAL APPROPRIATION \$27,132,000  
 \$27,643,000

Sec. 212. 2015 3rd sp.s. c 43 s 606 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF  
 TRANSPORTATION—AVIATION—PROGRAM F  
 Aeronautics Account—State Appropriation  
 ((\$8,143,000))  
 \$8,628,000  
 Aeronautics Account—Federal Appropriation  
 \$4,100,000  
 Aeronautics Account—Private/Local  
 Appropriation \$60,000  
 TOTAL APPROPRIATION \$12,303,000  
 \$12,788,000

The appropriations in this section are subject to the following conditions and limitations: ((\$4,137,000)) \$4,557,000 of the aeronautics account—state appropriation is provided solely for airport investment studies and the airport aid grant program, which provides competitive grants to public airports for pavement, safety, maintenance, planning, and security. ((Of this amount, \$637,000 lapses if chapter . . . (Substitute Senate Bill No. 5324), Laws of 2015 3rd sp. sess. (aircraft excise taxes) is not enacted by July 31,

2015, chapter . . . (Substitute Senate Bill No. 6057) Laws of 2015 3rd sp. sess. (relating to revenue) is not enacted by July 31, 2015, and an expenditure to the aeronautics account is not provided in the 2015-2017 omnibus appropriations act by July 31, 2015.))

Sec. 213. 2015 1st sp.s. c 10 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF  
 TRANSPORTATION—PROGRAM DELIVERY  
 MANAGEMENT AND SUPPORT—PROGRAM H  
 Motor Vehicle Account—State Appropriation  
 ((\$52,070,000))  
 \$53,911,000  
 Motor Vehicle Account—Federal Appropriation  
 \$500,000  
 Multimodal Transportation Account—State  
 Appropriation \$250,000  
 TOTAL APPROPRIATION \$52,820,000  
 \$54,661,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The real estate services division of the department must recover the cost of its efforts from sale proceeds and fund additional future sales from those proceeds.

(2) The legislature recognizes that the trail known as the Rocky Reach Trail, and its extensions, serve to separate motor vehicle traffic from pedestrians and bicyclists, increasing motor vehicle safety on state route number 2 and the coincident section of state route number 97. Consistent with chapter 47.30 RCW and pursuant to RCW 47.12.080, the legislature declares that transferring portions of WSDOT Inventory Control (IC) No. 2-09-04686 containing the trail and associated buffer areas to the Washington state parks and recreation commission is consistent with the public interest. The legislature directs the department to transfer the property to the Washington state parks and recreation commission.

(a) The department must be paid fair market value for any portions of the transferred real property that is later abandoned, vacated, or ceases to be publicly maintained for trail purposes.

(b) Prior to completing the transfer in this subsection (2), the department must ensure that provisions are made to accommodate private and public utilities and any facilities that predate the department's acquisition of the property, at no cost to those entities. Prior to completing the transfer, the department shall also ensure that provisions, by fair market assessment, are made to accommodate other private and public utilities and any facilities that have been legally allowed by permit or other instrument.

(c) The department may sell any adjoining property that is not necessary to support the Rocky Reach Trail and adjacent buffer areas only after the transfer of trail-related property to the Washington state parks and recreation commission is complete. Adjoining property owners must be given the first opportunity to acquire such property that abuts their property, and applicable boundary line or other adjustments must be made to the legal descriptions for recording purposes.

(3) \$250,000 of the motor vehicle account—state appropriation is provided solely for training intended to retain a knowledgeable and competent core technical staff in

the changing environment of highway project design and construction and to provide for the efficient and effective delivery and oversight of projects. The training must focus on the following areas:

(a) Training appropriate staff in regard to coordinating and administrating projects with private sector designers and builders for projects delivered by the design-build construction process;

(b) Training on community engagement to provide project managers with the skills necessary to develop personal relations with the leaders of the affected community to blend project needs with the needs of the community, while providing fair treatment and involvement of community groups and individuals regarding elements of a project subject to environmental regulations, laws, and policies;

(c) Training for partnering and team building skills to avoid conflict and reduce construction claims that arise in contract administration; and

(d) Technical design training required in the fields of hydraulics, hydrology, and storm water abatement, and other fields in support of projects dealing with the fish passage program and highway runoff treatment.

Sec. 214. 2015 1st sp.s. c 10 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF  
TRANSPORTATION—ECONOMIC PARTNERSHIPS—  
PROGRAM K

Motor Vehicle Account—State Appropriation  
(((\$582,000))

\$600,000

Electric Vehicle Charging Infrastructure  
Account—State Appropriation \$1,000,000

TOTAL APPROPRIATION \$1,600,000

The appropriations in this section (is) are subject to the following conditions and limitations:

(1) The economic partnerships program must continue to explore retail partnerships at state-owned park and ride facilities, as authorized in RCW 47.04.295.

(2)(a) Within the amounts provided in this section, the economic partnership program shall consult with the department's tolling division and participate in the division's ongoing efforts to reduce the costs associated with the Tacoma Narrows bridge. This participation must include examining opportunities for the state to contract with one or more private sector partners to collect tolls and provide services to drivers crossing the bridge.

(b) The economic partnership program shall provide a report to the transportation committees of the legislature by January 1, 2017, containing the results of its work with the department's tolling division. The report must include information on additional opportunities that have been examined by the economic partnership program and the department's tolling division for the state to contract with one or more private sector partners to collect tolls and provide services to drivers crossing the Tacoma Narrows bridge. The report must provide information on the feasibility of each type of private sector partnering opportunity examined, including the potential benefits and drawbacks of each, as well as any legal, operational, and other potential barriers that have been identified. The department must address its evaluation of leasing the

Tacoma Narrows bridge toll facility and land to concessionaires. The economic partnership program should include a recommendation on which, if any, of the examined opportunities shows sufficient promise to warrant further investigation based on criteria for evaluation recommended by the economic partnership program and the department's tolling division that have been clearly identified in the report.

(3) \$1,000,000 of the electric vehicle charging infrastructure account—state appropriation is provided solely for the purpose of capitalizing the Washington electric vehicle infrastructure bank as provided in chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue).

Sec. 215. 2015 1st sp.s. c 10 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF  
TRANSPORTATION—HIGHWAY MAINTENANCE—  
PROGRAM M

Motor Vehicle Account—State Appropriation  
(((\$397,329,000))

\$418,524,000

Motor Vehicle Account—Federal Appropriation  
\$7,000,000

Tacoma Narrows Toll Bridge Account—State  
Appropriation (((\$1,768,000))

\$1,235,000

State Route Number 520 Corridor Account—State  
Appropriation \$4,448,000

TOTAL APPROPRIATION \$410,545,000

\$431,207,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (((\$2,605,000)) \$6,091,000 of the motor vehicle account—state appropriation is provided solely for utility fees assessed by local governments as authorized under RCW 90.03.525 for the mitigation of storm water runoff from state highways.

(2) \$4,448,000 of the state route number 520 corridor account—state appropriation is provided solely to maintain the state route number 520 floating bridge. These funds must be used in accordance with RCW 47.56.830(3).

(3) (((\$1,768,000)) \$1,235,000 of the Tacoma Narrows toll bridge account—state appropriation is provided solely to maintain the new Tacoma Narrows bridge. These funds must be used in accordance with RCW 47.56.830(3).

(4) When regional transit authority construction activities are visible from a state highway, the department shall allow the regional transit authority to place safe and appropriate signage informing the public of the purpose of the construction activity.

(5) The department must make signage for low-height bridges a high priority.

(6) \$25,000 of the motor vehicle account—state appropriation is provided solely for the Northwest avalanche center for an additional forecaster. However, the amount in this subsection is contingent on the state parks and recreation commission receiving funding for its portion of the Northwest avalanche center forecaster in the omnibus appropriations act. If this funding is not provided by June 30, 2016, the appropriation provided in this subsection lapses.

(7) \$1,000,000 of the motor vehicle account—state appropriation is provided solely for safety improvements and operations relating to homeless encampments along

Interstate 5 between milepost 162 and milepost 165. The department shall coordinate the timing of the safety improvements with the city of Seattle and King county to ensure that a collaborative and comprehensive approach is taken to address emergency conditions in support of the city's transitional services.

(8) \$100,000 of the motor vehicle account—state appropriation is provided solely for the department to submit a request for proposals as part of a pilot project that explores the use of rotary auger ditch cleaning and reshaping service technology in maintaining roadside ditches for state highways. The pilot project must consist of at least one technology test on each side of the Cascade mountain range.

Sec. 216. 2015 1st sp.s. c 10 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF			
TRANSPORTATION—TRAFFIC OPERATIONS—			
PROGRAM Q—OPERATING			
Connecting	Washington	Account—State	
Appropriation	\$30,000		
Motor Vehicle	Account—State	Appropriation	
(((\$51,572,000))			
	\$57,622,000		
Motor Vehicle	Account—Federal	Appropriation	
\$2,050,000			
Motor Vehicle	Account—Private/Local		
Appropriation	\$250,000		
TOTAL APPROPRIATION		\$53,872,000	
		\$59,952,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,000,000 of the motor vehicle account—state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) During the 2015-2017 fiscal biennium, the department shall continue a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. Nothing in this subsection is intended to authorize the

conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure.

(3) The legislature recognizes that congestion is increasing on southbound Interstate 5 in Lynnwood, between the Lynnwood transit center and the Mountlake Terrace freeway station, and that allowing transit buses to operate on the shoulder would provide congestion relief and more reliable travel times. Therefore, the department shall, within existing resources, implement a transit bus shoulder operations pilot project on southbound Interstate 5 in Lynnwood, between the Lynnwood transit center and the Mountlake Terrace freeway station. The department shall make all necessary changes to handle the increased traffic and provide a ten-foot shoulder for the transit bypass.

(4) \$30,000 of the connecting Washington account—state appropriation is provided solely for the department to create and install motorist information sign panels for the Jerry Taylor Veterans Plaza in Sunnyside along the state-owned right-of-way near exits 63, 67, and 69 on Interstate 182 and on state route number 241 near the junction with Yakima Valley highway and to install supplemental directional signs as permitted by the affected local government and in accordance with the "Manual on Uniform Traffic Control Devices" and chapter 47.36 RCW.

(5) The department shall implement Senate Joint Memorial No. 8019 within existing resources if Senate Joint Memorial No. 8019 is enacted by the legislature by June 30, 2016, and the Washington state transportation commission takes action to name the facility per Senate Joint Memorial No. 8019 by June 30, 2017.

Sec. 217. 2015 1st sp.s. c 10 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF			
TRANSPORTATION—TRANSPORTATION			
MANAGEMENT AND SUPPORT—PROGRAM S			
Motor Vehicle	Account—State	Appropriation	
(((\$27,842,000))			
	\$29,625,000		
Motor Vehicle	Account—Federal	Appropriation	
(((\$280,000))			
	\$1,205,000		
Multimodal Transportation	Account—State		
Appropriation	\$1,131,000		
TOTAL APPROPRIATION		\$29,253,000	
		\$31,961,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$288,000 of the motor vehicle account—state appropriation is provided solely for enhanced disadvantaged business enterprise outreach to increase the pool of disadvantaged businesses available for department contracts and to collaborate with the department of labor and industries to recruit women and persons of color to participate in existing transportation apprenticeship programs. The department must submit a status report on disadvantaged business enterprise outreach and apprenticeship recruitment to the transportation committees of the legislature by November 15, 2015.

(2) \$3,000,000 of the motor vehicle account—state appropriation is provided solely for the headquarters communications office. Within the amount provided in this

subsection, the department shall complete the web content management system and upgrade the department's web site.

(3) \$750,000 of the motor vehicle account—state appropriation is provided solely for a grant program that makes awards for the following: (a) Support for nonproject agencies, churches, and other entities to help provide outreach to populations underrepresented in the current apprenticeship programs; (b) preapprenticeship training; and (c) child care, transportation, and other supports that are needed to help women and minorities enter and succeed in apprenticeship. The department must report on grants that have been awarded and the amount of funds disbursed by December 1, 2016, and annually thereafter.

(4)(a) During the 2015-2017 fiscal biennium, the department may proceed with the pilot project selling commercial advertising, including product placement, on department web sites and social media. In addition, the department may sell a version of its mobile application(s) to users who desire to have access to application(s) without advertising.

(b) The department shall deposit all moneys received from the sale of advertisements on web site and mobile applications into the motor vehicle fund created in RCW 46.68.070.

(c) The department shall adopt standards for advertising, product placement, and other forms of commercial recognition that require the department to define and prohibit, at a minimum, the content containing any of the following characteristics, which is not permitted: (i) Obscene, indecent, or discriminatory content; (ii) political or public issue advocacy content; (iii) products, services, or other materials that are offensive, insulting, disparaging, or degrading; or (iv) products, services, or messages that are contrary to the public interest, including any advertisements that encourage or depict unsafe behaviors or encourage unsafe or prohibited driving activities. Alcohol, tobacco, and cannabis are included among the products prohibited.

Sec. 218. 2015 1st sp.s. c 10 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF			
TRANSPORTATION—TRANSPORTATION			
PLANNING, DATA, AND RESEARCH—PROGRAM T			
Motor Vehicle Account—State	Appropriation		
(((\$21,374,000))			
		\$22,717,000	
Motor Vehicle Account—Federal	Appropriation		
(((\$24,885,000))			
		\$26,342,000	
Multimodal Transportation Account—State	Appropriation	\$662,000	
Multimodal Transportation Account—Federal	Appropriation	\$2,809,000	
Multimodal Transportation Account—			
Private/Local	Appropriation	\$100,000	
TOTAL APPROPRIATION		\$49,830,000	
		\$52,630,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$368,000 of the motor vehicle account—state appropriation is provided solely for the purchase of an economic impact model. The department shall work with

appropriate local jurisdictions to improve consistency between existing and planned transportation demand models. The department shall report back to the transportation committees of the legislature and the office of financial management by December 31, 2015, with any recommendations requiring legislative action.

(2) \$1,000,000 of the motor vehicle account—federal appropriation is provided solely for the corridor sketch program. Priority must be given to the state route number 522 corridor between Maltby and the Snohomish river bridge. Initial corridors must also include state route number 195, Interstate 5 between Bellingham and the vicinity of Mount Vernon, state route number 160 in the vicinity of Port Orchard, and state route number 28 in the vicinity of East Wenatchee.

(3) Within existing resources, the department shall conduct a traffic and access study of the intersection of the Interurban trail and state route number 104. Options to improve safety at this location must include consideration of a pedestrian and bike overcrossing.

(4)(a) The department must update the state freight mobility plan to comply with the requirements in section 70202 of the federal fixing America's surface transportation act. In updating the state freight mobility plan, the department must involve key freight stakeholders, such as representatives of public ports, the trucking industry, railroads, the marine industry, local governments and planning organizations, the Washington state freight advisory committee, and other freight stakeholders. The updated plan must delete any obsolete project references from the prioritized freight project list.

(b) The department, in conjunction with the stakeholder group, must provide a list of prioritized projects for consideration for funding in the 2017-2019 fiscal biennium. The prioritized list must have approval from all impacted stakeholders. The prioritized list must be submitted to the office of financial management and the transportation committees of the legislature by November 1, 2016.

(5) Within existing resources, the department must evaluate how light pollution from state highways and facilities can be minimized while still meeting appropriate safety standards. Additionally, the department must evaluate how budget savings can be achieved through different types of lighting. To the extent practicable, the department must conduct this work in conjunction with other ongoing study and corridor planning efforts.

(6) Within existing resources, the transportation planning program, with assistance from the rail program and other programs as needed, shall prepare a report that outlines the state's options for addressing the removal of the Eastside Freight railroad line, which runs from the city of Snohomish to the city of Woodinville, authorized under the rail banking provisions of federal law. This report must evaluate options by which the state may facilitate the preservation and maintenance of the Eastside Freight railroad line, in consideration of what is currently permitted under federal law. The report must address, but is not limited to: What, if any, legal authority the state has to affect projects currently underway in or planned for the Eastside Freight railroad line; whether state acquisition of specific property rights on the Eastside Freight railroad line is permitted under federal law and, if so, whether it could be beneficial to or would be

necessary for the preservation and maintenance of the Eastside Freight railroad line; and the extent to which the state may otherwise encourage the preservation of the Eastside Freight railroad line. The report must include sufficient details on each option presented to support its evaluation, as well as the potential benefits and estimated costs associated with options presented that are permissible under federal law. The evaluation of potential benefits must be conducted in the context of current state rail policy, including RCW 47.76.240. The department must submit the report to the transportation committees of the legislature by December 1, 2016.

(7) \$150,000 of the motor vehicle account—state appropriation is provided solely for a safety study of state route number 169 from Jones Road to Cedar Grove. The department must consider collision data and work with local stakeholders to make recommendations for safety improvements in the corridor. A report on the study is due to the transportation committees of the legislature by December 31, 2016.

Sec. 219. 2015 1st sp.s. c 10 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF  
TRANSPORTATION—CHARGES FROM OTHER  
AGENCIES—PROGRAM U

Motor Vehicle Account—State Appropriation  
(((\$75,700,000))

\$74,666,000

Motor Vehicle Account—Federal Appropriation  
\$500,000

Multimodal Transportation Account—State  
Appropriation (((\$3,243,000))

\$3,115,000

TOTAL APPROPRIATION \$79,443,000  
\$78,281,000

((The appropriations in this section are subject to the following conditions and limitations: The department of enterprise services must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.))

Sec. 220. 2015 1st sp.s. c 10 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF  
TRANSPORTATION—PUBLIC TRANSPORTATION—  
PROGRAM V

State Vehicle Parking Account—State  
Appropriation \$754,000

Regional Mobility Grant Program Account—  
State

Appropriation (((\$60,000,000))

\$74,976,000

Rural Mobility Grant Program Account—State  
Appropriation (((\$17,000,000))

\$20,438,000

Multimodal Transportation Account—State  
Appropriation (((\$50,546,000))

\$72,930,000

Multimodal Transportation Account—Federal  
Appropriation (((\$3,242,000))

\$3,588,000

TOTAL APPROPRIATION \$131,542,000

\$172,686,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (((\$35,000,000)) \$41,250,000 of the multimodal transportation account—state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation. Of this amount:

(a) (((\$7,500,000)) \$8,750,000 of the multimodal transportation account—state appropriation is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers must be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) (((\$27,500,000)) \$32,500,000 of the multimodal transportation account—state appropriation is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must, to the greatest extent practicable, have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies must be prorated based on the amount expended for demand response service and route deviated service in calendar year 2013 as reported in the "Summary of Public Transportation - 2013" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) (((\$17,000,000)) \$20,438,000 of the rural mobility grant program account—state appropriation is provided solely for grants to aid small cities in rural areas as prescribed in RCW 47.66.100.

(3)(a) (((\$6,000,000)) \$6,969,000 of the multimodal transportation account—state appropriation is provided solely for a vanpool grant program for: (i) Public transit agencies to add vanpools or replace vans; and (ii) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds.

(b) At least \$1,600,000 of the amount provided in this subsection must be used for vanpool grants in congested corridors.

(c) \$400,000 of the amount provided in this subsection is provided solely for the purchase of additional vans for use by vanpools serving or traveling through the Joint Base Lewis-McChord I-5 corridor between mile post 116 and 127.

(4) (((\$10,000,000)) \$18,726,000 of the regional mobility grant program account—state appropriation is reapportioned and provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((2015-2)) 2016-2 ALL PROJECTS as developed ((May 26, 2015)) March 7, 2016, Program - Public Transportation Program (V).

(5)(a) ((\$50,000,000)) \$56,250,000 of the regional mobility grant program account—state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document ((2015-2)) 2016-2 ALL PROJECTS as developed ((May 26, 2015)) March 7, 2016, Program - Public Transportation Program (V). The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds must be used only to fund projects identified in the LEAP transportation document referenced in this subsection. The department shall provide annual status reports on December 15, 2015, and December 15, 2016, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. A grantee may not receive more than twenty-five percent of the amount appropriated in this subsection. The department shall not approve any increases or changes to the scope of a project for the purpose of a grantee expending remaining funds on an awarded grant.

(b) In order to be eligible to receive a grant under (a) of this subsection during the 2015-2017 fiscal biennium, a transit agency must establish a process for private transportation providers to apply for the use of park and ride facilities. For purposes of this subsection, (i) "private transportation provider" means: An auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department of licensing rules; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and (ii) "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

(6) Funds provided for the commute trip reduction (CTR) program may also be used for the growth and transportation efficiency center program.

(7) \$5,670,000 of the multimodal transportation account—state appropriation and \$754,000 of the state vehicle parking account—state appropriation are provided solely for CTR grants and activities.

(8) \$200,000 of the multimodal transportation account—state appropriation is contingent on the timely development of an annual report summarizing the status of public transportation systems as identified under RCW 35.58.2796.

(9)(a) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for the Everett connector service for Island and Skagit transit agencies. The amount provided in this subsection is contingent on Island Transit charging fares that achieve a farebox recovery ratio similar to comparable transit systems.

(b) The amount provided in (a) of this subsection must be held in unallotted status until the office of financial management determines that fares have been both adopted and implemented by Island Transit that achieve a farebox recovery ratio similar to comparable transit systems. Island Transit must notify the office of financial management when it has met the requirements of this subsection.

(10)(a) \$13,890,000 of the multimodal transportation account—state appropriation is provided solely for projects identified in LEAP Transportation Document 2016-3 as developed March 7, 2016. Except as provided otherwise in this subsection, funds must first be used for projects that are identified as priority one projects. As additional funds become available or if a priority one project is delayed, funding must be provided to priority two projects. If a higher priority project is bypassed, it must be funded when the project is ready. The department must submit a report annually with its budget submittal that, at a minimum, includes information about the listed transit projects that have been funded and projects that have been bypassed, including an estimated time frame for when the bypassed project will be funded.

(b) \$831,000 of the amount provided in (a) of this subsection is provided solely for Skagit transit system enhancements for expenditure in 2015-2017.

(c) \$2,300,000 of the amount provided in (a) of this subsection is provided solely for Island transit's tri-county connector service for expenditure in 2015-2017.

(d) It is the intent of the legislature to provide \$6,000,000 in the 2017-2019 fiscal biennium and \$6,000,000 in the 2019-2021 fiscal biennium for the Spokane Central city line, in addition to the 2015-2017 fiscal biennium funding provided in the LEAP transportation document identified in (a) of this subsection. It is further the intent of the legislature to provide a total of \$10,000,000 over the 2017-2019 and 2019-2021 fiscal biennia for the Northgate transit center pedestrian bridge.

(e) Within existing resources, the public transportation program must develop recommendations regarding potential modifications to the process by which funding is provided to the projects listed in the LEAP transportation document identified in (a) of this subsection. These modifications should include, but are not limited to, options for accelerating the delivery of the listed projects and options for further prioritizing the listed projects. The department must submit a report regarding its recommendations to the transportation committees of the legislature by November 15, 2016.

(11) \$1,000,000 of the multimodal transportation account—state appropriation is provided solely for transit coordination grants.

(12) Within the amounts provided in this section, the public transportation program must conduct a study of public transportation agencies in Washington that provide regional public transportation service outside the boundaries of the agency. The study must consider: (a) The cost to provide these existing regional services, the current source of funds for these services, and the applicable ridership data from these existing regional services; (b) the number of trips removed from the state highway system as a result of these regional services; (c) areas of the state highway system that do not have such regional service available; and (d) potential

funding sources at the state level to support a portion of current and potential regional services. The public transportation program must provide a report on its findings and recommendations to the transportation committees of the legislature by November 15, 2016.

Sec. 221. 2015 1st sp.s. c 10 s 221 (uncodified) is amended to read as follows:

FOR	THE	DEPARTMENT	OF
TRANSPORTATION—MARINE—PROGRAM X			
Puget Sound Ferry Operations Account—State			
Appropriation	((	\$483,637,000))	
		\$478,319,000	
Puget Sound Ferry Operations Account—Federal			
Appropriation	\$5,908,000		
Puget Sound Ferry Operations Account—			
Private/Local			
Appropriation	\$121,000		
TOTAL APPROPRIATION	\$483,758,000		
	\$484,348,000		

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2015-2017 supplemental and 2017-2019 omnibus transportation appropriations act requests, as determined jointly by the office of financial management, the Washington state ferries, and the transportation committees of the legislature. This level of detail must include the administrative functions in the operating as well as capital programs.

(2) Until a reservation system is operational on the San Juan islands inter-island route, the department shall provide the same priority loading benefits on the San Juan islands inter-island route to home health care workers as are currently provided to patients traveling for purposes of receiving medical treatment.

(3) For the 2015-2017 fiscal biennium, the department may enter into a distributor controlled fuel hedging program and other methods of hedging approved by the fuel hedging committee.

(4) ((\$87,036,000)) \$78,306,000 of the Puget Sound ferry operations account—state appropriation is provided solely for auto ferry vessel operating fuel in the 2015-2017 fiscal biennium, which reflect cost savings from a reduced biodiesel fuel requirement and, therefore, is contingent upon the enactment of section 701 ((of this act)), c 10, Laws of 2015 1st sp. sess. The amount provided in this subsection represents the fuel budget for the purposes of calculating any ferry fare fuel surcharge.

(5) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

(6) During the 2015-2017 fiscal biennium, the department shall not operate a winter sailing schedule for a time period longer than twelve weeks.

(7) \$496,000 of the Puget Sound ferry operations account—state appropriation is provided solely for ferry terminal traffic control at the Fauntleroy ferry terminal. The department shall utilize existing contracts to provide a uniformed officer to assist with ferry terminal traffic control at the Fauntleroy ferry terminal.

(8) ((\$1,151,000)) \$1,551,000 of the Puget Sound ferry operations account—state appropriation is provided solely for improvements to the reservation system. The department shall actively encourage ferry reservation customers to use the online option for making and changing reservations and shall not use these funds for call center staff.

(9) \$30,000 of the Puget Sound ferry operations account—state appropriation is provided solely for the marine division assistant secretary's designee to the board of pilotage commissioners, who serves as the board chair. As the agency chairing the board, the department shall direct the board chair, in his or her capacity as chair, to require that the report to the governor and chairs of the transportation committees required under RCW 88.16.035(1)(f) be filed by September 1, 2015, and annually thereafter, and that the report include the establishment of policies and procedures necessary to increase the diversity of pilots, trainees, and applicants, including a diversity action plan. The diversity action plan must articulate a comprehensive vision of the board's diversity goals and the steps it will take to reach those goals.

(10) \$5,908,000 of the Puget Sound ferry operations account—federal appropriation is provided solely for vessel maintenance.

(11) \$48,000 of the Puget Sound ferry operations account—state appropriation is provided solely for staff sufficient to allow passenger accessibility aboard the M/V Tokitae to the sun deck during daylight hours on Saturdays and Sundays of the summer sailing season.

Sec. 222. 2015 1st sp.s. c 10 s 222 (uncodified) is amended to read as follows:

FOR	THE	DEPARTMENT	OF
TRANSPORTATION—RAIL—PROGRAM			Y—
OPERATING			
Multimodal Transportation Account—State			
Appropriation	((	\$58,744,000))	
		\$59,473,000	
Multimodal Transportation Account—Private/Local			
Appropriation	\$45,000		
TOTAL APPROPRIATION	\$58,789,000		
	\$59,518,000		

Sec. 223. 2015 1st sp.s. c 10 s 223 (uncodified) is amended to read as follows:

FOR	THE	DEPARTMENT	OF
TRANSPORTATION—LOCAL			PROGRAMS—
PROGRAM Z—OPERATING			
Motor Vehicle Account—State			Appropriation
((	\$8,986,000))		
		\$9,324,000	
Motor Vehicle Account—Federal			Appropriation
\$2,567,000			
Multiuse Roadway Safety			Account—State
Appropriation	\$131,000		
TOTAL APPROPRIATION	\$11,684,000		
	\$12,022,000		

TRANSPORTATION AGENCIES—CAPITAL

Sec. 301. 2015 1st sp.s. c 10 s 301 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC			
INVESTMENT BOARD			
Freight Mobility Investment Account—State			
Appropriation	((	\$8,852,000))	

\$13,217,000

Freight Mobility Multimodal Account—State  
 Appropriation (((\$9,937,000))  
 \$11,859,000

Freight Mobility Multimodal Account—  
 Private/Local  
 Appropriation \$1,320,000

Highway Safety Account—State Appropriation  
 (((\$2,250,000))  
 \$2,765,000

Motor Vehicle Account—State Appropriation  
 \$83,000

Motor Vehicle Account—Federal Appropriation  
 \$3,250,000

TOTAL APPROPRIATION \$25,692,000  
 \$32,494,000

Sec. 302. 2015 1st sp.s. c 10 s 302 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL  
 State Patrol Highway Account—State  
 Appropriation (((\$5,310,000))  
 \$5,895,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the state patrol highway account—state appropriation is provided solely for unforeseen emergency repairs on facilities.

(2) \$560,000 of the state patrol highway account—state appropriation is provided solely for the replacement of the roofs of the Shelton academy multipurpose building, Tacoma district office building, Kennewick detachment building, and Ridgefield and Plymouth weigh station buildings.

(3) \$150,000 of the state patrol highway account—state appropriation is provided solely for upgrades to scales at Goldendale required to meet current certification requirements.

(4) \$2,350,000 of the state patrol highway account—state appropriation is provided solely for funding to repair and replace the academy asphalt emergency vehicle operation course.

(5) \$500,000 of the state patrol highway account—state appropriation is provided solely for replacement of generators at Marysville, Baw Faw, Gardner, Pilot Rock, and Ridpath.

(6) \$150,000 of the state patrol highway account—state appropriation is provided solely for painting and caulking in several locations.

(7) \$350,000 of the state patrol highway account—state appropriation is provided solely for pavement preservation at the Wenatchee district office and the Spokane district office.

(8) \$700,000 of the state patrol highway account—state appropriation is provided solely for energy upgrades at two district offices and two detachments.

(9) \$300,000 of the state patrol highway account—state appropriation is provided solely for repair of the academy training tank.

(10) \$130,000 of the state patrol highway account—state appropriation is provided solely for communication site roof repair to reroof equipment shelters at radio communication sites statewide.

(11) \$275,000 of the state patrol highway account—state appropriation is provided solely for the replacement of the broadcast tower at the Steptoe Butte radio communications site.

(12) \$100,000 of the state patrol highway account—state appropriation is provided solely for the dry-pipe fire suppression system rebuild at the Marysville district office.

(13) \$80,000 of the state patrol highway account—state appropriation is provided solely for the construction of a weatherproof enclosure of the generator at the Whiskey Ridge radio communications site. The enclosure's total cost must not exceed \$80,000, and no other Washington state patrol appropriations may be utilized for this project except for the funds provided in this subsection.

Sec. 303. 2015 1st sp.s. c 10 s 303 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account—State  
 Appropriation (((\$46,000,000))  
 \$56,094,000

Motor Vehicle Account—State Appropriation  
 \$10,706,000

County Arterial Preservation Account—State  
 Appropriation (((\$31,250,000))  
 \$32,344,000

TOTAL APPROPRIATION \$87,956,000  
 \$99,144,000

Sec. 304. 2015 1st sp.s. c 10 s 304 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account—  
 State  
 Appropriation (((\$3,931,000))  
 \$4,301,000

Highway Safety Account—State Appropriation  
 \$10,000,000

Transportation Improvement Account—State  
 Appropriation (((\$179,452,000))  
 \$249,988,000

Multimodal Transportation Account—State  
 Appropriation \$3,313,000

TOTAL APPROPRIATION \$193,383,000  
 \$267,602,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The highway safety account—state appropriation is provided solely for:

((1)) (a) The arterial preservation program to help low tax-based, medium-sized cities preserve arterial pavements;

((2)) (b) The small city pavement program to help cities meet urgent preservation needs; and

((3)) (c) The small city low-energy street light retrofit demonstration program.

(2) \$3,313,000 of the multimodal transportation account—state appropriation is provided solely for the complete streets program.

Sec. 305. 2015 1st sp.s. c 10 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—FACILITIES—PROGRAM D—

(DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)—CAPITAL

Transportation Partnership Account—State	
Appropriation (((\$211,000))	\$1,043,000
Motor Vehicle Account—State	
Appropriation (((\$4,270,000))	\$7,276,000
Connecting Washington Account—State	
Appropriation \$14,000,000	
TOTAL APPROPRIATION	\$4,481,000
	\$22,319,000

The appropriations in this section are subject to the following conditions and limitations:

(((\$211,000)) (1) \$1,043,000 of the transportation partnership account—state appropriation is provided solely for completion of a new traffic management center in Shoreline, Washington. By September 30, 2015, the department shall report to the transportation committees of the legislature and the office of financial management on the resulting vacancy rate of the existing regional headquarters building in Shoreline, plans to consolidate department staff into the building, and the schedule for terminating the current lease of the Goldsmith building in Seattle, and provide an update on future plans to consolidate agency staff within the region.

(2) \$4,000,000 of the connecting Washington account—state appropriation is provided solely for a new Olympic region maintenance and administration facility to be located on the department-owned site at the intersection of Marvin Road and 32nd Avenue. The property purchase was approved by the 2005 legislature for the site of the new Olympic region and the land was acquired by the department in August 2005. The department must work with the office of financial management's facilities oversight program to develop a revised predesign for a new Olympic region facility, with an estimated total cost of no more than forty million dollars. Priority must be given to accommodating the maintenance and operations functions of the Olympic region. The department must provide a copy of the revised predesign to the transportation committees of the legislature by December 2015.

(3) \$10,000,000 of the connecting Washington account—state appropriation is provided solely for a new administration facility on Euclid Avenue in Wenatchee, Washington.

Sec. 306. 2015 1st sp.s. c 10 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—IMPROVEMENTS—PROGRAM I

Multimodal Transportation Account—State	
Appropriation (((\$21,388,000))	\$19,181,000
Transportation Partnership Account—State	
Appropriation (((\$1,075,309,000))	\$1,065,758,000
Motor Vehicle Account—State	
Appropriation (((\$64,991,000))	\$71,841,000
Motor Vehicle Account—Federal	
Appropriation (((\$251,313,000))	

	\$315,447,000
Motor Vehicle Account—Private/Local	
Appropriation (((\$167,259,000))	\$177,022,000
Transportation 2003 Account (Nickel Account)—	
State	
Appropriation (((\$104,366,000))	\$79,064,000
State Route Number 520 Corridor Account—	
State	
Appropriation (((\$367,792,000))	\$368,121,000
State Route Number 520 Corridor Account—	
Federal	
Appropriation	\$104,801,000
State Route Number 520 Civil Penalties Account—	
State Appropriation(((\$15,000,000))	\$14,000,000
((Alaskan Way Viaduct Replacement Project Account—	
State Appropriation(\$50,110,000))	
Special Category C Account—State	
Appropriation \$6,000,000	
Connecting Washington Account—State	
Appropriation \$229,425,000	
TOTAL APPROPRIATION	\$2,228,329,000
	\$2,450,660,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2015-1)) 2016-1 as developed ((May 26, 2015)) March 7, 2016, Program - Highway Improvements Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2015-2)) 2016-2 ALL PROJECTS as developed ((May 26, 2015)) March 7, 2016, Program - Highway Improvements Program (I). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities. However, no additional federal funds may be allocated to the I-5/Columbia River Crossing project (400506A).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(4) The transportation 2003 account (nickel account)—state appropriation includes up to (((\$104,366,000)) \$79,064,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(5) The transportation partnership account—state appropriation includes up to ((\$508,793,000)) \$546,857,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(6) ((\$3,700,000)) \$4,359,000 of the motor vehicle account—state appropriation is provided solely for the I-5/JBLM Early Corridor Design project (300596S) to complete an environmental impact statement for a project that creates additional general purpose lanes on Interstate 5 in the Joint Base Lewis-McChord corridor. The design of this project must be high occupancy vehicle lane ready for a future connection to the Interstate 5 high occupancy vehicle lane system that currently terminates in Tacoma.

(7) ((\$346,263,000)) \$267,071,000 of the transportation partnership account—state appropriation, ((\$15,300,000)) \$55,389,000 of the motor vehicle account—federal appropriation, ((\$154,263,000)) \$156,423,000 of the motor vehicle account—private/local appropriation, ((\$69,479,000)) \$45,400,000 of the transportation 2003 account (nickel account)—state appropriation, ((\$50,110,000 of the Alaskan Way viaduct replacement project account—state appropriation,)) and ((\$4,346,000)) \$2,139,000 of the multimodal transportation account—state appropriation are provided solely for the SR 99/Alaskan Way Viaduct Replacement project (809936Z).

(8) \$17,000,000 of the multimodal transportation account—state appropriation (is) and \$1,676,000 of the transportation partnership account—state appropriation are provided solely for transit mitigation for the SR 99/Viaduct Project - Construction Mitigation project (809940B). The transportation partnership account—state appropriation must be placed in unallotted status and may only be released by the office of financial management for unpaid invoices from the 2013-2015 fiscal biennium.

(9) Within existing resources, during the regular sessions of the legislature, the department of transportation shall participate in work sessions, before the transportation committees of the house of representatives and senate, on the Alaskan Way viaduct replacement project. These work sessions must include a report on current progress of the project, timelines for completion, outstanding claims, the financial status of the project, and any other information necessary for the legislature to maintain appropriate oversight of the project. The parties invited to present may include the department of transportation, the Seattle tunnel partners, and other appropriate stakeholders.

(10) ((\$13,881,000)) \$22,191,000 of the transportation partnership account—state appropriation, ((\$9,753,000)) \$5,576,000 of the transportation 2003 account (nickel account)—state appropriation, \$42,000 of the multimodal transportation account—state appropriation, \$6,000,000 of the special category C account—state appropriation, \$368,000 of the motor vehicle account—state appropriation, \$13,000 of the motor vehicle account—private/local appropriation, and ((\$6,348,000)) \$12,976,000 of the motor vehicle account—federal appropriation are provided solely for the US 395/North Spokane Corridor project (600010A). Any future savings on the project must stay on the US 395/Interstate 90 corridor and be made available to the current phase of the North Spokane corridor project or any future phase of the project in 2015-2017.

(11) ((\$46,894,000)) \$34,732,000 of the transportation partnership account—state appropriation, ((\$10,317,000)) \$7,329,000 of the transportation 2003 account (nickel account)—state appropriation, and ((\$1,000)) \$56,000 of the motor vehicle account—private/local appropriation are provided solely for the I-405/Kirkland Vicinity Stage 2 - Widening project (8BI1002). This project must be completed as soon as practicable as a design-build project. Any future savings on this project or other Interstate 405 corridor projects must stay on the Interstate 405 corridor and be made available to either the I-405/SR 167 Interchange - Direct Connector project (140504C) or the I-405 Renton to Bellevue project in the 2015-2017 fiscal biennium.

(12)(a) The SR 520 Bridge Replacement and HOV project (8BI1003) is supported over time from multiple sources, including a \$300,000,000 TIFIA loan, \$923,000,000 in Garvee bonds, toll revenues, state bonds, interest earnings, and other miscellaneous sources.

(b) The state route number 520 corridor account—state appropriation includes up to ((\$343,505,000)) \$343,834,000 in proceeds from the sale of bonds authorized in RCW 47.10.879 and 47.10.886.

(c) The state route number 520 corridor account—federal appropriation includes up to \$104,801,000 in proceeds from the sale of bonds authorized in RCW 47.10.879 and 47.10.886.

(d) ((\$82,195,000)) \$126,937,000 of the transportation partnership account—state appropriation, \$104,801,000 of the state route number 520 corridor account—federal appropriation, and ((\$367,792,000)) \$368,121,000 of the state route number 520 corridor account—state appropriation are provided solely for the SR 520 Bridge Replacement and HOV project (8BI1003). Of the amounts appropriated in this subsection (12)(d), ((\$232,598,000)) \$233,085,000 of the state route number 520 corridor account—state appropriation must be put into unallotted status and is subject to review by the office of financial management. The director of the office of financial management shall consult with the joint transportation committee prior to making a decision to allot these funds.

(e) When developing the financial plan for the project, the department shall assume that all maintenance and operation costs for the new facility are to be covered by tolls collected on the toll facility and not by the motor vehicle account.

(13) ((\$15,000,000)) \$14,000,000 of the state route number 520 civil penalties account—state appropriation is provided solely for the department to continue to work with the Seattle department of transportation in their joint planning, design, right-of-way acquisition, outreach, and operation of the remaining west side elements including, but not limited to, the Montlake lid, the bicycle/pedestrian path, the effective network of transit connections, and the Portage Bay bridge of the SR 520 Bridge Replacement and HOV project.

(14) ((\$548,000)) \$1,056,000 of the motor vehicle account—federal appropriation and ((\$19,000)) \$38,000 of the motor vehicle account—state appropriation are provided solely for the 31st Ave SW Overpass Widening and Improvement project (L1100048).

(15) The legislature finds that there are sixteen companies involved in wood preserving in the state that

employ four hundred workers and have an annual payroll of fifteen million dollars. Prior to the department's switch to steel guardrails, ninety percent of the twenty-five hundred mile guardrail system was constructed of preserved wood and one hundred ten thousand wood guardrail posts were produced annually for state use. Moreover, the policy of using steel posts requires the state to use imported steel. Given these findings, where practicable, and until June 30, 2017, the department shall include the design option to use wood guardrail posts, in addition to steel posts, in new guardrail installations. The selection of posts must be consistent with the agency design manual policy that existed before December 2009.

(16) For urban corridors that are all or partially within a metropolitan planning organization boundary, for which the department has not initiated environmental review, and that require an environmental impact statement, at least one alternative must be consistent with the goals set out in RCW 47.01.440.

(17) The department shall itemize all future requests for the construction of buildings on a project list and submit them through the transportation executive information system as part of the department's 2016 budget submittal. It is the intent of the legislature that new facility construction must be transparent and not appropriated within larger highway construction projects.

(18) ((\$59,438,000)) \$52,869,000 of the motor vehicle account—federal appropriation, ((\$572,000)) \$4,439,000 of the motor vehicle account—state appropriation, and ((\$388,000)) \$1,085,000 of the motor vehicle account—private/local appropriation are provided solely for fish passage barrier and chronic deficiency improvements (OBI4001).

(19) Any new advisory group that the department convenes during the 2015-2017 fiscal biennium must consider the interests of the entire state of Washington.

(20) ((Practical design offers targeted benefits to a state transportation system within available fiscal resources. This delivers value not just for individual projects, but for the entire system. Applying practical design standards will also preserve and enhance safety and mobility. The department shall implement a practical design strategy for transportation design standards. By June 30, 2016, the department shall report to the governor and the house of representatives and senate transportation committees on where practical design has been applied or is intended to be applied in the department and the cost savings resulting from the use of practical design. This subsection takes effect if chapter . . . (Substitute House Bill No. 2012), Laws of 2015 is not enacted by June 30, 2015.)) Except as provided otherwise in this section, the entire connecting Washington account appropriation is provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2016-1 as developed March 7, 2016, Program - Highway Improvements Program (I).

(21) It is the intent of the legislature that for the I-5 JBLM Corridor Improvements project (M00100R), the department shall actively pursue \$50,000,000 in federal funds to pay for this project to supplant state funds in the future. \$50,000,000 in connecting Washington account funding must be held in unallotted status during the 2021-2023 fiscal biennium. These funds may only be used after

the department has provided notice to the office of financial management that it has exhausted all efforts to secure federal funds from the federal highway administration and the department of defense.

(22) Of the amounts allocated to the Puget Sound Gateway project (M00600R) in LEAP Transportation Document 2016-1 as developed March 7, 2016, \$4,000,000 must be used to complete the bridge connection at 28th/24th Street over state route number 509 in the city of SeaTac. The bridge connection must be completed prior to other construction on the state route number 509 segment of the project.

(23) In making budget allocations to the Puget Sound Gateway project, the department shall implement the project's construction as a single corridor investment. The department shall develop a coordinated corridor construction and implementation plan for state route number 167 and state route number 509 in collaboration with affected stakeholders. Specific funding allocations must be based on where and when specific project segments are ready for construction to move forward and investments can be best optimized for timely project completion. Emphasis must be placed on avoiding gaps in fund expenditures for either project.

(24) It is the intent of the legislature that, for the I-5/North Lewis County Interchange project (L2000204), the department develop and design the project with the objective of significantly improving access to the industrially zoned properties in north Lewis county. The design must consider the county's process of investigating alternatives to improve such access from Interstate 5 that began in March 2015.

(25) \$1,500,000 of the motor vehicle account—state appropriation is provided solely for the department to complete an interchange justification report (IJR) for the U.S. 2 trestle, covering the state route number 204 and 20th Street interchanges at the end of the westbound structure.

(a) The department shall develop the IJR in close collaboration with affected local jurisdictions, including Snohomish county and the cities of Everett, Lake Stevens, Marysville, Snohomish, and Monroe.

(b) Within the amount provided for the IJR, the department must address public outreach and the overall operational approval of the IJR.

(c) The department shall complete the IJR and submit the final report to the governor and the transportation committees of the legislature by July 1, 2018.

(26)(a) The department must conduct outreach to local transit agencies during the planning process for highway construction projects led by the department.

(b) The department must develop process recommendations for best practices in minimizing impacts to transit and freight during project construction. A report on best practices must be submitted to the transportation committees of the legislature by December 1, 2016.

(27) The legislature finds that project efficiencies and savings may be gained by combining the I-5 Marine Drive project (I5OTC1A1) and the SR 529/I-5 Interchange project (N52900R). The department must deliver them as one project, the I-5 Peak Hour Use Lanes and Interchange Improvements project (L2000229), using a design-build approach.

(28) The legislature recognizes that the city of Mercer Island has unique access issues that require the use of Interstate 90 to leave the island and that this access may be impeded by the I-90/Two Way Transit and HOV Improvements project. The department must continue to work with the city of Mercer Island to address potential access solutions as the project nears completion.

Sec. 307. 2015 1st sp.s. c 10 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PRESERVATION—PROGRAM P

Transportation Partnership Account—State Appropriation	(((\$12,057,000))	
	\$6,489,000	
Motor Vehicle Account—State Appropriation	(((\$56,024,000))	
	\$70,908,000	
Motor Vehicle Account—Federal Appropriation	(((\$391,681,000))	
	\$475,025,000	
Motor Vehicle Account—Private/Local Appropriation	(((\$8,104,000))	
	\$8,647,000	
Transportation 2003 Account (Nickel Account)—State Appropriation	(((\$40,457,000))	
	\$28,032,000	
Tacoma Narrows Toll Bridge Account—State Appropriation	\$4,564,000	
Recreational Vehicle Account—State Appropriation	(((\$1,509,000))	
	\$2,194,000	
High Occupancy Toll Lanes Operations Account—State Appropriation	(((\$800,000))	
	\$1,000,000	
State Route Number 520 Corridor Account—State Appropriation	(((\$720,000))	
	\$1,730,000	
Connecting Washington Account—State Appropriation	\$79,963,000	
<b>TOTAL APPROPRIATION</b>	<b>\$515,916,000</b>	
	<b>\$678,552,000</b>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ((2015-1)) 2016-1 as developed ((May 26, 2015)) March 7, 2016, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 601 of this act.

(2) Except as provided otherwise in this section, the entire motor vehicle account—state appropriation and motor vehicle account—federal appropriation are provided solely for the projects and activities listed in LEAP Transportation Document ((2015-2)) 2016-2 ALL PROJECTS as developed ((May 26, 2015)) March 7, 2016, Program - Highway

Preservation Program (P). Any federal funds gained through efficiencies, adjustments to the federal funds forecast, additional congressional action not related to a specific project or purpose, or the federal funds redistribution process must then be applied to highway and bridge preservation activities. However, no additional federal funds may be allocated to the I-5/Columbia River Crossing project (400506A).

(3) Within the motor vehicle account—state appropriation and motor vehicle account—federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(4) The transportation 2003 account (nickel account)—state appropriation includes up to (((\$38,492,000)) \$28,032,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

(5) The department shall examine the use of electric arc furnace slag for use as an aggregate for new roads and paving projects in high traffic areas and report back to the legislature by December 1, 2015, on its current use in other areas of the country and any characteristics that can provide greater wear resistance and skid resistance in new pavement construction.

(6) (((\$39,000,000)) \$38,142,000 of the motor vehicle account—federal appropriation ((is)) and \$858,000 of the motor vehicle account—state appropriation are provided solely for the preservation of structurally deficient bridges or bridges that are at risk of becoming structurally deficient. These funds must be used widely around the state of Washington. The department shall provide a report that identifies the scope, cost, and benefit of each project funded in this subsection as part of its 2016 agency budget request.

(7) Except as provided otherwise in this section, the entire connecting Washington account appropriation in this section is provided solely for the projects and activities as listed in LEAP Transportation Document 2016-1 as developed March 7, 2016, Program - Highway Preservation Program (P).

(8) It is the intent of the legislature that, with respect to the amounts provided for highway preservation from the connecting Washington account, the department consider the preservation and rehabilitation of concrete roadway on Interstate 5 from the Canadian border to the Oregon border to be a priority within the preservation program.

(9) \$5,000,000 of the motor vehicle account—state appropriation is provided solely for extraordinary costs incurred from litigation awards, settlements, or dispute mitigation activities not eligible for funding from the self-insurance fund. The amount provided in this subsection must be held in unallotted status until the department submits a request to the office of financial management that includes documentation detailing litigation-related expenses. The office of financial management may release the funds only when it determines that all other funds designated for litigation awards, settlements, and dispute mitigation activities have been exhausted. No funds provided in this subsection may be expended on any legal fees related to the SR99/Alaskan Way viaduct replacement project.

(10)(a) The department and the Washington state patrol must work collaboratively to develop a comprehensive plan for weigh station construction and preservation for the entire

state. The plan must be submitted to the transportation committees of the legislature by January 1, 2017.

(b) As part of the 2017-2019 biennial budget submittal, the department and the Washington state patrol must jointly submit a prioritized list of weigh station projects for legislative approval.

(11) The department must consult with the Washington state patrol during the design phase of a department-led improvement or preservation project that could impact weigh station operations. The department must ensure that the designs of the projects do not prevent or interfere with weigh station operations.

Sec. 308. 2015 1st sp.s. c 10 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF  
TRANSPORTATION—TRAFFIC OPERATIONS—  
PROGRAM Q—CAPITAL

Motor Vehicle Account—State	Appropriation	
	(((\$5,898,000))	
	\$7,190,000	
Motor Vehicle Account—Federal	Appropriation	
	(((\$6,132,000))	
	\$7,567,000	
Motor Vehicle Account—Private/Local	Appropriation	\$200,000
TOTAL APPROPRIATION		\$12,230,000
		\$14,957,000

The appropriations in this section are subject to the following conditions and limitations: ((\$791,000 of the motor vehicle account—state appropriation is provided solely for project 000005Q as state matching funds for federally selected competitive grants or congressional earmark projects. These moneys must be placed into reserve status until such time as federal funds are secured that require a state match.)) The department shall set aside a sufficient portion of the motor vehicle account—state appropriation for federally selected competitive grants or congressional earmark projects that require matching state funds. State funds set aside as matching funds for federal projects must be accounted for in project 000005Q and remain in unallotted status until needed for those federal projects.

Sec. 309. 2015 1st sp.s. c 10 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF  
TRANSPORTATION—WASHINGTON STATE  
FERRIES CONSTRUCTION—PROGRAM W

Puget Sound Capital Construction Account— State	Appropriation	(((\$40,347,000))
		\$57,764,000
Puget Sound Capital Construction Account— Federal	Appropriation	(((\$126,515,000))
		\$153,647,000
Puget Sound Capital Construction Account— Private/Local	Appropriation	(((\$10,331,000))
		\$3,730,000
((Multimodal Transportation Account—State		Appropriation
		\$2,734,000))

Transportation 2003 Account (Nickel Account)—  
State

Appropriation	(((\$81,583,000))
	\$122,089,000
Connecting Washington Account—State	Appropriation
	\$68,805,000
TOTAL APPROPRIATION	
	\$261,510,000
	\$406,035,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed in LEAP Transportation Document ((2015-2)) 2016-2 ALL PROJECTS as developed ((May 26, 2015)) March 7, 2016, Program - Washington State Ferries Capital Program (W).

(2) ((\$73,000,000)) \$90,545,000 of the transportation 2003 account (nickel account)—state appropriation is provided solely for the acquisition of a 144-car vessel (L1000063). The department shall use as much already procured equipment as practicable on the 144-car vessels.

(3) ((\$40,617,000)) \$46,989,000 of the Puget Sound capital construction account—federal appropriation, \$2,000,000 of the connecting Washington account—state appropriation, \$562,000 of the transportation 2003 account (nickel account)—state appropriation, and (((\$608,000)) \$490,000 of the Puget Sound capital construction account—state appropriation are provided solely for the Mukilteo ferry terminal (952515P). It is the intent of the legislature, over the sixteen-year investment program, to provide \$155,000,000 to complete the Mukilteo Terminal Replacement project (952515P). These funds are identified in the LEAP transportation document referenced in subsection (1) of this section. To the greatest extent practicable and within available resources, the department shall design the new terminal to be a net zero energy building. To achieve this goal, the department shall evaluate using highly energy efficient equipment and systems, and the most appropriate renewable energy systems for the needs and location of the terminal.

(4) ((\$4,000,000)) \$7,000,000 of the Puget Sound capital construction account—state appropriation is provided solely for emergency capital repair costs (999910K). Funds may only be spent after approval by the office of financial management.

(5) Consistent with RCW 47.60.662, which requires the Washington state ferry system to collaborate with passenger-only ferry and transit providers to provide service at existing terminals, the department shall ensure that multimodal access, including for passenger-only ferries and transit service providers, is not precluded by any future terminal modifications.

(6) If the department pursues a conversion of the existing diesel powered Issaquah class fleet to a different fuel source or engine technology or the construction of a new vessel powered by a fuel source or engine technology that is not diesel powered, the department must use a design-build procurement process.

(7) Funding is included in the future biennia of the LEAP transportation document referenced in subsection (1) of this section for future vessel purchases. Given that the recent purchase of new vessels varies from the current long range

plan, the department shall include in its updated long range plan revised estimates for new vessel costs, size, and purchase time frames. Additionally, the long range plan must include a vessel retirement schedule and associated reserve vessel policy recommendations.

(8) \$325,000 of the Puget Sound capital construction account—state appropriation is provided solely for the ferry system to participate in the development of one account-based system for customers of both the ferry system and tolling system. The current Wave2Go ferry ticketing system is reaching the end of its useful life and the department is expected to develop a replacement account-based system as part of the new tolling division customer service center toll collection system.

(9) Within existing resources, the department must evaluate the feasibility of utilizing the federal EB-5 immigrant investor program for financing the construction of a safety of life at sea (SOLAS) certificated vessel for the Anacortes-Sidney ferry route. The department must establish a group that includes, but is not limited to, the department of commerce and entities or individuals experienced with vessel engineering and EB-5 financing for assistance in evaluating the applicability of the EB-5 immigrant investor program. The department must deliver a report containing the results of the evaluation to the transportation committees of the legislature and the office of financial management by December 1, 2015.

(10) It is the intent of the legislature, over the sixteen-year investment program, to provide \$316,000,000 to complete the Seattle Terminal Replacement project (900010L), including: (a) Design work and selection of a preferred plan, (b) replacing timber pilings with pilings sufficient to support a selected terminal design, (c) replacing the timber portion of the dock with a new and reconfigured steel and concrete dock, and (d) other staging and construction work as the amount allows. These funds are identified in the LEAP transportation document referenced in subsection (1) of this section.

(11) It is the intent of the legislature, over the sixteen-year new investment program, to provide \$122,000,000 in state funds to complete the acquisition of a fourth 144-car vessel (L2000109). These funds are identified in the LEAP transportation document referenced in subsection (1) of this section.

(12) \$300,000 of the Puget Sound capital construction account—state appropriation is provided solely to issue a request for proposals and purchase pilot program customer counting equipment. By June 30, 2017, the department must report to the governor and the transportation committees of the legislature on the most effective way to count ferry passengers.

(13) \$1,430,000 of the Puget Sound capital construction account—federal appropriation and \$1,366,000 of the Puget Sound capital construction—state appropriation are provided solely for installation of security access control and video monitoring systems, and for enhancing wireless network capacity to handle higher security usage, increase connectivity between vessels and land-based facilities, and isolate the security portion of the network from regular business (project 998925A).

(14) The transportation 2003 account (nickel account)—state appropriation includes up to \$4,131,000 in proceeds from the sale of bonds authorized in RCW 47.10.861.

Sec. 310. 2015 1st sp.s. c 10 s 310 (uncodified) is amended to read as follows:

FOR	THE	DEPARTMENT	OF
TRANSPORTATION—RAIL—PROGRAM			Y—
CAPITAL			
Essential Rail Assistance Account—State			
Appropriation	(((\$820,000))		
	\$1,459,000		
Transportation Infrastructure Account—State			
Appropriation	(((\$7,033,000))		
	\$7,154,000		
Multimodal Transportation Account—State			
Appropriation	(((\$12,759,000))		
	\$37,205,000		
Multimodal Transportation Account—Federal			
Appropriation	(((\$363,318,000))		
	\$492,217,000		
TOTAL APPROPRIATION	\$383,930,000		
	\$538,035,000		

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2015-2)) 2016-2 ALL PROJECTS as developed ((May 26, 2015)) March 7, 2016, Program - Rail Program (Y).

(2) \$5,000,000 of the transportation infrastructure account—state appropriation is provided solely for new low-interest loans approved by the department through the freight rail investment bank (FRIB) program. The department shall issue FRIB program loans with a repayment period of no more than ten years, and charge only so much interest as is necessary to recoup the department's costs to administer the loans. For the 2015-2017 fiscal biennium, the department shall first award loans to 2015-2017 FRIB loan applicants in priority order, and then offer loans to 2015-2017 unsuccessful freight rail assistance program grant applicants, if eligible. If any funds remain in the FRIB program, the department may reopen the loan program and shall evaluate new applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. The department shall report annually to the transportation committees of the legislature and the office of financial management on all FRIB loans issued.

(3)(a) (((\$4,514,000)) \$5,484,000 of the multimodal transportation account—state appropriation, \$270,000 of the essential rail assistance account—state appropriation, and \$455,000 of the transportation infrastructure account—state appropriation are provided solely for new statewide emergent freight rail assistance projects identified in the LEAP transportation document referenced in subsection (1) of this section.

(b) Of the amounts provided in this subsection, \$367,000 of the transportation infrastructure account—state appropriation and \$1,100,000 of the multimodal transportation account—state appropriation are provided solely to reimburse Highline Grain, LLC for approved work completed on Palouse River and Coulee City (PCC) railroad

track in Spokane county between the BNSF Railway Interchange at Cheney and Geiger Junction and must be administered in a manner consistent with freight rail assistance program projects. The value of the public benefit of this project is expected to meet or exceed the cost of this project in: Shipper savings on transportation costs; jobs saved in rail-dependent industries; and/or reduced future costs to repair wear and tear on state and local highways due to fewer annual truck trips (reduced vehicle miles traveled). The amounts provided in this subsection are not a commitment for future legislatures, but it is the legislature's intent that future legislatures will work to approve biennial appropriations until the full \$7,337,000 cost of this project is reimbursed.

(4) ((\$363,191,000)) \$487,297,000 of the multimodal transportation account—federal appropriation and ((\$5,740,000)) \$13,679,000 of the multimodal transportation account—state appropriation are provided solely for expenditures related to passenger high-speed rail grants. Except for the Mount Vernon project (P01101A), the multimodal transportation account—state funds reflect no more than one and one-half percent of the total project funds, and are provided solely for expenditures that are not eligible for federal reimbursement.

(5)(a) ((\$550,000)) \$1,114,000 of the essential rail assistance account—state appropriation ((and \$305,000)), \$766,000 of the multimodal transportation account—state appropriation, and \$68,000 of the transportation infrastructure account—state appropriation are provided solely for the purpose of the rehabilitation and maintenance of the Palouse river and Coulee City railroad line (F01111B).

(b) Expenditures from the essential rail assistance account—state in this subsection may not exceed the combined total of:

(i) Revenues deposited into the essential rail assistance account from leases and sale of property pursuant to RCW 47.76.290; and

(ii) Revenues transferred from the miscellaneous program account to the essential rail assistance account, pursuant to RCW 47.76.360, for the purpose of sustaining the grain train program by maintaining the Palouse river and Coulee City railroad.

(6) The department shall issue a call for projects for the freight rail assistance program, and shall evaluate the applications in a manner consistent with past practices as specified in section 309, chapter 367, Laws of 2011. By November 15, 2016, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

Sec. 311. 2015 1st sp.s. c 10 s 311 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF  
TRANSPORTATION—LOCAL PROGRAMS—  
PROGRAM Z—CAPITAL

Highway Infrastructure Account—State  
Appropriation ((\$782,000))  
\$790,000

Highway Infrastructure Account—Federal  
Appropriation ((\$202,000))  
\$503,000

Transportation Partnership Account—State

Appropriation ((\$1,507,000))  
\$4,054,000  
Highway Safety Account—State Appropriation  
((\$9,965,000))  
\$11,647,000  
Motor Vehicle Account—State Appropriation  
((\$500,000))  
\$1,271,000  
Motor Vehicle Account—Federal Appropriation  
((\$17,829,000))  
\$28,043,000  
Multimodal Transportation Account—State  
Appropriation ((\$15,331,000))  
\$34,031,000  
Connecting Washington Account—State  
Appropriation \$47,669,000  
TOTAL APPROPRIATION \$46,116,000  
\$128,008,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by project and amount in LEAP Transportation Document ((2015-2)) 2016-2 ALL PROJECTS as developed ((May 26, 2015)) March 7, 2016, Program - Local Programs Program (Z).

(2) The amounts identified in the LEAP transportation document referenced under subsection (1) of this section for pedestrian safety/safe routes to school are as follows:

(a) ((\$13,820,000)) \$20,653,000 of the multimodal transportation account—state appropriation and ((\$1,507,000)) \$3,579,000 of the transportation partnership account—state appropriation are provided solely for pedestrian and bicycle safety program projects (project L2000188).

(b) ((\$6,100,000)) \$11,400,000 of the motor vehicle account—federal appropriation, \$1,750,000 of the multimodal transportation account—state appropriation, and \$6,750,000 of the highway safety account—state appropriation are provided solely for newly selected safe routes to school projects. ((\$6,794,000)) \$8,782,000 of the motor vehicle account—federal appropriation, ((\$1,133,000)) \$124,000 of the multimodal transportation account—state appropriation, and ((\$3,215,000)) \$4,897,000 of the highway safety account—state appropriation are reappropriated for safe routes to school projects selected in the previous biennia (project L2000189). The department may consider the special situations facing high-need areas, as defined by schools or project areas in which the percentage of the children eligible to receive free and reduced-price meals under the national school lunch program is equal to, or greater than, the state average as determined by the department, when evaluating project proposals against established funding criteria while ensuring continued compliance with federal eligibility requirements.

(3) The department shall submit a report to the transportation committees of the legislature by December 1, 2015, and December 1, 2016, on the status of projects funded as part of the pedestrian safety/safe routes to school grant program ((OLP600P)). The report must include, but is not limited to, a list of projects selected and a brief description of each project's status.

(4) \$500,000 of the motor vehicle account—state appropriation is provided solely for the Edmonds waterfront at-grade train crossings alternatives analysis project (L2000135). The department shall work with the city of Edmonds and provide a preliminary report of key findings to the transportation committees of the legislature and the office of financial management by December 1, 2015.

(5)(a) \$9,900,000 of the multimodal transportation account—state appropriation is provided solely for bicycle and pedestrian projects listed in LEAP Transportation Document 2016-4 as developed March 7, 2016. Funds must first be used for projects that are identified as priority one projects. As additional funds become available or if a priority one project is delayed, funding must be provided to priority two projects and then to priority three projects. If a higher priority project is bypassed, it must be funded in the first round after the project is ready. If funds become available as a result of projects being removed from this list or completed under budget, the department may submit additional bicycle and pedestrian safety projects for consideration by the legislature. The department must submit a report annually with its budget submittal that, at a minimum, includes information about the listed bicycle and pedestrian projects that have been funded and projects that have been bypassed, including an estimated time frame for when the project will be funded.

(b) Within existing resources, the local programs division must develop recommendations regarding potential modifications to the process by which funding is provided to the projects listed in the LEAP transportation document identified in (a) of this subsection. These modifications should include, but are not limited to, options for accelerating delivery of the listed projects and options for further prioritizing the listed projects. The department must submit a report regarding its recommendations to the transportation committees of the legislature by November 15, 2016.

**TRANSFERS AND DISTRIBUTIONS**

Sec. 401. 2015 1st sp.s. c 10 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Transportation Partnership Account—State  
Appropriation (((\$2,559,000))  
\$3,610,000  
Highway Bond Retirement Account—State  
Appropriation (((\$1,169,927,000))  
\$1,176,906,000  
Ferry Bond Retirement Account—State  
Appropriation \$29,230,000  
Transportation Improvement Board Bond  
Retirement  
Account—State Appropriation \$16,129,000  
State Route Number 520 Corridor Account—State  
Appropriation \$559,000  
Nondebt-Limit Reimbursable Bond Retirement  
Account—  
State Appropriation \$25,837,000

Toll Facility Bond Retirement Account—State  
Appropriation (((\$62,885,000))  
\$72,880,000  
Motor Vehicle Account—State Appropriation  
\$2,500,000  
Transportation 2003 Account (Nickel Account)—  
State  
Appropriation (((\$719,000))  
\$477,000  
TOTAL APPROPRIATION \$1,307,286,000  
\$1,328,128,000

The appropriations in this section are subject to the following conditions and limitations: \$2,500,000 of the motor vehicle account—state appropriation is provided solely for debt service payment and withholding for the Tacoma Narrows bridge, with the intent of forestalling the need for the Washington state transportation commission to raise toll rates for the Tacoma Narrows bridge for fiscal year 2017.

Sec. 402. 2015 1st sp.s. c 10 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account—State  
Appropriation (((\$512,000))  
\$697,000  
Transportation 2003 Account (Nickel Account)—  
State  
Appropriation (((\$143,000))  
\$87,000  
TOTAL APPROPRIATION \$655,000  
\$784,000

Sec. 403. 2015 1st sp.s. c 10 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT TO BE PAID BY STATUTORILY PRESCRIBED REVENUE

Toll Facility Bond Retirement Account—Federal  
Appropriation (((\$200,637,000))  
\$200,215,000  
Toll Facility Bond Retirement Account—State  
Appropriation (((\$12,455,000))  
\$12,009,000  
TOTAL APPROPRIATION \$213,092,000  
\$212,224,000

Sec. 404. 2015 1st sp.s. c 10 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION  
Motor Vehicle Account—State Appropriation: For motor vehicle fuel tax distributions to cities and counties (((\$489,359,000))  
\$497,071,000

NEW SECTION. Sec. 405. A new section is added to 2015 1st sp.s. c 10 (uncodified) to read as follows: FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

Multimodal Transportation Account—State  
Appropriation: For

distributions to cities and counties \$12,500,000

Motor Vehicle Account—State Appropriation: For

distributions to cities and counties \$10,938,000

TOTAL APPROPRIATION \$23,438,000

Sec. 406. 2015 1st sp.s. c 10 s 405 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—TRANSFERS

Motor Vehicle Account—State Appropriation: For

motor vehicle fuel tax refunds and statutory

transfers ((\$1,269,319,000))

\$1,831,879,000

Sec. 407. 2015 1st sp.s. c 10 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—  
TRANSFERS

Motor Vehicle Account—State Appropriation:

For motor vehicle fuel tax refunds and

transfers ((\$143,664,000))

\$182,730,000

Sec. 408. 2015 1st sp.s. c 10 s 407 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—  
ADMINISTRATIVE TRANSFERS

(1) Multimodal Transportation Account—State

Appropriation: For transfer to the Puget Sound

Ferry Operations Account—State \$10,000,000

(2) Multimodal Transportation Account—State

Appropriation: For transfer to the Puget Sound

Capital Construction Account—State \$12,000,000

(3) State Route Number 520 Civil Penalties

Account—State Appropriation: For transfer to  
the

State Route Number 520 Corridor Account—  
State ((\$916,000))

\$1,631,000

(4) Highway Safety Account—State

Appropriation:

For transfer to the State Patrol Highway

Account—State \$20,000,000

(5) Highway Safety Account—State

Appropriation: For transfer to the Puget Sound  
Ferry

Operations Account—State \$10,000,000

(6) Tacoma Narrows Toll Bridge Account—State

Appropriation: For transfer to the Motor Vehicle

Account—State \$950,000

(7) Motor Vehicle Account—State Appropriation:

For transfer to the Puget Sound Capital Construction

Account—State ((\$12,000,000))

\$18,000,000

(8) Rural Mobility Grant Program Account—State

Appropriation: For transfer to the Multimodal

Transportation Account—State \$3,000,000,

(9) Motor Vehicle Account—State Appropriation:

For transfer to the Puget Sound Ferry Operations

Account—State \$10,000,000

(10) State Patrol Highway Account—State

Appropriation:

For transfer to the Connecting Washington Account—  
State \$9,690,000

(11) Transportation Partnership Account—State  
Appropriation: For transfer to the Connecting  
Washington

Account—State \$4,998,000

(12) Motor Vehicle Account—State Appropriation:

For transfer to the Connecting Washington Account—

State \$25,781,000

(13) Puget Sound Ferry Operations Account—State

Appropriation: For transfer to the Connecting  
Washington

Account—State \$596,000

(14) Transportation 2003 Account (Nickel Account)—  
State

Appropriation: For transfer to the Connecting  
Washington

Account—State \$2,270,000

(15) Highway Safety Account—State Appropriation:

For transfer to the Multimodal Transportation

Account—State \$5,000,000

(16) Motor Vehicle Account—State Appropriation:

For transfer to the Freight Mobility Investment

Account—State \$1,922,000

(17) Motor Vehicle Account—State Appropriation:

For transfer to the Transportation Improvement

Account—State \$2,188,000

(18) Motor Vehicle Account—State Appropriation:

For transfer to the Rural Arterial Trust Account—  
State \$1,094,000

(19) Motor Vehicle Account—State Appropriation:

For transfer to the County Arterial Preservation

Account—State \$1,094,000

(20) Multimodal Transportation Account—State

Appropriation: For transfer to the Freight Mobility

Multimodal Account—State \$1,922,000

(21) Multimodal Transportation Account—State

Appropriation: For transfer to the Regional Mobility

Grant Program Account—State \$6,250,000

(22) Multimodal Transportation Account—State

Appropriation: For transfer to the Rural Mobility

Grant Program Account—State \$3,438,000

(23) Multimodal Transportation Account—State

Appropriation: For transfer to the Electric Vehicle

Charging Infrastructure Account—State

\$1,000,000

(24) Capital Vessel Replacement Account—State

Appropriation: For transfer to the Connecting

Washington Account—State \$59,000,000

(25) Multimodal Transportation Account—State

Appropriation: For transfer to the Connecting

Washington Account—State \$8,000,000

(26) Multimodal Transportation Account—State

Appropriation: For transfer to the Aeronautics

Account—State \$250,000

COMPENSATION

Sec. 501. 2015 3rd sp.s. c 4 s 728 (uncodified) is  
amended to read as follows:

TRANSPORTATION—WASHINGTON

FEDERATION OF STATE EMPLOYEES

((Motor Vehicle Account—State Appropriation  
\$13,990,000

State Patrol Highway Account—State

Appropriation \$1,093,000

State Patrol Highway Account—Federal  
 Appropriation \$23,000  
 Puget Sound Ferry Operations Account—State  
 Appropriation \$55,000  
 Highway Safety Account—State Appropriation  
 \$2,273,000  
 Motorcycle Safety Education Account—State  
 Appropriation \$41,000  
 State Wildlife Account—State Appropriation  
 \$34,000  
 Ignition Interlock Device Revolving Account—State  
 Appropriation \$9,000  
 Department of Licensing Services Account—State  
 Appropriation \$74,000  
 Aeronautics Account—State Appropriation  
 \$11,000  
 High Occupancy Toll Lanes Operations Account—State  
 Appropriation \$8,000  
 State Route Number 520 Corridor Account—State  
 Appropriation \$86,000  
 Multimodal Transportation Account—State  
 Appropriation \$26,000  
 Tacoma Narrows Toll Bridge Account—State  
 Appropriation \$42,000  
**TOTAL APPROPRIATION \$17,765,000**

The appropriations in this section are subject to the following conditions and limitations:))

(1) An agreement has been reached between the governor and the Washington federation of state employees general government under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for employees funded in the 2015-2017 omnibus transportation appropriations act, a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase or a one percent general wage increase plus twenty dollars per month, whichever is greater, effective ((January)) July 1, 2016. The agreement also includes and funding is provided for salary adjustments for targeted job classifications, assignment pay for targeted job classifications, hazard pay for designated night crews, and geographic pay for designed areas. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 - 2015T)) chapter . . ., Laws of 2016 (this act) to fund the provisions of this agreement.

(2) This section represents the results of the 2015-2017 collective bargaining process required under chapter 41.80 RCW. Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 - 2015T)) chapter . . ., Laws of 2016 (this act) to fund the provisions of this agreement.

Sec. 502. 2015 3rd sp.s. c 4 s 729 (uncodified) is amended to read as follows:

TRANSPORTATION—GENERAL WAGE  
 INCREASE—STATE EMPLOYEES  
 ((Motor Vehicle Account—State Appropriation  
 \$5,854,000  
 State Patrol Highway Account—State  
 Appropriation \$819,000  
 State Patrol Highway Account—Federal  
 Appropriation \$22,000  
 State Patrol Highway Account—Private/Local  
 Appropriation \$5,000  
 Puget Sound Ferry Operations Account—State  
 Appropriation \$488,000  
 Highway Safety Account—State Appropriation  
 \$696,000  
 Highway Safety Account—Federal  
 Appropriation \$128,000  
 Motorcycle Safety Education Account—State  
 Appropriation \$8,000  
 State Wildlife Account—State Appropriation  
 \$21,000  
 Department of Licensing Services Account—State  
 Appropriation \$13,000  
 Aeronautics Account—State Appropriation  
 \$48,000  
 High Occupancy Toll Lanes Operations Account—State  
 Appropriation \$15,000  
 State Route Number 520 Corridor Account—State  
 Appropriation \$13,000  
 Multimodal Transportation Account—State  
 Appropriation \$237,000  
 Tacoma Narrows Toll Bridge Account—State  
 Appropriation \$42,000  
 Rural Arterial Trust Account—State  
 Appropriation \$32,000  
 County Arterial Preservation Account—State  
 Appropriation \$38,000  
 Transportation Improvement Account—State  
 Appropriation \$87,000  
**TOTAL APPROPRIATION \$8,566,000**

The appropriations in this section are subject to the following conditions and limitations:))

(1) Funding provided for state agency employee compensation for employees funded in the 2015-2017 omnibus transportation appropriations act who are not represented or who bargain under statutory authority other than chapter 41.80 or 47.64 RCW or RCW 41.56.473 or 41.56.475 is sufficient for general wage increases.

(2) Funding is provided for a three percent general wage increase effective July 1, 2015, for all classified employees, as specified in subsection (1) of this section. Also included are employees in the Washington management service and exempt employees under the jurisdiction of the director of the office of financial management. The appropriations are also sufficient to fund a three percent salary increase effective July 1, 2015, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials.

(3) Funding is provided for a general wage increase of one and eight-tenths percent or a one percent general wage increase plus twenty dollars per month, whichever is greater, effective July 1, 2016, for all classified employees, as

specified in subsection (1) of this section. Also included are employees in the Washington management service and exempt employees under the jurisdiction of the director of the office of financial management. The appropriations are also sufficient to fund a one and eight-tenths percent salary increase effective July 1, 2016, for executive, legislative, and judicial branch employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 - 2015T)) chapter . . . , Laws of 2016 (this act) to fund the provisions of this section.

Sec. 503. 2015 3rd sp.s. c 4 s 730 (uncodified) is amended to read as follows:

TRANSPORTATION—WPEA GENERAL GOVERNMENT  
 ((Motor Vehicle Account—State Appropriation \$64,000  
 State Patrol Highway Account—State Appropriation \$867,000  
 State Patrol Highway Account—Federal Appropriation \$103,000  
 TOTAL APPROPRIATION \$1,034,000

The appropriations in this section are subject to the following conditions and limitations:))

(1) An agreement has been reached between the governor and the Washington public employees association under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium and funded in the 2015-2017 omnibus transportation appropriations act. Funding is provided for employees funded in the 2015-2017 omnibus transportation appropriations act, a three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase or a one percent general wage increase plus twenty dollars per month, whichever is greater, effective ((January)) July 1, 2016. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 - 2015T)) chapter . . . , Laws of 2016 (this act) to fund the provisions of this agreement.

(2) This section represents the results of the 2015-2017 collective bargaining process required under chapter 41.80 RCW. Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 - 2015T)) chapter . . . , Laws of 2016 (this act) to fund the provisions of this agreement.

Sec. 504. 2015 3rd sp.s. c 4 s 731 (uncodified) is amended to read as follows:

TRANSPORTATION—THE COALITION OF UNIONS AGREEMENT  
 ((State Patrol Highway Account—State Appropriation \$181,000

The appropriation in this section is subject to the following conditions and limitations:)) Appropriations for

state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 - 2015T)) chapter . . . , Laws of 2016 (this act) to fund the provisions of this agreement.

Sec. 505. 2015 3rd sp.s. c 4 s 732 (uncodified) is amended to read as follows:

TRANSPORTATION—TARGETED COMPENSATION INCREASES—NONREPRESENTED JOB CLASS SPECIFIC  
 ((Motor Vehicle Account—State Appropriation \$36,000  
 State Patrol Highway Account—State Appropriation \$26,000  
 State Patrol Highway Account—Federal Appropriation \$14,000  
 Puget Sound Ferry Operations Account—State Appropriation \$12,000  
 Highway Safety Account—Federal Appropriation \$4,000  
 Aeronautics Account—State Appropriation \$4,000  
 Tacoma Narrows Toll Bridge Account—State Appropriation \$8,000  
 Transportation Improvement Account—State Appropriation \$4,000  
 TOTAL APPROPRIATION \$108,000

The appropriations in this section are subject to the following conditions and limitations:)) Funding is provided for salary adjustments for targeted job classifications for employees funded in the 2015-2017 omnibus transportation appropriations act, as specified by the office of financial management, of classified state employees, except those represented by a collective bargaining unit under chapters 41.80 and 47.64 RCW and RCW 41.56.473 and 41.56.475. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 - 2015T)) chapter . . . , Laws of 2016 (this act) to fund the provisions of this agreement.

Sec. 506. 2015 3rd sp.s. c 4 s 733 (uncodified) is amended to read as follows:

TRANSPORTATION—COLLECTIVE BARGAINING AGREEMENTS—PTE LOCAL 17  
 ((State Patrol Highway Account—State Appropriation \$3,973,000  
 State Patrol Highway Account—Federal Appropriation \$361,000  
 State Patrol Highway Account—Private/Local Appropriation \$192,000  
 Motor Vehicle Account—State Appropriation \$1,567,000  
 Highway Safety Account—State Appropriation \$1,019,000  
 Aeronautics Account—State Appropriation \$7,000  
 Puget Sound Ferry Operations Account—State Appropriation \$42,000  
 State Route Number 520 Corridor Account—State Appropriation \$5,000  
 Multimodal Transportation Account—State Appropriation \$97,000  
 Tacoma Narrows Toll Bridge Account—State Appropriation \$16,000

**TOTAL APPROPRIATION \$7,279,000**

The appropriations in this section are subject to the following conditions and limitations:))

(1) An agreement has been reached between the governor and the professional and technical employees local seventeen under chapter 41.80 RCW for the 2015-2017 fiscal biennium. Funding is provided for the negotiated three percent general wage increase effective July 1, 2015, and a one and eight-tenths percent general wage increase or a one percent general wage increase plus a flat twenty dollars per month, whichever is greater, effective July 1, 2016. The agreement also includes targeted job classification specific increases.

(2) This section represents the results of the 2015-2017 collective bargaining process required under chapter 41.80 RCW. Provisions of the collective bargaining agreement contained in this section are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreement. The collective bargaining agreement contained in this section may also be funded by expenditures from nonappropriated accounts. If positions are funded with lidded grants or dedicated fund sources with insufficient revenue, additional funding from other sources is not provided. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 - 2015T)) chapter . . . , Laws of 2016 (this act) to fund the provisions of this agreement.

Sec. 507. 2015 3rd sp.s. c 4 s 734 (uncodified) is amended to read as follows:

**TRANSPORTATION—COMPENSATION—  
REPRESENTED EMPLOYEES—INSURANCE  
BENEFITS**

(Motor Vehicle Account—State	Appropriation
(\$771,000)	
State Patrol Highway Account—State	Appropriation
(\$481,000)	
State Patrol Highway Account—Federal	Appropriation
(\$11,000)	
State Patrol Highway Account—Private/Local	Appropriation
(\$5,000)	
Motorcycle Safety Education Account—State	Appropriation
(\$3,000)	
High Occupancy Toll Lanes Operations Account—State	Appropriation
(\$1,000)	
State Wildlife Account—State	Appropriation
(\$3,000)	
Highway Safety Account—State	Appropriation
(\$263,000)	
Puget Sound Ferry Operations Account—State	Appropriation
(\$471,000)	
State Route Number 520 Corridor Account—State	Appropriation
(\$4,000)	
Department of Licensing Services Account—State	Appropriation
(\$3,000)	
Multimodal Transportation Account—State	Appropriation
(\$6,000)	
Tacoma Narrows Toll Bridge Account—State	Appropriation
(\$3,000)	
<b>TOTAL APPROPRIATION</b>	<b>(\$2,025,000)</b>

The appropriations in this section are subject to the following conditions and limitations:))

Collective bargaining agreements were reached for the 2015-2017 fiscal biennium between the governor and the employee representatives under the provisions of chapters 41.80 and 41.56 RCW. Appropriations in this act for state agencies are sufficient to implement the provisions of the 2015-2017 collective bargaining agreements and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$840 per eligible employee for fiscal year 2016. For fiscal year 2017, the monthly employer funding rate must not exceed \$894 per eligible employee.

(b) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority must deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, must provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2016 and 2017, the subsidy must be up to \$150.00 per month. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 – 2015T)) chapter . . . , Laws of 2016 (this act) to fund the provisions of this agreement.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2015, must be reserved for funding employee health benefits in the 2017-2019 fiscal biennium.

Sec. 508. 2015 3rd sp.s. c 4 s 735 (uncodified) is amended to read as follows:

**TRANSPORTATION—COMPENSATION—  
NONREPRESENTED EMPLOYEES—INSURANCE  
BENEFITS**

(Aeronautics Account—State	Appropriation
(\$3,000)	
Motor Vehicle Account—State	Appropriation
(\$241,000)	

State	Patrol	Highway	Account—State
Appropriation	(\$55,000)		
High Occupancy Toll Lanes Operations Account—State			
Appropriation	(\$1,000)		
Rural Arterial Trust			Account—State
Appropriation	(\$1,000)		
Highway Safety Account—State			Appropriation
(\$29,000)			
Highway Safety			Account—Federal
Appropriation	(\$7,000)		
Puget Sound Ferry Operations Account—State			
Appropriation	(\$18,000)		
Transportation Improvement Account—State			
Appropriation	(\$3,000)		
State Route Number 520 Corridor Account—State			
Appropriation	(\$1,000)		
County Arterial Preservation Account—State			
Appropriation	(\$1,000)		
Department of Licensing Services Account—State			
Appropriation	(\$1,000)		
Multimodal Transportation Account—State			
Appropriation	(\$8,000)		
Tacoma Narrows Toll Bridge Account—State			
Appropriation	(\$1,000)		
TOTAL APPROPRIATION	(\$370,000)		

The appropriations in this section are subject to the following conditions and limitations: Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan must not exceed \$840 per eligible employee for fiscal year 2016. For fiscal year 2017, the monthly employer funding rate must not exceed \$894 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board must require any of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority must deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts must not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, must provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2016 and 2017, the subsidy must be up to \$150.00 per month. Appropriations for state agencies are increased by the amounts specified in ((LEAP Transportation Document 713 - 2015T)) chapter . . . , Laws of 2016 (this act) to fund the provisions of this agreement.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2015, must be reserved for funding employee health benefits in the 2017-2019 fiscal biennium.

#### IMPLEMENTING PROVISIONS

Sec. 601. 2015 1st sp.s. c 10 s 601 (uncodified) is amended to read as follows:

#### FUND TRANSFERS

(1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in the LEAP list titled ((2015-1)) 2016-1 as developed ((May 26, 2015)) March 7, 2016, which consists of a list of specific projects by fund source and amount over a ((ten-year)) sixteen-year period. Current fiscal biennium funding for each project is a line-item appropriation, while the outer year funding allocations represent a ((ten-year)) sixteen-year plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 account (nickel account) projects on the LEAP transportation documents referenced in this act. However, this section does not apply to the I-5/Columbia River Crossing project (400506A). For the 2015-2017 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations, or transportation partnership account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project or be made to support increases in the scope of a project;

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2016 supplemental omnibus transportation appropriations act, any unexpended 2013-2015 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects;

(d) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed to complete the project;

(e) Transfers may not occur for projects not identified on the applicable project list;

(f) Transfers may not be made while the legislature is in session; and

(g) Transfers between projects may be made, without the approval of the director of the office of financial management, by the department of transportation until the transfer amount by project exceeds two hundred fifty thousand dollars, or ten percent of the total project, whichever is less. These transfers must be reported quarterly to the director of financial management and the chairs of the house of representatives and senate transportation committees.

(2) At the time the department submits a request to transfer funds under this section, a copy of the request must be submitted to the transportation committees of the legislature.

(3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers in a timely manner.

(4) The office of financial management shall document approved transfers and schedule changes in the transportation executive information system, compare changes to the legislative baseline funding and schedules identified by project identification number identified in the LEAP transportation documents referenced in this act, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

Sec. 602. 2015 3rd sp.s. c 43 s 502 (uncodified) is amended to read as follows:

(1) By November 15, 2015, and annually thereafter, the department of transportation must report on amounts expended to benefit transit, bicycle, or pedestrian elements within all connecting Washington projects in programs I, P, and Z identified in LEAP Transportation Document ((2015 NL-1)) 2016-2 ALL PROJECTS as developed ((June 28, 2015)) March 7, 2016. The report must address each modal category separately and identify if eighteenth amendment protected funds have been used and, if not, the source of funding.

(2) To facilitate the report in subsection (1) of this section, the department of transportation must require that all bids on connecting Washington projects include an estimate on the cost to implement any transit, bicycle, or pedestrian project elements.

NEW SECTION. Sec. 603. A new section is added to 2015 1st sp.s. c 10 (uncodified) to read as follows: BELATED CLAIMS

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

#### MISCELLANEOUS 2015-2017 FISCAL BIENNIUM

Sec. 701. RCW 81.53.281 and 2014 c 222 s 702 are each amended to read as follows:

There is hereby created in the state treasury a "grade crossing protective fund" to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281, 81.53.291, and 81.53.295; for grants and/or subsidies to public, private, and nonprofit entities for rail safety projects authorized or ordered by the commission; and for personnel and associated costs related to supervising and administering rail safety grants and/or

subsidies. During the 2013-2015 fiscal biennium, funds in this account may also be used to conduct the study required under section 102, chapter 222, Laws of 2014. The commission shall transfer from the public service revolving fund's miscellaneous fees and penalties accounts moneys appropriated for these purposes as needed. At the time the commission makes each allocation of cost to said grade crossing protective fund, it shall certify that such cost shall be payable out of said fund. When federal-aid highway funds are involved, the department of transportation shall, upon entry of an order by the commission requiring the installation or upgrading of a grade crossing protective device, submit to the commission an estimate for the cost of the proposed installation and related work. Upon receipt of the estimate the commission shall pay to the department of transportation the percentage of the estimate specified in RCW 81.53.295, as now or hereafter amended, to be used as the grade crossing protective fund portion of the cost of the installation and related work.

The commission may adopt rules for the allocation of money from the grade crossing protective fund. During the 2015-2017 fiscal biennium, the commission may waive rules regarding local matching fund requirements, maximum awards for individual projects, and other application requirements as necessary to expedite the allocation of money from the grade crossing protective fund to address under-protected grade crossings as identified by the commission.

NEW SECTION. Sec. 702. The following acts or parts of acts are each repealed:

- (1) 2015 3rd sp.s. c 43 s 201 (uncodified);
- (2) 2015 3rd sp.s. c 43 s 202 (uncodified);
- (3) 2015 3rd sp.s. c 43 s 203 (uncodified);
- (4) 2015 3rd sp.s. c 43 s 204 (uncodified);
- (5) 2015 3rd sp.s. c 43 s 205 (uncodified);
- (6) 2015 3rd sp.s. c 43 s 206 (uncodified);
- (7) 2015 3rd sp.s. c 43 s 207 (uncodified);
- (8) 2015 3rd sp.s. c 43 s 301 (uncodified);
- (9) 2015 3rd sp.s. c 43 s 302 (uncodified);
- (10) 2015 3rd sp.s. c 43 s 303 (uncodified);
- (11) 2015 3rd sp.s. c 43 s 304 (uncodified);
- (12) 2015 3rd sp.s. c 43 s 305 (uncodified);
- (13) 2015 3rd sp.s. c 43 s 306 (uncodified);
- (14) 2015 3rd sp.s. c 43 s 307 (uncodified);
- (15) 2015 3rd sp.s. c 43 s 308 (uncodified);
- (16) 2015 3rd sp.s. c 43 s 309 (uncodified); and
- (17) 2015 3rd sp.s. c 43 s 401 (uncodified).

#### MISCELLANEOUS

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending RCW 81.53.281; amending 2015 1st sp.s. c 10 ss 101, 102, 103, 105, 106, 107, 201-211, 213-223, 301-311, 401-407, and 601 (uncodified); amending 2015 3rd sp.s. c 43 ss 502 and

606 (uncodified); amending 2015 3rd sp.s. c 4 ss 728-735 (uncodified); adding new sections to 2015 1st sp.s. c 10 (uncodified); repealing 2015 3rd sp.s. c 43 ss 201-207, 301-309, and 401 (uncodified); making appropriations and authorizing expenditures for capital improvements; and declaring an emergency."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2524 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Clibborn and Orcutt spoke in favor of the passage of the bill.

#### MOTIONS

On motion of Representative Harris, Representative Zeiger was excused. On motion of Representative Van De Wege, Representative Orwall was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2524, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2524, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 86; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Scott, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Condotta, Dye, Hawkins, Kretz, Manweller, McCaslin, Schmick, Shea, Short and Taylor.

Excused: Representatives Orwall and Zeiger.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2524, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 8, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2872 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 40.** It is the intent of the legislature to recruit and retain the highest qualified commissioned officers of the Washington state patrol appointed under RCW 43.43.020. The "Joint Transportation Committee Recruitment and Retention Study" dated January 7, 2016, outlines several recommendations to fulfill this intent. The study recommendations were broken down into several areas, with the Washington state patrol, office of financial management, select committee on pension policy, and the legislature all supporting their respective authorizations and control over their respective areas of responsibility and accountability. It is also the intent of the legislature in the 2017-2019 fiscal biennium to increase the thirty dollar vehicle license fee distribution to the state patrol for the salaries and benefits of state patrol officers, including troopers, sergeants, lieutenants, and captains, and make adjustments as needed in the 2019-2021 fiscal biennium.

**Sec. 41.** RCW 46.68.030 and 2015 3rd sp.s. c 43 s 601 are each amended to read as follows:

(1) The director shall forward all fees for vehicle registrations under chapters 46.16A and 46.17 RCW, unless otherwise specified by law, to the state treasurer with a proper identifying detailed report. The state treasurer shall credit these moneys to the motor vehicle fund created in RCW 46.68.070.

(2) Proceeds from vehicle license fees and renewal vehicle license fees must be deposited by the state treasurer as follows:

(a) (~~(\$20.35)~~) \$23.60 of each initial or renewal vehicle license fee must be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal vehicle license fees, and all other funds in the state patrol highway account must be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations.

(b) \$2.02 of each initial vehicle license fee and \$0.93 of each renewal vehicle license fee must be deposited each biennium in the Puget Sound ferry operations account.

(c) Any remaining amounts of vehicle license fees and renewal vehicle license fees that are not distributed

otherwise under this section must be deposited in the motor vehicle fund.

(3) During the 2015-2017 fiscal biennium, the legislature may transfer from the state patrol highway account to the connecting Washington account such amounts as reflect the excess fund balance of the state patrol highway account.

**NEW SECTION. Sec. 42.** (1) The office of financial management must perform an organization study through a third-party independent consultant to implement the changes in the "Joint Transportation Committee Recruitment and Retention Study" dated January 7, 2016, affecting each organization in the study. Washington state patrol management must work actively with the independent consultant to implement the recommended changes. An implementation report must be delivered to the transportation committees of the house of representatives and senate by September 1, 2016.

(2) The Washington state patrol must develop an action plan and implementation strategy for each of the recommendations that are outlined in the study with a report due to the transportation committees of the house of representatives and senate by November 15, 2016.

(3) The select committee on pension policy must review the pension-related items in the study and make recommendations to the governor's office and the legislature by November 1, 2016, on pension policy that will assist in recruiting and retaining state patrol commissioned officers.

**NEW SECTION. Sec. 43.** Effective July 1, 2016, Washington state patrol troopers, sergeants, lieutenants, and captains must receive a one-time five percent compensation increase. The pay increase must be based on the commissioned salary schedule that is effective July 1, 2016.

**Sec. 44.** RCW 43.43.380 and 1965 c 8 s 43.43.380 are each amended to read as follows:

The minimum monthly salary paid to state patrol (~~officers shall be as follows: Officers, three hundred dollars; staff or technical sergeants, three hundred twenty-five dollars; line sergeants, three hundred fifty dollars; lieutenants, three hundred seventy-five dollars; captains, four hundred twenty-five dollars~~) troopers and sergeants on July 1, 2017, must be competitive with law enforcement agencies within the boundaries of the state of Washington, guided by the results of a survey undertaken in the collective bargaining process during 2016. The salary levels on July 1, 2017, must be guided by the average of compensation paid to the corresponding rank from the Seattle police department, King county sheriff's office, Tacoma police department, Snohomish county sheriff's office, Spokane police department, and Vancouver police department. Compensation must be calculated using base salary, premium pay (a pay received by more than a majority of employees), education pay, and longevity pay. The compensation comparison data is based on the

Washington state patrol and the law enforcement agencies listed in this section as of July 1, 2016. Increases in salary levels for captains and lieutenants that are collectively bargained must be proportionate to the increases in salaries for troopers and sergeants as a result of the survey described in this section.

**NEW SECTION. Sec. 45.** A new section is added to chapter 43.43 RCW to read as follows:

During the 2017-2019 collective bargaining process, the office of financial management, the Washington state patrol troopers association, and the Washington state patrol lieutenants association must evaluate regional differences in the cost of living to determine areas of the state where geographic pay may be needed. The negotiators must implement regional compensation adjustments, as appropriate.

**NEW SECTION. Sec. 46.** A new section is added to chapter 43.43 RCW to read as follows:

To ensure that it is adequately and thoroughly reaching potential recruits, the Washington state patrol must develop a comprehensive outreach and marketing strategic plan that expands on the success of current strategies and looks for ways to tap into groups or individuals that do not currently show an interest in the state patrol or law enforcement as a career. The plan must include, but is not limited to, expanding marketing and outreach efforts online and through other media outlets and expanding recruitment relationships in respective communities. The plan must also include polling applicants about their application. Results from the polling must be tracked to determine the success of each outreach method.

**NEW SECTION. Sec. 47.** Section 2 of this act takes effect July 1, 2017."

On page 1, line 2 of the title, after "officers;" strike the remainder of the title and insert "amending RCW 46.68.030 and 43.43.380; adding new sections to chapter 43.43 RCW; creating new sections; and providing an effective date."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2872 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Fey, Orcutt and Hayes spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2872, as amended by the Senate.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2872, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Voting nay: Representatives Chandler, McCaslin, Shea and Taylor.

Excused: Representatives Orwall and Zeiger.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2872, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

### MESSAGE FROM THE SENATE

March 4, 2016

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2644 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 48.** RCW 16.52.085 and 2011 c 172 s 3 are each amended to read as follows:

(1) If a law enforcement officer or animal control officer has probable cause to believe that an owner of a domestic animal has violated this chapter or a person owns, cares for, or resides with an animal in violation of an order issued under RCW 16.52.200(4) and no responsible person can be found to assume the animal's care, the officer may authorize, with a warrant, the removal of the animal to a suitable place for feeding and care, or may place the animal under the custody of an animal care and control agency. In determining what is a suitable place, the officer shall consider the animal's needs, including its size and behavioral characteristics. An officer may remove an

animal under this subsection without a warrant only if the animal is in an immediate life-threatening condition.

(2) If a law enforcement officer or an animal control officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of a domestic animal allegedly neglected or abused in violation of this chapter by a veterinarian to determine whether the level of neglect or abuse in violation of this chapter is sufficient to require removal of the animal. This section does not condone illegal entry onto private property.

(3) Any owner whose domestic animal is removed pursuant to this chapter shall be given written notice of the circumstances of the removal and notice of legal remedies available to the owner. The notice shall be given by posting at the place of seizure, by delivery to a person residing at the place of seizure, or by registered mail if the owner is known. In making the decision to remove an animal pursuant to this chapter, the officer shall make a good faith effort to contact the animal's owner before removal.

(4) The agency having custody of the animal may euthanize the animal or may find a responsible person to adopt the animal not less than fifteen business days after the animal is taken into custody. A custodial agency may euthanize severely injured, diseased, or suffering animals at any time. An owner may prevent the animal's destruction or adoption by: (a) Petitioning the district court of the county where the animal was seized for the animal's immediate return subject to court-imposed conditions, or (b) posting a bond or security in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date. If the custodial agency still has custody of the animal when the bond or security expires, the animal shall become the agency's property unless the court orders an alternative disposition. If a court order prevents the agency from assuming ownership and the agency continues to care for the animal, the court shall order the owner to post or renew a bond or security for the agency's continuing costs for the animal's care. When a court has prohibited the owner from owning, caring for, or residing with a similar animal under RCW 16.52.200(4), the agency having custody of the animal may assume ownership upon seizure and the owner may not prevent the animal's destruction or adoption by petitioning the court or posting a bond.

(5) If no criminal case is filed within fourteen business days of the animal's removal, the owner may petition the district court of the county where the animal was removed for the animal's return. The petition shall be filed with the court ~~((with))~~. Copies of the petition must be served ~~((to))~~ on the law enforcement or animal care and control agency responsible for removing the animal and to the prosecuting attorney. If the court grants the petition, the agency which seized the animal must ~~((deliver))~~ surrender the animal to the owner at no cost to the owner. If a criminal action is filed after the petition is filed but before the ~~((animal is returned))~~ hearing on the petition, then the petition shall be joined with the criminal matter.

(6) In a motion or petition for the animal's return before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect or abuse and is not in need of being restored to health.

(7) Any authorized person treating or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

**Sec. 49.** RCW 16.52.200 and 2011 c 172 s 4 are each amended to read as follows:

(1) The sentence imposed for a misdemeanor or gross misdemeanor violation of this chapter may be deferred or suspended in accordance with RCW 3.66.067 and 3.66.068, however the probationary period shall be two years.

(2) In case of multiple misdemeanor or gross misdemeanor convictions, the sentences shall be consecutive, however the probationary period shall remain two years.

(3) In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement or animal care and control authorities under the provisions of this chapter if any one of the animals involved dies as a result of a violation of this chapter or if the defendant has a prior conviction under this chapter. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the animal's treatment to have been severe and likely to reoccur.

(4) Any person convicted of animal cruelty shall be prohibited from owning, caring for, or residing with any similar animals for a period of time as follows:

(a) Two years for a first conviction of animal cruelty in the second degree under RCW 16.52.207;

(b) Permanently for a first conviction of animal cruelty in the first degree under RCW 16.52.205;

(c) Permanently for a second or subsequent conviction of animal cruelty, except as provided in subsection (5) of this section.

(5) If a person has no more than two convictions of animal cruelty and each conviction is for animal cruelty in the second degree, the person may petition the sentencing court in which the most recent animal cruelty conviction occurred, for a restoration of the right to own or possess a similar animal five years after the date of the second conviction. In determining whether to grant the petition, the court shall consider, but not be limited to, the following:

(a) The person's prior animal cruelty in the second degree convictions;

(b) The type of harm or violence inflicted upon the animals;

(c) Whether the person has completed the conditions imposed by the court as a result of the underlying convictions;

(d) Whether the person complied with the prohibition on owning, caring for, or residing with similar animals; and

(e) Any other matters the court finds reasonable and material to consider in determining whether the person is likely to abuse another animal.

The court may delay its decision on forfeiture under subsection (3) of this section until the end of the probationary period.

(6) In addition to fines and court costs, the defendant, only if convicted or in agreement, shall be liable

for reasonable costs incurred pursuant to this chapter by law enforcement agencies, animal care and control agencies, or authorized private or public entities involved with the care of the animals. Reasonable costs include expenses of the investigation, and the animal's care, euthanization, or adoption.

(7) If convicted, the defendant shall also pay a civil penalty of one thousand dollars to the county to prevent cruelty to animals. These funds shall be used to prosecute offenses under this chapter and to care for forfeited animals pending trial.

(8) If a person violates the prohibition on owning, caring for, or residing with similar animals under subsection (4) of this section, that person:

(a) Shall pay a civil penalty of one thousand dollars for the first violation;

(b) Shall pay a civil penalty of two thousand five hundred dollars for the second violation; and

(c) Is guilty of a gross misdemeanor for the third and each subsequent violation.

(9) As a condition of the sentence imposed under this chapter or RCW 9.08.070 through 9.08.078, the court may also order the defendant to participate in an available animal cruelty prevention or education program or obtain available psychological counseling to treat mental health problems contributing to the violation's commission. The defendant shall bear the costs of the program or treatment.

(10) Nothing in this section limits the authority of a law enforcement officer, animal control officer, custodial agency, or court to remove, adopt, euthanize, or require forfeiture of an animal under RCW 16.52.085.

On page 1, line 1 of the title, after "cases;" strike the remainder of the title and insert "and amending RCW 16.52.085 and 16.52.200."

and the same is herewith transmitted.

Hunter Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2644 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kilduff and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2644, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2644, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young and Mr. Speaker.

Excused: Representatives Orwall and Zeiger.

SUBSTITUTE HOUSE BILL NO. 2644, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

March 9, 2016

MR. SPEAKER:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5180,  
ENGROSSED SENATE BILL NO. 6349,  
ENGROSSED SENATE BILL NO. 6413,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 9, 2016

MR. SPEAKER:

The President has signed:

ENGROSSED HOUSE BILL NO. 1003,  
SECOND SUBSTITUTE HOUSE BILL NO. 1408,  
SECOND SUBSTITUTE HOUSE BILL NO. 1448,  
ENGROSSED HOUSE BILL NO. 1918,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2061,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2274,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2323,  
HOUSE BILL NO. 2326,  
HOUSE BILL NO. 2356,  
SUBSTITUTE HOUSE BILL NO. 2359,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
2375,  
HOUSE BILL NO. 2391,  
HOUSE BILL NO. 2394,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2458,  
ENGROSSED HOUSE BILL NO. 2478,  
SUBSTITUTE HOUSE BILL NO. 2580,  
HOUSE BILL NO. 2694,  
ENGROSSED HOUSE BILL NO. 2749,  
HOUSE BILL NO. 2771,  
HOUSE BILL NO. 2808,  
HOUSE BILL NO. 2842,  
HOUSE BILL NO. 2856,  
SUBSTITUTE HOUSE BILL NO. 2876,  
ENGROSSED HOUSE BILL NO. 2883,

HOUSE BILL NO. 2918,  
SUBSTITUTE HOUSE BILL NO. 2938,  
ENGROSSED HOUSE BILL NO. 2971,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 9, 2016

MR. SPEAKER:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
5109,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5435,  
SENATE BILL NO. 5689,  
SUBSTITUTE SENATE BILL NO. 5778,  
FIFTH ENGROSSED SUBSTITUTE SENATE BILL NO.  
5857,  
ENGROSSED SENATE BILL NO. 6091,  
ENGROSSED SENATE BILL NO. 6100,  
SUBSTITUTE SENATE BILL NO. 6160,  
SUBSTITUTE SENATE BILL NO. 6211,  
SUBSTITUTE SENATE BILL NO. 6227,  
SUBSTITUTE SENATE BILL NO. 6238,  
SUBSTITUTE SENATE BILL NO. 6261,  
SUBSTITUTE SENATE BILL NO. 6264,  
SUBSTITUTE SENATE BILL NO. 6273,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6293,  
SUBSTITUTE SENATE BILL NO. 6329,  
SUBSTITUTE SENATE BILL NO. 6337,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6470,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6528,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6534,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6564,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6601,  
ENGROSSED SENATE BILL NO. 6620,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6194, by Senate Committee on Ways & Means (originally sponsored by Senators Litzow, Mullet, Fain, Hobbs, Becker, Rivers, O'Ban, Dammeier, Angel, Hill, Bailey, Sheldon, Miloscia, Braun, Baumgartner and King)**

**Concerning public schools that are not common schools.**

The bill was read the second time.

With the consent of the house, amendments (971), (964), (955), (950), (954) and (960) to the striking amendment were withdrawn.

Representative Springer moved the adoption of amendment (945):

Strike everything after the enacting clause and insert the following:

**"PART I  
CHARTER PUBLIC SCHOOLS**

**Sec. 101.** RCW 28A.710.010 and 2013 c 2 s 201 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means a nonprofit corporation that has submitted an application to an authorizer. The nonprofit corporation must be either a public benefit nonprofit corporation as defined in RCW 24.03.490, or a nonprofit corporation as defined in RCW 24.03.005 that has applied for tax exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not be a sectarian or religious organization and must meet all of the requirements for a public benefit nonprofit corporation before receiving any funding under RCW 28A.710.220.

(2) "At-risk student" means a student who has an academic or economic disadvantage that requires assistance or special services to succeed in educational programs. The term includes, but is not limited to, students who do not meet minimum standards of academic proficiency, students who are at risk of dropping out of high school, students in chronically low-performing schools, students with higher than average disciplinary sanctions, students with lower participation rates in advanced or gifted programs, students who are limited in English proficiency, students who are members of economically disadvantaged families, and students who are identified as having special educational needs.

(3) "Authorizer" means ~~((an entity))~~ the commission established in RCW 28A.710.070 or a school district approved under RCW 28A.710.090 to review, approve, or reject charter school applications; enter into, renew, or revoke charter contracts with applicants; and oversee the charter schools the entity has authorized.

(4) "Charter contract" means a fixed term, renewable contract between a charter school and an authorizer that outlines the roles, powers, responsibilities, and performance expectations for each party to the contract.

(5) "Charter school" or "~~((public))~~ charter public school" means a public school that is established in accordance with this chapter, governed by a charter school board, and operated according to the terms of a charter contract executed under this chapter ~~((and includes a new charter school and a conversion charter school)).~~

(6) "Charter school board" means the board of directors appointed or selected under the terms of a charter application to manage and operate the charter school.

(7) "Commission" means the Washington state charter school commission established in RCW 28A.710.070.

(8) ~~(("Conversion charter school" means a charter school created by converting an existing noncharter public school in its entirety to a charter school under this chapter.~~

~~((9))~~ ~~"New charter school" means any charter school established under this chapter that is not a conversion charter school.~~

~~((10))~~ "Parent" means a parent, guardian, or other person or entity having legal custody of a child.

~~((11))~~ ~~((9))~~ "Student" means ~~((any))~~ a child eligible ((under RCW 28A.225.160)) to attend a public school in the state.

**Sec. 102.** RCW 28A.710.020 and 2013 c 2 s 202 are each reenacted and amended to read as follows:

A charter school established under this chapter:

(1) Is a public~~((common))~~ school that is:

(a) Open to all children free of charge and by choice; and

(b) Operated separately from the common school system as an alternative to traditional common schools;

(2) ~~((Is a public, common school offering))~~ May offer any program or course of study that ((a noncharter)) any other public school may offer, including one or more of grades kindergarten through twelve;

(3) Is governed by a charter school board according to the terms of a renewable, five-year charter contract executed under RCW 28A.710.160;

~~((Is a public school to which parents choose to send their children;~~

~~((5))~~ Functions as a local education agency under applicable federal laws and regulations and is responsible for meeting the requirements of local education agencies and public schools under those federal laws and regulations, including but not limited to compliance with the individuals with disabilities education improvement act (20 U.S.C. Sec. 1401 et seq.), the federal educational rights and privacy act (20 U.S.C. Sec. 1232g), and the elementary and secondary education act (20 U.S.C. Sec. 6301 et seq.).

**Sec. 103.** RCW 28A.710.030 and 2013 c 2 s 203 are each reenacted and amended to read as follows:

(1) To ~~((carry out))~~ fulfill its duty to manage and operate the charter school, and ~~((carry out))~~ to execute the terms of its charter contract, a charter school board may:

(a) Hire, manage, and discharge ~~((any))~~ charter school employees in accordance with the terms of this chapter and ~~((that))~~ the school's charter contract;

(b) Receive and disburse funds for the purposes of the charter school;

(c) Enter into contracts with any school district, educational service district, or other public or private entity for the provision of real property, equipment, goods, supplies, and services, including educational instructional services ~~((and including)),~~ pupil transportation services, and for the management and operation of the charter school ~~((to the same extent as other noncharter public schools, as long as)),~~ provided the charter school board maintains oversight authority over the charter school. Contracts for management operation of the charter school may only be with nonprofit organizations;

(d) Rent, lease, purchase, or own real property. All charter contracts and contracts with other entities must include provisions regarding the disposition of the property

if the charter school fails to open as planned or closes, or if the charter contract is revoked or not renewed;

(e) Issue secured and unsecured debt, including pledging, assigning, or encumbering its assets to be used as collateral for loans or extensions of credit to manage cash flow, improve operations, or finance the acquisition of real property or equipment(~~(-PROVIDED, That)~~). However, the ((public)) charter public school may not pledge, assign, or encumber any public funds received or to be received pursuant to RCW 28A.710.220. ((The)) Debt issued under this subsection (1)(e) is not a general, special, or moral obligation of the state, the charter school authorizer, the school district in which the charter school is located, or any other political subdivision or agency of the state. Neither the full faith and credit nor the taxing power of the state, or any political subdivision or agency of the state, may be pledged for the payment of the debt;

(f) Solicit, accept, and administer for the benefit of the charter school and its students, gifts, grants, and donations from individuals, or public or private entities, excluding (~~(from))~~ sectarian or religious organizations. A charter school((s)) board may not accept any gifts or donations ((the conditions of which)) that violate this chapter or other state laws; and

(g) Issue diplomas to students who meet state high school graduation requirements established under RCW 28A.230.090. A charter school board may establish additional graduation requirements.

(2) A charter school board may not levy taxes or issue tax-backed bonds.

(3) A charter school board may not acquire property by eminent domain.

**Sec. 104.** RCW 28A.710.040 and 2013 c 2 s 204 are each reenacted and amended to read as follows:

(1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) (~~(A))~~ A charter school((s)) must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to chapter 28A.642 RCW (discrimination prohibition) and chapter 28A.640 RCW (sexual equality);

(b) Provide a program of basic education, ((as provided)) that meets the goals in RCW 28A.150.210, including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Employ certificated instructional staff as required in RCW 28A.410.025(~~(-PROVIDED, That)~~). Charter schools, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

(d) Comply with the employee record check requirements in RCW 28A.400.303;

(e) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

(f) Comply with the annual performance report under RCW 28A.655.110;

(g) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

(h) Comply with the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW; and

(i) Be subject to and comply with legislation enacted after December 6, 2012, (~~(governing))~~ that governs the operation and management of charter schools.

(3) (~~(Public))~~ Charter public schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract, and are subject to the specific state statutes and rules identified in subsection (2) of this section. For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, charter schools are not subject to, and are exempt from, all other state statutes and rules applicable to school districts and school district boards of directors(~~(-for the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs in order to improve student outcomes and academic achievement)). Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies ((except policies made applicable in the school's charter contract)).~~

(4) (~~(No))~~ A charter school may not engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in this chapter ((2, Laws of 2013)).

**Sec. 105.** RCW 28A.710.050 and 2013 c 2 s 205 are each reenacted and amended to read as follows:

(1) Except as provided in subsection (3) of this section, a charter school may not limit admission on any basis other than age group, grade level, or enrollment capacity ((and must enroll all students who apply within these bases)). A charter school is open to any student regardless of his or her location of residence.

(2) A charter school may not charge tuition, but may charge fees for participation in optional extracurricular events and activities in the same manner and to the same extent as do other public schools.

(3) (~~(A conversion charter school must provide sufficient capacity to enroll all students who wish to remain enrolled in the school after its conversion to a charter school, and may not displace students enrolled before the chartering process.~~

~~(4))~~ If capacity is insufficient to enroll all students who apply to a charter school, the charter school must ((select students through a lottery to ensure fairness. However, a charter school must give an enrollment preference to siblings of already enrolled students)) grant an enrollment preference to siblings of enrolled students.

with any remaining enrollments allocated through a lottery. A charter school may offer, pursuant to an admissions policy approved by the commission, a weighted enrollment preference for at-risk students or to children of full-time employees of the school if the employees' children reside within the state.

~~((5))~~ (4) The enrollment capacity of a charter school must be determined annually by the charter school board in consultation with the charter authorizer and with consideration of the charter school's ability to facilitate the academic success of its students, achieve the objectives specified in the charter contract, and assure that its student enrollment does not exceed the capacity of its facility. An authorizer may not restrict the number of students a charter school may enroll.

~~((6))~~ (5) Nothing in this section prevents formation of a charter school whose mission is to offer a specialized learning environment and services for particular groups of students, such as at-risk students, students with disabilities, or students who pose such severe disciplinary problems that they warrant a specific educational program. Nothing in this section prevents formation of a charter school organized around a special emphasis, theme, or concept as stated in the school's application and charter contract.

**Sec. 106.** RCW 28A.710.060 and 2013 c 2 s 206 are each reenacted and amended to read as follows:

(1) School districts must provide information to parents and the general public about charter schools located within the district as an enrollment option for students.

(2) If a student who was previously enrolled in a charter school enrolls in another public school in the state, the student's new school must accept credits earned by the student in the charter school in the same manner and according to the same criteria that credits are accepted from other public schools.

(3) A charter school ~~(is eligible for)~~ may participate in state or district-sponsored interscholastic programs, awards, scholarships, or competitions to the same extent as other public schools.

**Sec. 107.** RCW 28A.710.070 and 2013 c 2 s 208 are each reenacted and amended to read as follows:

(1) The Washington state charter school commission is established as an independent state agency whose mission is to authorize high quality ~~(public)~~ public schools throughout the state, ~~((particularly))~~ especially schools that are designed to expand opportunities for at-risk students, and to ensure the highest standards of accountability and oversight for these schools.

(2) The commission shall, through its management, supervision, and enforcement of the charter contracts and pursuant to applicable law, administer the ~~((portion of the public common school system consisting of the))~~ charter schools it authorizes ~~((as provided in this chapter,))~~ in the same manner as a school district board of directors ~~(; through its management, supervision, and enforcement of the charter contracts, and pursuant to applicable law,~~

~~administers the charter schools it authorizes))~~ administers other schools.

~~((2))~~ (3) The commission shall consist of nine members, no more than five of whom shall be members of the same political party. Three members shall be appointed by the governor; three members shall be appointed by the president of the senate; and three members shall be appointed by the speaker of the house of representatives. The appointing authorities shall assure diversity among commission members, including representation from various geographic areas of the state and shall assure that at least one member is a parent of a Washington public school student.

~~((3))~~ (4) Members appointed to the commission shall collectively possess strong experience and expertise in public and nonprofit governance; management and finance; public school leadership, assessment, curriculum, and instruction; and public education law. All members shall have demonstrated an understanding of and commitment to charter schooling as a strategy for strengthening public education.

~~((4))~~ (5) Members shall be appointed to serve four-year, staggered terms ~~(, -with)~~. The initial appointments from each of the appointing authorities ~~((consisting))~~ must consist of one member appointed to a one-year term, one member appointed to a two-year term, and one member appointed to a three-year term, all of whom thereafter may be reappointed for a four-year term. No member may serve more than two consecutive terms. Initial appointments must be made ~~((no later than ninety days after December 6, 2012))~~ by July 1, 2016.

~~((5))~~ (6) Whenever a vacancy on the commission exists, the original appointing authority must appoint a member for the remaining portion of the term within no more than thirty days.

~~((6))~~ (7) Commission members shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

~~((7))~~ Operational and staff support for the commission shall be provided by the office of the governor until the commission has sufficient resources to hire or contract for separate staff support, who) (8) The commission shall reside within the office of the ~~((governor))~~ superintendent of public instruction for administrative purposes only.

~~((8))~~ (9) RCW 28A.710.090 and 28A.710.120 do not apply to the commission.

**Sec. 108.** RCW 28A.710.080 and 2013 c 2 s 207 are each reenacted and amended to read as follows:

The following entities ~~((are eligible to))~~ may be authorizers of charter schools:

(1) The ~~((Washington charter school))~~ commission ~~((established under RCW 28A.710.070,))~~ may exercise the authority granted under this section for charter schools located anywhere in the state; and

(2) A school district board ~~((s))~~ of directors ~~((that have been approved by the state board of education under RCW 28A.710.090 before authorizing a charter school,))~~ may exercise the authority granted under this section only after receiving approval from the state board of education

under RCW 28A.710.090, and only for charter schools located within the school district's (~~own~~) boundaries.

**Sec. 109.** RCW 28A.710.090 and 2013 c 2 s 209 are each reenacted and amended to read as follows:

(1) The state board of education shall establish an annual application and approval process and timelines for (~~entities~~) school districts seeking approval to (~~be~~) become charter school authorizers. The initial process and timelines must be established (~~no later than ninety days after December 6, 2012~~) by July 1, 2016.

(2) At a minimum, each applicant district must submit to the state board of education:

(a) The applicant's strategic vision for chartering;  
 (b) A plan to support the vision presented, including explanation and evidence of the applicant's budget and personnel capacity and commitment to execute the responsibilities of quality charter authorizing;

(c) A draft or preliminary outline of the (~~request for proposals~~) annual charter school application process that the applicant would, if approved as an authorizer, issue to solicit charter school applicants;

(d) A draft of the performance framework that the applicant would, if approved as an authorizer, use to guide the establishment of a charter contract and use for ongoing oversight and evaluation of charter schools;

(e) A draft of the applicant's proposed renewal, revocation, and nonrenewal processes, consistent with RCW 28A.710.190 and 28A.710.200;

(f) A statement of assurance that the applicant seeks to serve as an authorizer in fulfillment of the expectations, spirit, and intent of this chapter, and that, if approved as an authorizer, the applicant will fully participate in any authorizer training provided or required by the state; and

(g) A statement of assurance that the applicant will provide public accountability and transparency in all matters concerning charter authorizing practices, decisions, and expenditures.

(3) The state board of education shall consider the merits of each application and make its decision within the timelines established by the state board of education.

(4) Within thirty days of making a decision to approve an application under this section, the state board of education must execute a renewable authorizing contract with the (~~entity~~) applicant district. The initial term of an authorizing contract (~~shall~~) must be six years. The authorizing contract must specify each approved (~~entity's~~) applicant district's agreement to serve as an authorizer in accordance with the expectations of this chapter, and may specify additional performance terms based on the applicant's proposal and plan for chartering.

(5) No approved (~~entity~~) school district may commence charter authorizing without an authorizing contract in effect.

**Sec. 110.** RCW 28A.710.100 and 2013 c 2 s 210 are each reenacted and amended to read as follows:

(1) Authorizers are responsible for:

(a) Soliciting and evaluating charter applications;

(b) Approving (~~quality~~) charter applications that meet identified educational needs and promote a diversity of educational choices;

(c) Denying (~~weak or inadequate~~) charter applications that fail to meet statutory requirements, requirements of the authorizer, or both;

(d) Negotiating and executing (~~sound~~) charter contracts with each authorized charter school;

(e) Monitoring, in accordance with charter contract terms, the performance and legal compliance of charter schools including, without limitation, education and academic performance goals and student achievement; and

(f) Determining whether each charter contract merits renewal, nonrenewal, or revocation.

(2) An authorizer may delegate its responsibilities under this section to employees or contractors.

(3) All authorizers must develop and follow chartering policies and practices that are consistent with the principles and standards for quality charter authorizing developed by the national association of charter school authorizers in at least the following areas:

(a) Organizational capacity and infrastructure;  
 (b) Soliciting and evaluating charter applications;  
 (c) Performance contracting;  
 (d) Ongoing charter school oversight and evaluation; and

(e) Charter renewal decision making.

(4) Each authorizer must submit an annual report to the state board of education, according to a timeline, content, and format specified by the board (~~which~~) that includes:

(a) The authorizer's strategic vision for chartering and progress toward achieving that vision;

(b) The academic and financial performance of all operating charter schools (~~overseen by the authorizer~~) under its jurisdiction, including the progress of the charter schools based on the authorizer's performance framework;

(c) The status of the authorizer's charter school portfolio, identifying all charter schools in each of the following categories: (i) Approved but not yet open(~~ed~~); (ii) operating(~~ed~~); (iii) renewed(~~ed~~); (iv) transferred(~~ed~~); (v) revoked(~~ed~~); (vi) not renewed(~~ed~~); (vii) voluntarily closed(~~ed~~); or (viii) never opened;

(d) The authorizer's operating costs and expenses detailed in annual audited financial statements that conform with generally accepted accounting principles; and

(e) The services purchased from the authorizer by the charter schools under its jurisdiction under RCW 28A.710.110, including an itemized accounting of the actual costs of these services.

(5) Neither an authorizer, individuals who comprise the membership of an authorizer in their official capacity, nor the employees of an authorizer are liable for acts or omissions of a charter school they authorize.

(6) No employee, trustee, agent, or representative of an authorizer may simultaneously serve as an employee, trustee, agent, representative, vendor, or contractor of a charter school under the jurisdiction of that authorizer.

**Sec. 111.** RCW 28A.710.110 and 2013 c 2 s 211 are each reenacted and amended to read as follows:

(1) The state board of education shall establish a statewide formula for an authorizer oversight fee, which ~~((shall))~~ must be calculated as a percentage of the state operating funding ~~((allocated))~~ distributed to charter schools under RCW 28A.710.220 to each charter school under the jurisdiction of an authorizer, but may not exceed four percent of each charter school's annual funding. ~~((The office of the superintendent of public instruction shall deduct the oversight fee from each charter school's allocation under RCW 28A.710.220 and transmit the fee to the appropriate authorizer.))~~

(2) The state board of education may establish a sliding scale for the authorizer oversight fee, with the funding percentage decreasing after the authorizer has achieved a certain threshold, such as after a certain number of years of authorizing or after a certain number of charter schools have been authorized.

(3) The office of the superintendent of public instruction shall deduct the oversight fee from each charter school's distribution under RCW 28A.710.220 and transmit the fee to the appropriate authorizer.

(4) An authorizer must use its oversight fee exclusively for the purpose of fulfilling its duties under RCW 28A.710.100.

~~((4))~~ (5) An authorizer may provide contracted, fee-based services to charter schools under its jurisdiction that are in addition to the oversight duties under RCW 28A.710.100. An authorizer may not charge more than market rates for the contracted services provided. An authorizer may not require a charter school ~~((may not be required))~~ to purchase contracted services ~~((from))~~ provided by an authorizer. Fees collected by the authorizer under this subsection must be separately accounted for and reported annually to the state board of education.

**Sec. 112.** RCW 28A.710.120 and 2013 c 2 s 212 are each reenacted and amended to read as follows:

(1) The state board of education is responsible for overseeing the performance and effectiveness of all authorizers approved under RCW 28A.710.090.

(2) Persistently unsatisfactory performance of an authorizer's portfolio of charter schools, a pattern of well-founded complaints about the authorizer or its charter schools, or other objective circumstances may trigger a special review by the state board of education.

(3) In reviewing or evaluating the performance of authorizers, the state board of education must apply nationally recognized principles and standards for quality charter authorizing. Evidence of material or persistent failure by an authorizer to carry out its duties in accordance with ~~((the))~~ these principles and standards constitutes grounds for revocation of the authorizing contract by the state board of education, as provided under this section.

(4) If at any time the state board of education finds that an authorizer is not in compliance with a charter contract, its authorizing contract, or the authorizer duties under RCW 28A.710.100, the board must notify the authorizer in writing of the identified problems, and the authorizer ~~((shall))~~ must have reasonable opportunity to respond and remedy the problems.

(5) If ~~((an authorizer persists))~~, after due notice from the state board of education, an authorizer persists in violating a material provision of a charter contract or its authorizing contract, or fails to remedy other identified authorizing problems, the state board of education shall notify the authorizer, within a reasonable amount of time under the circumstances, that it intends to revoke the authorizer's chartering authority unless the authorizer demonstrates a timely and satisfactory remedy for the violation or deficiencies.

(6) In the event of revocation of any authorizer's chartering authority, the state board of education shall manage the timely and orderly transfer of each charter contract held by that authorizer to another authorizer in the state, with the mutual agreement of each affected charter school and proposed new authorizer. The new authorizer shall assume the existing charter contract for the remainder of the charter term.

(7) The state board of education must establish timelines and a process for taking actions under this section in response to performance deficiencies by an authorizer.

**Sec. 113.** RCW 28A.710.130 and 2013 c 2 s 213 are each reenacted and amended to read as follows:

(1)(a) Each authorizer must annually issue and broadly publicize a ~~((request))~~ solicitation for proposals for charter school applicants by the date established by the state board of education under RCW 28A.710.140.

(b) Each authorizer's ~~((request))~~ solicitation for proposals must:

(i) Present the authorizer's strategic vision for chartering, including a clear statement of any preferences the authorizer wishes to grant to applications that employ proven methods for educating at-risk students or students with special needs;

(ii) Include or otherwise direct applicants to the performance framework that the authorizer has developed for charter school oversight and evaluation in accordance with RCW 28A.710.170;

(iii) Provide the criteria that will guide the authorizer's decision to approve or deny a charter application; and

(iv) State clear, appropriately detailed questions as well as guidelines concerning the format and content essential for applicants to demonstrate the capacities necessary to establish and operate a successful charter school.

(2) A charter school application must provide or describe thoroughly all of the following elements of the proposed school plan:

(a) An executive summary;

(b) The mission and vision of the proposed charter school, including identification of the ~~((targeted))~~ student population and ~~((the))~~ community the school hopes to serve;

(c) The location or geographic area proposed for the school and the school district within which the school will be located;

(d) The grades to be served each year for the full term of the charter contract;

(e) Minimum, planned, and maximum enrollment per grade per year for the full term of the charter contract;

(f) Evidence of need and parent and community support for the proposed charter school;

(g) Background information on the proposed founding (~~(governing)~~) charter school board members and, if identified, the proposed school leadership and management team;

(h) The school's proposed calendar and sample daily schedule;

(i) A description of the academic program aligned with state standards;

(j) A description of the school's proposed instructional design, including the type of learning environment(~~(s)~~),<sup>2</sup> class size and structure(~~(s)~~),<sup>2</sup> curriculum overview(~~(s)~~),<sup>2</sup> and teaching methods;

(k) Evidence that the educational program is based on proven methods;

(l) The school's plan for using internal and external assessments to measure and report student progress on the performance framework developed by the authorizer in accordance with RCW 28A.710.170;

(m) The school's plans for identifying, successfully serving, and complying with applicable laws and regulations regarding students with disabilities, students who are limited English proficient, students who are struggling academically, and highly capable students;

(n) A description of cocurricular or extracurricular programs and how (~~(they)~~) those programs will be funded and delivered;

(o) Plans and timelines for student recruitment and enrollment, including targeted plans for recruiting at-risk students and including lottery procedures;

(p) The school's student discipline policies, including for special education students;

(q) An organization chart that clearly presents the school's organizational structure, including lines of authority and reporting between the governing board, staff, any related bodies such as advisory bodies or parent and teacher councils, and any external organizations that will play a role in managing the school;

(r) A clear description of the roles and responsibilities for the governing board, the school's leadership and management team, and any other entities shown in the organization chart;

(s) A staffing plan for the school's first year and for the term of the charter;

(t) Plans for recruiting and developing school leadership and staff;

(u) The school's leadership and teacher employment policies, including performance evaluation plans;

(v) Proposed governing bylaws;

(w) An explanation of proposed partnership agreement, if any, between a charter school and its school district focused on facilities, budgets, taking best practices to scale, and other items;

(x) Explanations of any other partnerships or contractual relationships central to the school's operations or mission;

(y) Plans for providing transportation, food service, and all other significant operational or ancillary services;

(z) Opportunities and expectations for parent involvement;

(aa) A detailed school start-up plan, identifying tasks, timelines, and responsible individuals;

(bb) A description of the school's financial plan and policies, including financial controls and audit requirements;

(cc) A description of the insurance coverage the school will obtain;

(dd) Start-up and five-year cash flow projections and budgets with clearly stated assumptions;

(ee) Evidence of anticipated fund-raising contributions, if claimed in the application; and

(ff) A sound facilities plan, including backup or contingency plans if appropriate.

(3) (~~In the case of an application to establish a conversion charter school, the applicant must also demonstrate support for the proposed conversion by a petition signed by a majority of teachers assigned to the school or a petition signed by a majority of parents of students in the school.~~

(4) ~~In the case of an application where the proposed charter school)~~ If an applicant intends to contract with a nonprofit education service provider for substantial educational services, management services, or both, the applicant must:

(a) Provide evidence of the nonprofit education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions if applicable;

(b) Provide a term sheet setting forth: (i) The proposed duration of the service contract; (ii) the roles and responsibilities of the governing board, the school staff, and the service provider; (iii) the scope of services and resources to be provided by the service provider; (iv) the performance evaluation measures and timelines; (v) the compensation structure, including clear identification of all fees to be paid to the service provider; (vi) methods of contract oversight and enforcement; (vii) investment disclosure; and (viii) conditions for renewal and termination of the contract; and

(c) Disclose and explain any existing or potential conflicts of interest between the charter school board and proposed service provider or any affiliated business entities.

~~((5) In the case of an application from))~~ (4) If an applicant (~~(that)~~) operates one or more schools in any state or nation, the applicant must provide evidence of (~~(past)~~) the performance of those schools, including evidence of the applicant's success in serving at-risk students, and capacity for growth.

~~((6))~~ (5) Applicants may submit a proposal for a particular (~~(public))~~) charter public school to no more than one authorizer at a time.

**Sec. 114.** RCW 28A.710.140 and 2013 c 2 s 214 are each reenacted and amended to read as follows:

(1) The state board of education must establish an annual statewide timeline for charter application

submission and approval or denial(~~(-which))~~ that must be followed by all authorizers.

(2) In reviewing and evaluating charter applications, authorizers shall employ procedures, practices, and criteria consistent with nationally recognized principles and standards for quality charter authorizing. Authorizers shall give preference to applications for charter schools that are designed to enroll and serve at-risk student populations(~~(-PROVIDED, That))~~. However, nothing in this chapter may be construed as intended to limit the establishment of charter schools to those that serve a substantial portion of at-risk students, or to in any manner restrict, limit, or discourage the establishment of charter schools that enroll and serve other pupil populations under a nonexclusive, nondiscriminatory admissions policy. The application review process must include thorough evaluation of each application, an in-person interview with the applicant group, and an opportunity to learn about and provide input on each application in a public forum including, without limitation, parents, community members, local residents, and school district board members and staff(~~(-to learn about and provide input on each application))~~).

(3) In deciding whether to approve an application, authorizers must:

(a) Grant charters only to applicants that have demonstrated competence in each element of the authorizer's published approval criteria and are likely to open and operate a successful (~~(public))~~ charter public school;

(b) Base decisions on documented evidence collected through the application review process;

(c) Follow charter-granting policies and practices that are transparent and based on merit; and

(d) Avoid any conflicts of interest, whether real or apparent.

(4) An approval decision may include, if appropriate, reasonable conditions that the charter applicant must meet before a charter contract may be executed.

(5) For any denial of an application, the authorizer shall clearly state in writing its reasons for denial. A denied applicant may subsequently reapply to that authorizer or apply to another authorizer in the state.

**Sec. 115.** RCW 28A.710.150 and 2013 c 2 s 215 are each reenacted and amended to read as follows:

(1) A maximum of forty (~~(public))~~ charter public schools may be established under this chapter(~~(s))~~ over ~~((a))~~ the five-year period commencing with the effective date of this section. No more than eight charter schools may be established in any (~~(single))~~ year during the five-year period, except that if in any (~~(single))~~ year fewer than eight charter schools are established, (~~(then))~~ additional charter schools, equal in number to the difference between the number established in that year and eight, may be established in subsequent years during the five-year period.

(2)(a) To ensure compliance with the limits for establishing new charter schools, certification from the state board of education must be obtained before final authorization of a charter school.

(b) Within ten days of taking action to approve or deny an application under RCW 28A.710.140, an authorizer must submit a report of the action to the applicant and ~~((to))~~ the state board of education(~~(-which))~~. The report must include a copy of the authorizer's resolution setting forth the action taken, the reasons for the decision, and assurances of compliance with the procedural requirements and application elements under RCW 28A.710.130 and 28A.710.140. The authorizer must also indicate whether the charter school is designed to enroll and serve at-risk student populations. The state board of education must establish, for each year in which charter schools may be authorized as part of the timeline to be established pursuant to RCW 28A.710.140, the (~~(last))~~ latest annual date by which the authorizer (~~(must))~~ may submit the report. The state board of education must send to each authorizer notice of the date (~~(to each authorizer no later than))~~ by which a report must be submitted at least six months before the date established by the board.

(3) Upon the receipt of notice from an authorizer that a charter school has been approved, the state board of education shall certify whether the approval is in compliance with the limits on the maximum number of charters allowed under subsection (1) of this section. If the board receives simultaneous notification of approved charters that exceed the annual allowable limits in subsection (1) of this section, the board must select approved charters for implementation through a lottery process, and must assign implementation dates accordingly.

(4) The state board of education must notify authorizers when the maximum allowable number of charter schools has been reached.

**Sec. 116.** RCW 28A.710.160 and 2013 c 2 s 216 are each reenacted and amended to read as follows:

(1) The purposes of the charter application submitted under RCW 28A.710.130 are to present the proposed charter school's academic and operational vision and plans, and to demonstrate and provide the authorizer with a clear basis for evaluating the applicant's capacities to execute the proposed vision and plans. An approved charter application does not serve as the school's charter contract.

(2) Within ninety days of approval of a charter application, the authorizer and the governing board of the approved charter school must execute a charter contract. The contract must establish the terms by which(~~(-fundamentally,))~~ the (~~(public))~~ charter school agrees to provide educational services that, at a minimum, meet basic education standards, in return for (~~(an allocation))~~ a distribution of public funds (~~((to))~~ that will be used for (~~((such))~~ the purposes (~~(all as set forth))~~ established in the contract and in this and other applicable statutes (~~(and in the charter contract))~~). The charter contract must clearly set forth the academic and operational performance expectations and measures by which the charter school will be (~~(judged))~~ evaluated and the administrative relationship between the authorizer and charter school, including each party's rights and duties. The performance expectations and measures set forth in the charter contract must include, but need not be limited to, applicable federal and state accountability requirements. The performance provisions

may be refined or amended by mutual agreement after the charter school is operating and has collected baseline achievement data for its enrolled students.

(3) If the charter school is authorized by a school district board of directors, the charter contract must be signed by the president of the applicable school district board of directors ((if the school district board of directors is the authorizer or the chair of the commission if the commission is the authorizer and by)) and the president of the charter school board. If the charter school is authorized by the commission, the charter contract must be signed by the chair of the commission and the president of the charter school board. Within ten days of executing a charter contract, the authorizer must submit to the state board of education written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.

(4) A charter contract may govern one or more charter schools to the extent approved by the authorizer. A single charter school board may hold one or more charter contracts. However, each charter school that is part of a charter contract must be separate and distinct from any others and, for purposes of calculating the maximum number of charter schools that may be established under this chapter, each charter school must be considered a single charter school regardless of how many charter schools are governed under a particular charter contract.

(5) An initial charter contract must be granted for a term of five operating years. The contract term must commence on the charter school's first day of operation. An approved charter school may delay its opening for one school year in order to plan and prepare for the school's opening. If the school requires an opening delay of more than one school year, the school must request an extension from its authorizer. The authorizer may grant or deny the contract extension depending on the school's circumstances.

(6) Authorizers may establish reasonable preopening requirements or conditions to monitor the start-up progress of newly approved charter schools ~~((and))~~, ensure that they are prepared to open smoothly on the date agreed, and ~~((to))~~ ensure that each school meets all building, health, safety, insurance, and other legal requirements for school opening.

(7) No charter school may commence operations without a charter contract executed in accordance with this section.

(8) In accordance with section 138(3) of this act:  
(a) The state board of education must take reasonable and necessary steps to provide parties to contracts entered into under or in accordance with chapter 2, Laws of 2013 that were in effect or that had been executed on or before December 1, 2015, with an opportunity to execute new contracts with the same terms and duration or substantially the same terms and duration as were in effect on December 1, 2015; and

(b) Each authorizer must take reasonable and necessary steps to provide parties to contracts entered into under or in accordance with chapter 2, Laws of 2013 that were in effect or that had been executed on or before December 1, 2015, with an opportunity to execute new contracts with the same terms and duration or substantially

the same terms and duration as were in effect on December 1, 2015.

(9) Contracts executed pursuant to subsection (8) of this section do not count against the annual cap established in RCW 28A.710.150(1).

(10) For purposes of this section, "substantially the same terms and duration" includes contract modifications necessary to comply with the provisions of this chapter or other applicable law.

**Sec. 117.** RCW 28A.710.170 and 2013 c 2 s 217 are each reenacted and amended to read as follows:

(1) The performance provisions within a charter contract must be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide an authorizer's evaluations of ~~((each))~~ a charter school within its jurisdiction.

(2) At a minimum, the performance framework must include indicators, measures, and metrics for:

- (a) Student academic proficiency;
- (b) Student academic growth;
- (c) Achievement gaps in both proficiency and growth between major student subgroups;
- (d) Attendance;
- (e) Recurrent enrollment from year to year;
- (f) High school graduation rates and student postsecondary readiness~~((for high schools))~~;
- (g) Financial performance and sustainability; and
- (h) Charter school board performance and stewardship, including compliance with all applicable laws, rules, and terms of the charter contract.

(3) Annual performance targets must be set by each charter school in conjunction with its authorizer and must be designed to help each school meet applicable federal, state, and authorizer expectations.

(4) The authorizer and charter school may also include additional rigorous, valid, and reliable indicators in the performance framework to augment external evaluations of the charter school's performance.

(5) The performance framework must require the disaggregation of all student performance data by major student subgroups, including gender, race and ethnicity, poverty status, special education status, English language learner status, and highly capable status.

(6) Multiple schools operating under a single charter contract or overseen by a single charter school board must report their performance as separate schools, and each school shall be held independently accountable for its performance.

**Sec. 118.** RCW 28A.710.180 and 2013 c 2 s 218 are each reenacted and amended to read as follows:

(1) Each authorizer must continually monitor the performance and legal compliance of the charter schools ~~((it oversees))~~ under its jurisdiction, including collecting and analyzing data to support ongoing evaluation according to the performance framework in the charter contract.

(2) An authorizer may conduct or require oversight activities that enable the authorizer to fulfill its

responsibilities under this chapter, including conducting appropriate inquiries and investigations, ~~((so long as))~~ if those activities are consistent with the intent of this chapter, adhere to the terms of the charter contract, and do not unduly inhibit the autonomy granted to charter schools.

(3) In the event that a charter school's performance or legal compliance appears unsatisfactory, the authorizer must promptly notify the school of the perceived problem and provide reasonable opportunity for the school to remedy the problem ~~((, unless))~~. However, if the problem warrants revocation ~~((in which case))~~ of the charter contract, the revocation procedures under RCW 28A.710.200 apply.

(4) An authorizer may take appropriate corrective actions or exercise sanctions short of revocation in response to apparent deficiencies in charter school performance or legal compliance. ~~((Such))~~ These actions or sanctions may include, if warranted, requiring a school to develop and execute a corrective action plan within a specified time frame.

**Sec. 119.** RCW 28A.710.190 and 2013 c 2 s 219 are each reenacted and amended to read as follows:

(1) A charter contract may be renewed by the authorizer, at the request of the charter school, for successive five-year terms ~~((, although))~~. The authorizer, however, may vary the term based on the performance, demonstrated capacities, and particular circumstances of a charter school, and may grant renewal with specific conditions for necessary improvements to a charter school.

(2) No later than six months before the expiration of a charter contract, the authorizer must issue a performance report and charter contract renewal application guidance to ~~((that))~~ the charter school. The performance report must summarize the charter school's performance record to date based on the data required by the charter contract, and must provide notice of any weaknesses or concerns perceived by the authorizer concerning the charter school that may, if not timely rectified, jeopardize its position in seeking renewal ~~((if not timely rectified))~~. The charter school has thirty days to respond to the performance report and submit any corrections or clarifications for the report.

(3) The renewal application guidance must, at a minimum, provide an opportunity for the charter school to:

- (a) Present additional evidence, beyond the data contained in the performance report, supporting its case for charter contract renewal;
- (b) Describe improvements undertaken or planned for the school; and
- (c) Detail the school's plans for the next charter contract term.

(4) The renewal application guidance must include or refer explicitly to the criteria that will guide the authorizer's renewal decisions, ~~((which shall))~~ and this criteria must be based on the performance framework set forth in the charter contract.

(5) In making charter renewal decisions, an authorizer must:

- (a) ~~((Ground))~~ Base its decisions in evidence of the school's performance over the term of the charter contract

in accordance with the performance framework set forth in the charter contract;

(b) Ensure that data used in making renewal decisions are available to the school and the public; and

(c) Provide a public report summarizing the evidence basis for its decision.

**Sec. 120.** RCW 28A.710.200 and 2013 c 2 s 220 are each reenacted and amended to read as follows:

(1) An authorizer may revoke a charter contract ~~((may be revoked))~~ at any time, or ~~((not renewed))~~ may refuse to renew it, if the authorizer determines that the charter school did any of the following or otherwise failed to comply with the provisions of this chapter:

(a) Committed a material and substantial violation of any of the terms, conditions, standards, or procedures required under this chapter or the charter contract;

(b) Failed to meet or make sufficient progress toward the performance expectations set forth in the charter contract;

(c) Failed to meet generally accepted standards of fiscal management; or

(d) Substantially violated any material provision of law from which the charter school is not exempt.

(2) Except as provided otherwise by this subsection (2), an authorizer may not renew a charter contract ~~((may not be renewed))~~ if, at the time of the renewal application, the charter school's performance falls in the bottom quartile of schools on the ~~((accountability))~~ Washington achievement index developed by the state board of education under RCW 28A.657.110 ~~((, unless))~~. A contract may be renewed without violating this subsection (2), however, if the charter school demonstrates exceptional circumstances that the authorizer finds justifiable.

(3) Each authorizer must develop revocation and nonrenewal processes that:

(a) Provide the charter school board with a timely notification of the prospect of and reasons for revocation or nonrenewal;

(b) Allow the charter school board a reasonable amount of time in which to prepare a response;

(c) Provide the charter school board with an opportunity, at a recorded public proceeding held for that purpose, to submit documents and give testimony challenging the rationale for closure and in support of the continuation of the school ~~((at a recorded public proceeding held for that purpose))~~;

(d) Allow the charter school board to be represented by counsel and to call witnesses on its behalf; and

(e) After a reasonable period for deliberation, require a final determination to be made and conveyed in writing to the charter school board.

(4) If an authorizer revokes or does not renew a charter contract, the authorizer must clearly state in a resolution the reasons for the revocation or nonrenewal.

(5) Within ten days of taking action to renew, not renew, or revoke a charter contract, an authorizer must submit a report of the action to the ~~((applicant))~~ charter school and ~~((to))~~ the state board of education ~~((, which))~~. The report must include a copy of the authorizer's

resolution setting forth the action taken, the reasons for the decision, and assurances of compliance with the procedural requirements established by the authorizer under this section.

**Sec. 121.** RCW 28A.710.210 and 2013 c 2 s 221 are each reenacted and amended to read as follows:

(1) Before making a decision to not renew or to revoke a charter contract, an authorizer(s) must develop a charter school termination protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, as necessary, and proper disposition of public school funds, property, and assets. The protocol must specify tasks, timelines, and responsible parties, including delineating the respective duties of the charter school and the authorizer.

(2) ~~((In the event that))~~ If the nonprofit corporation ~~((applicant))~~ operator of a charter school should dissolve for any reason including, without limitation, because of the termination of the charter contract, the public school funds of the charter school that have been provided pursuant to RCW 28A.710.220 must be returned to the state or local account from which the public funds originated. If the charter school has commingled the funds, the funds must be returned in proportion to the proportion of those funds received by the charter school from the public accounts in the last year preceding the dissolution. The dissolution of ~~((an applicant))~~ a nonprofit corporation shall otherwise proceed as provided by law.

(3) A charter contract may not be transferred from one authorizer to another or from one charter school ~~((applicant))~~ to another before the expiration of the charter contract term except by petition to the state board of education by the charter school or its authorizer. The state board of education must review such petitions on a case-by-case basis and may grant transfer requests in response to special circumstances and evidence that such a transfer would serve the best interests of the charter school's students.

**Sec. 122.** RCW 28A.710.220 and 2013 c 2 s 222 are each reenacted and amended to read as follows:

(1) Charter schools must report student enrollment in the same manner, and based on the same definitions of enrolled students and annual average full-time equivalent enrollment, as other public schools. Charter schools must comply with applicable reporting requirements to receive state or federal funding that is ~~((allocated))~~ distributed based on student characteristics.

(2) ~~((According to the schedule established under RCW 28A.510.250, the superintendent of public instruction shall allocate funding for a charter school including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations must be based on the statewide average staff mix ratio of all noncharter public schools from the prior school year and the school's actual full-time equivalent enrollment. Categorical funding must be allocated to a charter school based on the same funding criteria used for noncharter public schools and the funds must be expended as provided in the charter contract.~~

~~A charter school is eligible to apply for state grants on the same basis as a school district))~~ In accordance with appropriations made under sections 127 and 128 of this act, the superintendent of public instruction shall distribute state funding to charter schools according to the schedule established in RCW 28A.510.250.

~~(3) ((Allocations for pupil transportation must be calculated on a per student basis based on the allocation for the previous school year to the school district in which the charter school is located. A charter school may enter into a contract with a school district or other public or private entity to provide transportation for the students of the school.~~

~~(4))~~ Amounts ~~((payable))~~ distributed to a charter school under ~~((this))~~ section 128 of this act in the school's first year of operation must be based on the projections of first-year student enrollment established in the charter contract. The office of the superintendent of public instruction must reconcile the amounts ~~((paid))~~ distributed in the first year of operation to the amounts that would have been ~~((paid))~~ distributed based on actual student enrollment and make adjustments to the charter school's ~~((allocations))~~ distributions over the course of the second year of operation.

~~((5) For charter schools authorized by a school district board of directors, allocations to a charter school that are included in RCW 84.52.0531(3) (a) through (c) shall be included in the levy planning, budgets, and funding distribution in the same manner as other public schools in the district.~~

~~(6) Conversion charter schools are eligible for local levy moneys approved by the voters before the conversion start-up date of the school as determined by the authorizer, and the school district must allocate levy moneys to a conversion charter school.~~

~~(7) New charter schools are not eligible for local levy moneys approved by the voters before the start-up date of the school unless the local school district is the authorizer.~~

~~(8) For levies submitted to voters after the start-up date of a charter school authorized under this chapter, the charter school must be included in levy planning, budgets, and funding distribution in the same manner as other public schools in the district.~~

~~(9))~~ (4) Any moneys received by a charter school from any source and remaining in the school's accounts at the end of ~~((any))~~ a budget year ~~((shall))~~ must remain in the school's accounts for use by the school during subsequent budget years.

**Sec. 123.** RCW 28A.710.230 and 2013 c 2 s 223 are each reenacted and amended to read as follows:

(1) Charter schools are eligible for state ~~((matching funds))~~ funding for ~~((common))~~ school construction. However, such appropriations may not be made from the common school construction fund.

(2) ~~((A))~~ If a school district decides to sell or lease the public school facility or property pursuant to RCW 28A.335.040 or 28A.335.120, a charter school ((has)) located within the boundaries of the district has a right of first refusal to purchase or lease at ((or below)) fair market

value a closed public school facility or property or unused portions of a public school facility or property (~~located in a school district from which it draws its students if the school district decides to sell or lease the public school facility or property pursuant to RCW 28A.335.040 or 28A.335.120~~) by negotiated agreement with mutual consideration. The consideration may include the provision of educational services by the charter school.

(3) A charter school may negotiate and contract with a school district, the governing body of a public college or university, or any other public or private entity for the use of a facility for a school building at ~~(or below)~~ fair market rent.

(4) Public libraries, community service organizations, museums, performing arts venues, theaters, and public or private colleges and universities may provide space to charter schools within their facilities under their preexisting zoning and land use designations.

~~((5) A conversion charter school as part of the consideration for providing educational services under the charter contract may continue to use its existing facility without paying rent to the school district that owns the facility. The district remains responsible for major repairs and safety upgrades that may be required for the continued use of the facility as a public school. The charter school is responsible for routine maintenance of the facility including, but not limited to, cleaning, painting, gardening, and landscaping. The charter contract of a conversion charter school using existing facilities that are owned by its school district must include reasonable and customary terms regarding the use of the existing facility that are binding upon the school district.))~~

**Sec. 124.** RCW 28A.710.240 and 2013 c 2 s 224 are each reenacted to read as follows:

Years of service in a charter school by certificated instructional staff shall be included in the years of service calculation for purposes of the statewide salary allocation schedule under RCW 28A.150.410. This section does not require a charter school to pay a particular salary to its staff while the staff is employed by the charter school.

**Sec. 125.** RCW 28A.710.250 and 2013 c 2 s 225 are each reenacted and amended to read as follows:

(1) By December 1st of each year beginning in the first year after there have been charter schools operating for a full school year, the state board of education, in collaboration with the commission, must issue ~~((an annual))~~ a report on the performance of the state's charter schools ~~((for))~~ during the preceding school year to the governor, the legislature, and the public at large.

(2) The annual report must be based on the reports submitted by each authorizer as well as any additional relevant data compiled by the state board of education. The report must include a comparison of the performance of charter school students with the performance of academically, ethnically, and economically comparable groups of students in ~~((noncharter))~~ other public schools. In addition, the annual report must include the state board of education's assessment of the successes, challenges, and

areas for improvement in meeting the purposes of this chapter, including the board's assessment of the sufficiency of funding for charter schools, the efficacy of the formula for authorizer funding, and any suggested changes in state law or policy necessary to strengthen the state's charter schools.

(3) Together with the issuance of the annual report following the fifth year after there have been charter schools operating for a full school year, the state board of education, in collaboration with the commission, shall submit a recommendation regarding whether or not the legislature should authorize the establishment of additional ~~((public))~~ charter public schools.

**Sec. 126.** RCW 28A.710.260 and 2014 c 221 s 911 are each reenacted to read as follows:

The charter schools oversight account is hereby created in the state treasury. All moneys received by the commission under RCW 28A.710.110 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of this chapter.

**NEW SECTION. Sec. 127.** A new section is added to chapter 28A.710 RCW to read as follows:

The state legislature shall, at each regular session in an odd-numbered year, appropriate from the Washington opportunity pathways account for the current use of charter public schools amounts as determined in accordance with section 128 of this act, and amounts authorized under RCW 28A.710.230(1), for state support to charter schools during the ensuing biennium.

**NEW SECTION. Sec. 128.** A new section is added to chapter 28A.710 RCW to read as follows:

(1) For eligible students enrolled in a charter school established and operating in accordance with this chapter, the superintendent of public instruction shall transmit to each charter school an amount per each full-time equivalent student at statewide uniform rates. The calculations and distributions must be based upon the estimated statewide annual average per full-time equivalent student allocations under RCW 28A.150.260, including any enrichment to those statutory formulae that is specified in the omnibus appropriations act. The amount must be the sum of (a) and (b) of this subsection, as applicable.

(a) The superintendent shall, for purposes of making distributions under this section, separately calculate and distribute to charter schools moneys appropriated for general apportionment under the same ratios as in RCW 28A.150.260.

(b) The superintendent also shall, for purposes of making distributions under this section, and in accordance with the applicable formulae for categorical programs specified in (b)(i) through (v) of this subsection (1) and any enrichment to those statutory formulae that is specified in the omnibus appropriations act, separately calculate and distribute moneys appropriated by the legislature to charter schools for:

(i) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(ii) Supplemental instruction and services for eligible and enrolled students and exited students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(iii) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020;

(iv) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030; and

(v) Pupil transportation services to and from school in accordance with RCW 28A.160.150 through 28A.160.180. Distributions for pupil transportation must be calculated on a per eligible student basis based on the allocation for the previous school year to the school district in which the charter school is located.

(2) The superintendent of public instruction must adopt rules necessary for the distribution of funding required by this section and to comply with federal reporting requirements.

**Sec. 129.** RCW 28A.150.010 and 2013 c 2 s 301 are each reenacted and amended to read as follows:

Public schools means the common schools as referred to in Article IX of the state Constitution, ~~(including)~~ charter schools established under chapter 28A.710 RCW, and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense.

**Sec. 130.** RCW 28A.315.005 and 2013 c 2 s 302 are each reenacted and amended to read as follows:

(1) Under the constitutional framework and the laws of the state of Washington, the governance structure for the state's public common school system is comprised of the following bodies: The legislature, the governor, the superintendent of public instruction, the state board of education, ~~((the Washington charter school commission,))~~ the educational service district boards of directors, and local school district boards of directors. The respective policy and administrative roles of each body are determined by the state Constitution and statutes.

(2) Local school districts are political subdivisions of the state and the organization of such districts, including the powers, duties, and boundaries thereof, may be altered or abolished by laws of the state of Washington.

**Sec. 131.** RCW 41.32.033 and 2013 c 2 s 303 are each reenacted to read as follows:

This section designates charter schools established under chapter 28A.710 RCW as employers and charter school employees as members, and applies only if the department of retirement systems receives determinations from the internal revenue service and the United States

department of labor that participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

**Sec. 132.** RCW 41.35.035 and 2013 c 2 s 304 are each reenacted to read as follows:

This section designates charter schools established under chapter 28A.710 RCW as employers and charter school employees as members, and applies only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

**Sec. 133.** RCW 41.40.025 and 2013 c 2 s 305 are each reenacted to read as follows:

This section designates charter schools established under chapter 28A.710 RCW as employers and charter school employees as members, and applies only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

**Sec. 134.** RCW 41.05.011 and 2015 c 116 s 2 are each reenacted to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority" means the Washington state health care authority.

(2) "Board" means the public employees' benefits board established under RCW 41.05.055.

(3) "Dependent care assistance program" means a benefit plan whereby state and public employees may pay for certain employment related dependent care with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 129 or other sections of the internal revenue code.

(4) "Director" means the director of the authority.

(5) "Emergency service personnel killed in the line of duty" means law enforcement officers and firefighters as defined in RCW 41.26.030, members of the Washington state patrol retirement fund as defined in RCW 43.43.120, and reserve officers and firefighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(6) "Employee" includes all employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature. Pursuant to contractual agreement with

the authority, "employee" may also include: (a) Employees of a county, municipality, or other political subdivision of the state and members of the legislative authority of any county, city, or town who are elected to office after February 20, 1970, if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205 and 41.05.021(1)(g); (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350; (d) employees of a tribal government, if the governing body of the tribal government seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (f) and (g); (e) employees of the Washington health benefit exchange if the governing board of the exchange established in RCW 43.71.020 seeks and receives approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.05.021(1) (g) and (n); and (f) employees of a charter school established under chapter 28A.710 RCW. "Employee" does not include: Adult family home providers; unpaid volunteers; patients of state hospitals; inmates; employees of the Washington state convention and trade center as provided in RCW 41.05.110; students of institutions of higher education as determined by their institution; and any others not expressly defined as employees under this chapter or by the authority under this chapter.

(7) "Employer" means the state of Washington.

(8) "Employer group" means those counties, municipalities, political subdivisions, the Washington health benefit exchange, tribal governments, school districts, and educational service districts, and employee organizations representing state civil service employees, obtaining employee benefits through a contractual agreement with the authority.

(9) "Employing agency" means a division, department, or separate agency of state government, including an institution of higher education; a county, municipality, school district, educational service district, or other political subdivision; charter school; and a tribal government covered by this chapter.

(10) "Faculty" means an academic employee of an institution of higher education whose workload is not defined by work hours but whose appointment, workload, and duties directly serve the institution's academic mission, as determined under the authority of its enabling statutes, its governing body, and any applicable collective bargaining agreement.

(11) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee

contributions from among a range of choices offered by the authority.

(12) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(13) "Medical flexible spending arrangement" means a benefit plan whereby state and public employees may reduce their salary before taxes to pay for medical expenses not reimbursed by insurance as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(14) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the salary reduction plan.

(15) "Plan year" means the time period established by the authority.

(16) "Premium payment plan" means a benefit plan whereby state and public employees may pay their share of group health plan premiums with pretax dollars as provided in the salary reduction plan under this chapter pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(17) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district, educational service district, or charter school on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district, educational service district, or charter school due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(18) "Salary" means a state employee's monthly salary or wages.

(19) "Salary reduction plan" means a benefit plan whereby state and public employees may agree to a reduction of salary on a pretax basis to participate in the dependent care assistance program, medical flexible spending arrangement, or premium payment plan offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(20) "Seasonal employee" means an employee hired to work during a recurring, annual season with a duration of three months or more, and anticipated to return each season to perform similar work.

(21) "Separated employees" means persons who separate from employment with an employer as defined in: (a) RCW 41.32.010(17) on or after July 1, 1996; or (b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002; and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(33), the Washington school employees' retirement system plan 3 as defined in RCW

41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

(22) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(23) "Tribal government" means an Indian tribal government as defined in section 3(32) of the employee retirement income security act of 1974, as amended, or an agency or instrumentality of the tribal government, that has government offices principally located in this state.

**Sec. 135.** RCW 41.56.0251 and 2013 c 2 s 307 are each reenacted to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter applies to any charter school established under chapter 28A.710 RCW. Any bargaining unit or units established at the charter school must be limited to employees working in the charter school and must be separate from other bargaining units in school districts, educational service districts, or institutions of higher education. Any charter school established under chapter 28A.710 RCW is a separate employer from any school district, including the school district in which it is located.

**Sec. 136.** RCW 41.59.031 and 2013 c 2 s 308 are each reenacted to read as follows:

This chapter applies to any charter school established under chapter 28A.710 RCW. Any bargaining unit or units established at the charter school must be limited to employees working in the charter school and must be separate from other bargaining units in school districts, educational service districts, or institutions of higher education. Any charter school established under chapter 28A.710 RCW is a separate employer from any school district, including the school district in which it is located.

**NEW SECTION. Sec. 137.** RCW 28A.710.005 (Findings—2013 c 2) and 2013 c 2 s 101 are each repealed.

**NEW SECTION. Sec. 138.** (1) Sections 101 through 137 of this act are remedial and curative in nature and apply to the Washington state charter school commission, school district authorizers, and charter schools established before the effective date of this section.

(2) The Washington state charter school commission and school district authorizers, and actions related to their establishment and operation that were in compliance with the laws of the state of Washington before the effective date of this section, or that substantially complied with the provisions of this act before its effective date, are declared to be valid.

(3) Contracts entered into under or in accordance with chapter 2, Laws of 2013 that were in effect on December 1, 2015, may, with the agreement of all parties and within sixty days after the effective date of this section, be executed as new contracts with the same terms and duration or substantially the same terms and duration as were in effect on December 1, 2015. For purposes of this section, "substantially the same terms and duration" includes contract modifications necessary to comply with the provisions of chapter . . . , Laws of 2016 (this act) or other applicable law.

(4) Nothing in this section entitles a charter school to retroactive payments under chapter . . . , Laws of 2016 (this act) for services that were rendered after December 1, 2015, and before execution of new contracts pursuant to subsection (3) of this section.

## PART II WASHINGTON OPPORTUNITY PATHWAYS ACCOUNT

**Sec. 201.** RCW 28B.76.526 and 2010 1st sp.s. c 27 s 2 are each amended to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (state need grant program), (~~chapter 28B.101 RCW (educational opportunity grant),~~) chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to college promise), chapter 28B.118 RCW (college bound scholarship), chapter 28B.119 RCW (Washington promise scholarship), and chapter 43.215 RCW (early childhood education and assistance program) (~~and RCW 43.330.280 (recruitment of entrepreneurial researchers, innovation partnership zones and research teams)~~)).

## PART III MISCELLANEOUS PROVISIONS

**NEW SECTION. Sec. 301.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 302.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." Correct the title.

Representative Reykdal moved the adoption of amendment (949) to amendment (945):

On page 1, line 4 of the amendment, after "CHARTER" strike "PUBLIC"

On page 2, line 9 of the amendment, after "school" strike all material through "school" and insert "((or "public charter school"))"

On page 2, line 10 of the amendment, after "a" strike "public" and insert "((public))"

On page 2, line 31 of the amendment, after "a" strike all material through "common))" and insert "((public, common))"

On page 2, line 36 of the amendment, after "any" strike "other"

On page 3, line 8 of the amendment, after "and" strike "public" and insert "((public))"

On page 4, line 5 of the amendment, after "charter" strike "public"

On page 5, line 23 of the amendment, after "Charter" strike "public"

On page 6, at the beginning of line 7 of the amendment, strike "other" and insert "((other))"

On page 6, line 18 of the amendment, after "do" strike "other" and insert "((other))"

On page 7, line 17 of the amendment, after "in" strike "another" and insert "((another) a"

On page 7, line 20 of the amendment, after "from" strike "other" and insert "((other))"

On page 7, line 23 of the amendment, after "as" strike "other" and insert "((other))"

On page 7, line 28 of the amendment, after "charter" strike "public"

On page 17, line 10 of the amendment, after "charter" strike "public"

On page 18, line 2 of the amendment, after "charter" strike "public"

On page 18, line 17 of the amendment, after "charter" strike "public"

On page 26, line 15 of the amendment, after "as" strike "other" and insert "((other))"

On page 28, line 11 of the amendment, after "any" strike "other" and insert "((other))"

On page 29, line 14 of the amendment, after "((noncharter))" strike "other"

On page 29, line 26 of the amendment, after "charter" strike "public"

On page 29, line 38 of the amendment, after "charter" strike "public"

On page 31, beginning on line 12 of the amendment, after "Constitution," strike all material through "RCW," on line 32 and insert "((including charter schools established under chapter 28A.710 RCW,))"

Representative Reykdal spoke in favor of the adoption of the amendment to the amendment.

Representative Magendanz spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

## ROLL CALL

The Clerk called the roll on the adoption of amendment (949) to amendment (945) and the amendment was not adopted by the following vote: Yeas, 43, Nays, 54; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Jinkins, Kagi, Kilduff, Kirby, Kuderer, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Peterson, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sells, Senn, Stanford, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hurst, Johnson, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pettigrew, Pike, Rodne, Sawyer, Schmick, Scott, Shea, Short, Smith, Springer, Stambaugh, Stokesbary, Sullivan, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger  
Excused: Representative Orwall

Representative Gregerson moved the adoption of amendment (948) to amendment (945):

On page 3, line 12 of the amendment, after "1232g)," insert "the McKinney-Vento homeless assistance act of 1987 (42 U.S.C. Sec. 11431 et seq.)."

Representatives Gregerson and Magendanz spoke in favor of the adoption of the amendment to the amendment.

Amendment (948) to amendment (945) was adopted.

Representative Fey moved the adoption of amendment (967) to amendment (945):

On page 4, line 24 of the amendment, after "(2)" insert "A charter school board must contract for an independent performance audit of the school to be conducted: (a) The second year immediately following the school's first full school year of operation; and (b) every three years thereafter. The performance audit must be conducted in accordance with United States general accounting office government auditing standards. A performance audit in compliance with this section does not inhibit the state auditor's office from conducting a performance audit of the school.

(3)"

On page 4, at the beginning of line 26 of the amendment, strike "(3)" and insert "(4)"

Correct any internal references accordingly.

Representatives Fey and Magendanz spoke in favor of the adoption of the amendment to the amendment.

Amendment (967) to amendment (945) was adopted.

Representative Kilduff moved the adoption of amendment (970) to amendment (945):

On page 4, after line 27 of the amendment, insert the following:

"(4) A charter school board, through web site postings and written notice with receipt acknowledged by signature of the recipient, must advise families of new, ongoing, and prospective students of any ongoing litigation challenging the constitutionality of charter schools or that may require charter schools to cease operations."

On page 20, line 35 of the amendment, after "Authorizers" strike "may" and insert "~~((may)) shall~~"

Representatives Kilduff and Stokesbary spoke in favor of the adoption of the amendment to the amendment.

Amendment (970) to amendment (945) was adopted.

Representative Sells moved the adoption of amendment (946) to amendment (945):

On page 5, line 8 of the amendment, after "(d)" insert "Evaluate classroom teachers, both certificated instructional staff and noncertificated instructional staff, as provided in RCW 28A.405.100:

(e)"

On page 5, at the beginning of line 10 of the amendment, strike "(e)" and insert "~~((e)) (f)~~"

On page 5, at the beginning of line 14 of the amendment, strike "(f)" and insert "~~((f)) (g)~~"

On page 5, at the beginning of line 16 of the amendment, strike "(g)" and insert "~~((g)) (h)~~"

On page 5, at the beginning of line 18 of the amendment, strike "(h)" and insert "~~((h)) (i)~~"

On page 5, at the beginning of line 20 of the amendment, strike "(i)" and insert "~~((i)) (j)~~"

Correct any internal references accordingly.

Representatives Sells and Ortiz-Self spoke in favor of the adoption of the amendment to the amendment.

Representative Manweller spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (946) to amendment (945) and the amendment was not adopted by the following vote: Yeas, 44; Nays, 53; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Jinkins, Kagi, Kilduff, Kirby, Kuderer, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Peterson, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sells, Senn, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler,

Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hurst, Johnson, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pettigrew, Pike, Rodne, Sawyer, Schmick, Scott, Shea, Short, Smith, Springer, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Excused: Representative Orwall

Representative Hunt moved the adoption of amendment (959) to amendment (945):

On page 5, line 19 of the amendment, after "RCW;" strike "and" and insert "~~((and))~~"

On page 5, line 22 of the amendment, after "schools" insert "; and

(j) Provide monthly reports of all revenues received by the charter school, including the sources of the revenues, to the board of directors of the school district in which the charter school is located"

Representative Hunt spoke in favor of the adoption of the amendment to the amendment.

Representative Stokesbary spoke against the adoption of the amendment to the amendment.

Amendment (959) to amendment (945) was not adopted.

Representative Gregerson moved the adoption of amendment (951) to amendment (945):

On page 6, beginning on line 27 of the amendment, after "to" strike all material through "state" on line 32 and insert "at-risk students"

Representatives Gregerson, Bergquist and Ortiz-Self spoke in favor of the adoption of the amendment to the amendment.

Representative Harris spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (951) to amendment (945) and the amendment was not adopted by the following vote: Yeas, 43; Nays, 54; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Jinkins, Kagi, Kilduff, Kirby, Kuderer, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Peterson, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sells, Senn, Stanford, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Calder, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel,

Holy, Hurst, Johnson, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pettigrew, Pike, Rodne, Sawyer, Schmick, Scott, Shea, Short, Smith, Springer, Stambaugh, Stokesbary, Sullivan, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger  
Excused: Representative Orwall

Representative Gregerson moved the adoption of amendment (952) to amendment (945):

On page 6, beginning on line 28 of the amendment, after "allocated" strike all material through "state" on line 32 and insert "to at-risk students"

Representatives Gregerson and Bergquist spoke in favor of the adoption of the amendment to the amendment.

Representative Harris spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 43 - YEAS; 54 - NAYS.

Amendment (952) to amendment (945) was not adopted.

Representative Fey moved the adoption of amendment (966) to amendment (945):

On page 7, line 26 of the amendment, after "(1)" insert "(a)"

On page 7, after line 31 of the amendment, insert the following:

"(b) The commission may authorize charter schools located anywhere in the state. However, through June 30, 2020, the commission shall not authorize more than three charter schools in the same school district. Beginning July 1, 2020, the commission must remove the moratorium on approving more than three charter schools in the same school district if the commission determines that:

(i) There have been no financial or performance audit findings for any of the charter schools within the district resulting in recommendations by the state auditor's office; or

(ii) There have been financial or performance audit findings for one or more charter schools within the district resulting in recommendations by the state auditor's office but the commission determines that each charter school has taken actions sufficient to satisfactorily comply with the recommendations."

Representatives Fey and Rossetti spoke in favor of the adoption of the amendment to the amendment.

Representative Stambaugh spoke against the adoption of the amendment to the amendment.

Amendment (966) to amendment (945) was not adopted.

Representative Springer moved the adoption of amendment (963) to amendment (945):

Beginning on page 7, line 24 of the amendment, strike all of section 107 and insert the following:

**"Sec. 107.** RCW 28A.710.070 and 2013 c 2 s 208 are each amended to read as follows:

(1) The Washington state charter school commission is established as an independent state agency whose mission is to authorize high quality ~~((public))~~ public schools throughout the state, ~~((particularly))~~ especially schools that are designed to expand opportunities for at-risk students, and to ensure the highest standards of accountability and oversight for these schools.

(2) The commission shall, through its management, supervision, and enforcement of the charter contracts and pursuant to applicable law, administer the ~~((portion of the public common school system consisting of the))~~ charter schools it authorizes ~~((as provided in this chapter,))~~ in the same manner as a school district board of directors ~~((through its management, supervision, and enforcement of the charter contracts, and pursuant to applicable law, administers the charter schools it authorizes))~~ administers other schools.

~~((2))~~ (3)(a) The commission shall consist of: (i) Nine appointed members ~~((no more than five of whom shall be members of the same political party));~~

(ii) The superintendent of public instruction or the superintendent's designee; and

(iii) The chair of the state board of education or the chair's designee.

(b) Appointments to the commission shall be as follows: Three members shall be appointed by the governor; three members shall be appointed by the ~~((president of the))~~ senate, with two members appointed by the leader of the largest caucus of the senate and one member appointed by the leader of the minority caucus of the senate; and three members shall be appointed by the ~~((speaker of the))~~ house of representatives, with two members appointed by the speaker of the house of representatives and one member appointed by the leader of the minority caucus of the house of representatives. The appointing authorities shall assure diversity among commission members, including representation from various geographic areas of the state and shall assure that at least one member is ~~((a))~~ the parent of a Washington public school student.

~~((3))~~ (4) Members appointed to the commission shall collectively possess strong experience and expertise in public and nonprofit governance; management and finance; public school leadership, assessment, curriculum, and instruction; and public education law. All appointed members shall have demonstrated an understanding of and commitment to charter schooling as a strategy for strengthening public education.

~~((4))~~ (5) Appointed members shall ~~((be appointed to))~~ serve four-year, staggered terms ~~((with)).~~ The initial appointments from each of the appointing authorities ~~((consisting))~~ must consist of one member appointed to a one-year term, one member appointed to a two-year term, and one member appointed to a three-year term, all of whom thereafter may be reappointed for a four-year term.

No appointed member may serve more than two consecutive terms. Initial appointments must be made ~~((no later than ninety days after December 6, 2012))~~ by July 1, 2016.

~~((5))~~ (6) Whenever a vacancy on the commission exists among its appointed membership, the original appointing authority must appoint a member for the remaining portion of the term within no more than thirty days.

~~((6))~~ (7) Commission members shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

~~((7) Operational and staff support for the commission shall be provided by the office of the governor until the commission has sufficient resources to hire or contract for separate staff support, who))~~

(8) The commission shall reside within the office of the ~~((governor))~~ superintendent of public instruction for administrative purposes only.

~~((8))~~ (9) RCW 28A.710.090 and 28A.710.120 do not apply to the commission."

Representatives Springer and Magendanz spoke in favor of the adoption of the amendment to the amendment.

Representatives Pollet and Rossetti spoke against the adoption of the amendment to the amendment.

Amendment (963) to amendment (945) was adopted.

Representative Hansen moved the adoption of amendment (965) to amendment (945):

On page 18, line 17 of the striking amendment, after "(1)" strike everything through "period." on line 25 and insert the following:

~~"(A maximum of forty public charter schools may be established under this chapter, over a five year period. No more than eight charter schools may be established in any single year during the five year period, except that if in any single year fewer than eight charter schools are established, then additional charter schools equal in number to the difference between the number established in that year and eight may be established in subsequent years during the five year period.)~~ (a) No more than eight charter public schools may be established in the first year after the effective date of this act. If a constitutional challenge to this act is filed within ninety days of the effective date of this act, then until the earlier of the date that a final judgment not subject to further appeal has been entered in that case or three years after the effective date of this act, no additional charter public schools may be established under this chapter.

(b) Thereafter, a maximum of forty charter public schools may be established in a five-year period as specified in this subsection (b). If a constitutional challenge to this act is filed within ninety days of the effective date of this act, then the five-year period begins on the earlier of the date that a final judgment not subject to further appeal is entered in that case or three years from the effective date of this act. If a constitutional challenge to this act is not filed within ninety days of the effective date of this act, then the five-year period begins on the effective date of this act.

(c) During the five-year period in (b) of this subsection, no more than eight charter schools may be established in any year, except that if in any year fewer than eight charter schools are established, then additional charter schools, in a number equal to the difference between the number established in that year and eight, may be established in subsequent years during the five-year period.

(d) The attorney general must provide notice of the date of entry of any final judgment as described in this section to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the superintendent of public instruction, the state charter commission established in section 107 of this act, and others as deemed appropriate by the attorney general."

Representatives Hansen, Sullivan and Kuderer spoke in favor of the adoption of the amendment to the amendment.

Representative Manweller spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (965) to amendment (945) and the amendment was not adopted by the following vote: Yeas, 44; Nays, 53; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Jinkins, Kagi, Kilduff, Kirby, Kuderer, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Peterson, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sells, Senn, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hurst, Johnson, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pettigrew, Pike, Rodne, Sawyer, Schmick, Scott, Shea, Short, Smith, Springer, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Excused: Representative Orwall

Representative Bergquist moved the adoption of amendment (968) to amendment (945):

On page 18, beginning on line 17 of the amendment, strike all of subsection (1) and insert the following:

"(1) A maximum of ~~((forty public))~~ eight charter public schools may be established under this chapter ~~(-over a five year period. No more than eight charter schools may be established in any single year during the five year period, except that if in any single year fewer than eight charter schools are established, then additional charter schools equal in number to the difference between the number established in that year and eight may be~~

~~established in subsequent years during the five-year period)). A charter school eligible for establishment under this chapter: Must have been operating as an authorized charter school in Washington during the months of September, October, and November 2015; and may not have submitted an application or other expression of intent with a public agency to operate as a private school."~~

On page 19, line 12 of the amendment, after "the" strike "annual" and insert "~~((annual))~~"

On page 21, beginning on line 17 of the amendment, strike all of subsection (9)

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representatives Bergquist and Riccelli spoke in favor of the adoption of the amendment to the amendment.

Representatives Stambaugh and Manweller spoke against the adoption of the amendment to the amendment.

Amendment (968) to amendment (945) was not adopted.

Representative Gregerson moved the adoption of amendment (953) to amendment (945):

On page 24, line 21 of the amendment, after "management;" strike "or" and insert "~~((or))~~"

On page 24, line 23 of the amendment, after "exempt" insert "~~;~~ or

(e) Failed to enroll an at-risk student who applied to enroll at the charter school"

Representatives Gregerson and Kilduff spoke in favor of the adoption of the amendment to the amendment.

Representative Manweller spoke against the adoption of the amendment to the amendment.

Amendment (953) to amendment (945) was not adopted.

Representative Springer moved the adoption of amendment (947) to amendment (945):

On page 30, line 6 of the striking amendment, after "(1)" insert:

"The legislature intends that state funding for charter schools be distributed equitably with state funding provided for other public schools.

(2)"

Renumber remaining subsections consecutively and correct title and internal references accordingly.

On page 30, line 9 of the striking amendment, after "amount" strike everything through "RCW 28A.150.260," on line 12 and insert "calculated as provided in this section and based on the statewide average staff mix factor for certificated instructional staff,"

Representatives Springer and Magendanz spoke in favor of the adoption of the amendment to the amendment.

Representative Pollet spoke against the adoption of the amendment to the amendment.

Amendment (947) to amendment (945) was adopted.

Representative Bergquist moved the adoption of amendment (962) to amendment (945):

On page 31, after line 8 of the striking amendment, insert the following:

"NEW SECTION. Sec. 129. A new section is added to chapter 28A.710 RCW to read as follows:

(1) A school district that experiences a decrease in enrollment of at least ten full-time equivalent students due to enrollment of the students in a charter school established in this chapter is entitled to a hold-harmless allocation calculated as specified in subsection (2) of this section. For the purposes of this section, a full-time equivalent student that is included in the enrollment count qualifying the school district for the hold-harmless payment may be counted for only the first two years of that student's enrollment in the charter school.

(2)(a) For the first school year of student enrollment in the charter school that results in the school district entitlement to a hold harmless allocation, the office of the superintendent of public instruction must allocate funding equal to the district's average per-pupil funding allocation multiplied by one-half of the full-time equivalent student enrollment that was lost in that school year due to the enrollment of the students in a charter school.

(b) For the second school year of student enrollment in the charter school that results in the school district entitlement to a hold harmless allocation, the office of the superintendent of public instruction must allocate funding equal to the district's average per-pupil funding allocation multiplied by one-quarter of the full-time equivalent student enrollment that was lost in that school year due to the enrollment of the students in a charter school."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Bergquist, Fey and Pollet spoke in favor of the adoption of the amendment to the amendment.

Representative Magendanz spoke against the adoption of the amendment to the amendment.

Amendment (962) to amendment (945) was not adopted.

Representative Hunt moved the adoption of amendment (958) to amendment (945):

On page 31, after line 8 of the amendment, insert the following:

"NEW SECTION. Sec. 129. A new section is added to chapter 28A.710 RCW to read as follows:

(1) The eligibility of a charter school student to participate in interschool athletic activities or other interschool extracurricular activities governed by the Washington interscholastic activities association is subject to rules adopted by the Washington interscholastic activities association. The rules must provide that, unless

approved by a nonresident school district or the Washington interscholastic activities association, a student attending a charter school may only participate in interschool athletic activities or other interschool extracurricular activities offered by the student's resident school district.

(2) A proposal by a charter school to regulate the conduct of interschool athletic activities or other interschool extracurricular activities governed by the Washington interscholastic activities association is subject to rules adopted by the Washington interscholastic activities association.

(3) The rules adopted by the Washington interscholastic activities association under this section must provide that it is the responsibility of the charter school to pay the full cost, minus any student participation fee, for any student who participates in interschool athletic activities or other interschool extracurricular activities governed by the Washington interscholastic activities association."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Hunt and Magendanz spoke in favor of the adoption of the amendment to the amendment.

Amendment (958) to amendment (945) was adopted.

Representative Ortiz-Self moved the adoption of amendment (969) to amendment (945):

On page 31, after line 8 of the amendment, insert the following:

**"NEW SECTION. Sec. 129.** A new section is added to chapter 28A.710 RCW to read as follows:

(1) Members of the commission must file personal financial affairs statements with the public disclosure commission.

(2) Members of a charter school board must file personal financial affairs statements with the public disclosure commission."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Ortiz-Self, Reykdal, Sells, Riccelli, Pollet, Gregerson, Stanford, Kuderer and Manweller spoke in favor of the adoption of the amendment to the amendment.

Representative Magendanz spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (969) to amendment (945) and the amendment was adopted by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Calder, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, and Zeiger, and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, McCaslin, Shea, Taylor, and Van Werven

Excused: Representative Orwall

Representative Pollet moved the adoption of amendment (957) to amendment (945):

On page 38, beginning on line 3 of the amendment, strike all of section 301

Renumber the remaining section consecutively and correct any internal references accordingly.

Representative Pollet spoke in favor of the adoption of the amendment to the amendment.

Representative Manweller spoke against the adoption of the amendment to the amendment.

Amendment (957) to amendment (945) was not adopted.

Representative Bergquist moved the adoption of amendment (961) to amendment (945):

On page 38, beginning on line 7 of the amendment, strike all of section 302 and insert the following:

**"NEW SECTION. Sec. 302.** This act takes effect on the date that the Washington state supreme court issues a mandate in *McCleary v. State* or other litigation declaring that the state is in compliance with its paramount duty under Article IX, section 1 of the state Constitution to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex. The attorney general must provide notice of the effective date of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the attorney general."

Correct the title.

Representatives Bergquist, Frame and Kuderer spoke in favor of the adoption of the amendment to the amendment.

Representative Stokesbary spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (961) to amendment (945) and the amendment was not adopted by the following vote: Yeas, 43; Nays, 54; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Jinkins, Kagi, Kilduff, Kirby, Kuderer, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Peterson, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sells, Senn, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Clibborn, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hurst, Johnson, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pettigrew, Pike, Rodne, Sawyer, Schmick, Scott, Shea, Short, Smith, Springer, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger

Excused: Representative Orwall

Representative Pollet moved the adoption of amendment (956) to amendment (945):

On page 38, beginning on line 7 of the amendment, strike all of section 302

Correct the title.

Representative Pollet spoke in favor of the adoption of the amendment to the amendment.

Representative Stambaugh spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

### ROLL CALL

The Clerk called the roll on the adoption of amendment (956) to amendment (945) and the amendment was not adopted by the following vote: Yeas, 44; Nays, 53; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Jinkins, Kagi, Kilduff, Kirby, Kuderer, McBride, Moeller, Morris, Moscoso, Ormsby, Ortiz-Self, Peterson, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sells, Senn, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie, and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel,

Holy, Hurst, Johnson, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz, Manweller, McCabe, McCaslin, Muri, Nealey, Orcutt, Parker, Pettigrew, Pike, Rodne, Sawyer, Schmick, Scott, Shea, Short, Smith, Springer, Stambaugh, Stokesbary, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young, and Zeiger  
Excused: Representative Orwall

Amendment (945), as amended, was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Springer, Magendanz, Walsh, Parker, Pettigrew, Manweller, Kagi, Zeiger, Smith, Hurst, Scott and Kristiansen spoke in favor of the passage of the bill.

Representatives Kuderer, Ortiz-Self, Sells, McBride, Kilduff, Pollet, Santos, Gregerson and Reykdal spoke against the passage of the bill.

### COLLOQUY

Representative Senn: "Thank you, Mr. Speaker. Will the good gentleman from the 5<sup>th</sup> Legislative District yield to a question?"

Representative Magendanz: "I Will."

Representative Senn: "Thank you. There has been some confusion around the dates in the underlying striking amendment to this bill and the total number of charter schools authorized. Am I correct in understanding that, while this amended bill does talk of a back-dated authorization process to 'grandfather-in' some existing schools, the total number is still only up to forty schools?"

Representative Magendanz: "Thank you, yes, the good lady from the 41<sup>st</sup> Legislative District is correct: nothing in the underlying bill or the striking amendment changes the limit on the total number of charter schools which may be authorized. Regardless of authorization dates and 'grandfathered-in' schools, the total limit remains at up to forty schools."

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6194, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6194, as amended by the House, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Barkis, Buys, Caldier, Chandler, Clibborn, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hurst, Johnson, Kagi, Klippert, Kochmar, Kretz, Kristiansen, Lytton, MacEwen, Magendanz,

Manweller, McCabe, McCaslin, Morris, Muri, Nealey, Orcutt, Parker, Pettigrew, Pike, Rodne, Sawyer, Schmick, Scott, Senn, Shea, Short, Smith, Springer, Stambaugh, Stokesbary, Sullivan, Taylor, Van Werven, Vick, Walsh, Wilcox, Wilson, Young and Zeiger.

Voting nay: Representatives Appleton, Bergquist, Blake, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hudgins, Hunt, Jinkins, Kilduff, Kirby, Kuderer, McBride, Moeller, Moscoso, Ormsby, Ortiz-Self, Peterson, Pollet, Reykdal, Riccelli, Robinson, Rossetti, Ryu, Santos, Sells, Stanford, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wylie and Mr. Speaker.

Excused: Representative Orwall.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6194, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 10, 2016, the 60th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - REGULAR SESSION****SIXTIETH DAY**

House Chamber, Olympia, Thursday, March 10, 2016

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages James Lo and Stephanie Ispas. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Jeff Vancil, Leadership Development, Seattle, Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

March 9, 2016

Mr. Speaker:

The Senate receded from its amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 2877, and passed the bill without said amendments.

Hunter G. Goodman, Secretary

**SPEAKER'S PRIVILEGE**

The Speaker (Representative Moeller presiding) introduced Prosser High School Mustangs Championship Football Team represented by Coaches Corey Ingvalson, Doug Fassler and Chris Halfmoon and players David Ledesma, Javier Diaz and Riley Lusk to the Chamber and asked the members to acknowledge them.

There being no objection, the House advanced to the seventh order of business.

**THIRD READING****MESSAGE FROM THE SENATE**

March 9, 2016

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6327 and asks the House to recede therefrom, and the same is herewith transmitted.

Hunter Goodman, Secretary

**HOUSE AMENDMENT TO SENATE BILL**

Representative Cody moved that the House insist on its amendment to Substitute Senate Bill No. 6327 and ask the Senate to concur therein.

Representative Schmick spoke against the motion to Insist.

The House insisted on its position in its amendment to SUBSTITUTE SENATE BILL NO. 6327 and asked the Senate to concur therein.

**MESSAGE FROM THE SENATE**

March 7, 2016

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6360 and asks the House to recede therefrom, and the same is herewith transmitted.

Hunter G. Goodman, Secretary

**HOUSE AMENDMENT TO SENATE BILL**

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 6360.

**MOTION**

On motion of Representative Tarleton, Representative Farrell was excused.

Representatives Jinkins and Rodne spoke in favor of passage of the bill without House amendments.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6360 without House amendments.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6360 without House amendments, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, S. Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride,

McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives DeBolt and Orcutt.

Excused: Representative Farrell.

SUBSTITUTE SENATE BILL NO. 6360, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2016

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2427 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 303.** Local governments must be efficient and prudent stewards of our residents' tax resources. To best serve our communities, certain local government statutes must be amended to reflect technological and organizational change. It is the intent of the legislature to clarify current authorities so that local government can better serve their residents, and it is the intent of the legislature that the following sections allow local government to pursue modern methods of serving their residents while preserving the public's right to access public records, and judiciously using scarce county resources to achieve maximum benefit.

**Sec. 304.** RCW 19.360.020 and 2015 c 72 s 2 are each amended to read as follows:

(1) Unless specifically provided otherwise by law or agency rule, whenever the use of a written signature is authorized or required by this code with a state or local agency, an electronic signature may be used with the same force and effect as the use of a signature affixed by hand, as long as the electronic signature conforms to the definition in RCW 19.360.030 and the writing conforms to RCW 19.360.040.

(2) Except as otherwise provided by law, each state or local agency may determine whether, and to what extent, the agency will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures. Nothing in this act requires a state or local agency to send or accept electronic records or electronic signatures when a writing or signature is required by statute.

(3) Except as otherwise provided by law, for governmental affairs and governmental transactions with state agencies, each state agency electing to send and accept shall establish the method that must be used for electronic submissions and electronic signatures. The method and process for electronic submissions and the use of electronic signatures must be established by policy or rule and be consistent with the policies, standards, or guidance established by the chief information officer required in subsection (4) of this section.

(4)(a) The chief information officer, in coordination with state agencies, must establish standards, guidelines, or policies for the electronic submittal and receipt of electronic records and electronic signatures for governmental affairs and governmental transactions. The standards, policies, or guidelines must take into account reasonable access by and ability of persons to participate in governmental affairs or governmental transactions and be able to rely on transactions that are conducted electronically with agencies. Through the standards, policies, or guidelines, the chief information officer should encourage and promote consistency and interoperability among state agencies.

(b) In order to provide a single point of access, the chief information officer must establish a web site that maintains or links to the agency rules and policies established pursuant to subsection (3) of this section.

(5) Except as otherwise provided by law, for governmental affairs and governmental transactions with local agencies, each local agency electing to send and accept shall establish the method that must be used for electronic submissions and electronic signatures. The method and process for electronic submissions and the use of electronic signatures must be established by ordinance, resolution, policy, or rule. The local agency shall also establish standards, guidelines, or policies for the electronic submittal and receipt of electronic records and electronic signatures for governmental affairs and governmental transactions. The standards, policies, or guidelines must take into account reasonable access by and ability of persons to participate in governmental affairs or governmental transactions and be able to rely on transactions that are conducted electronically with agencies.

**Sec. 305.** RCW 19.360.030 and 2015 c 72 s 3 are each amended to read as follows:

(1) Unless specifically provided otherwise by law or rule or unless the context clearly indicates otherwise, whenever the term "signature" is used in this code for governmental affairs and is authorized by state or local agency ordinance, resolution, rule, or policy pursuant to RCW 19.360.020, the term includes an electronic signature as defined in subsection (2) of this section.

(2) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.

**Sec. 306.** RCW 19.360.040 and 2015 c 72 s 4 are each amended to read as follows:

(1) Unless specifically provided otherwise by law or rule or unless the context clearly indicates otherwise, whenever the term "writing" is used in this code for governmental affairs and is authorized by state or local agency ordinance, resolution, rule, or policy pursuant to RCW 19.360.020, the term means a record.

(2) "Record," as used in subsection (1) of this section, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, except as otherwise defined for the purpose of state or local agency record retention, preservation, or disclosure.

**Sec. 307.** RCW 19.360.050 and 2015 c 72 s 5 are each amended to read as follows:

(1) Unless specifically provided otherwise by law or rule or unless the context clearly indicates otherwise, whenever the term "mail" is used in this code and authorized by state or local agency ordinance, resolution, rule, or policy pursuant to RCW 19.360.020 to transmit a writing with a state or local agency, the term includes the use of mail delivered through an electronic system such as email or secure mail transfer if authorized by the state agency in rule.

(2) For the purposes of this section, "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

**Sec. 308.** RCW 19.360.060 and 2015 c 72 s 6 are each amended to read as follows:

For purposes of RCW 19.360.020 through 19.360.050, "state agency" means any state board, commission, bureau, committee, department, institution, division, or tribunal in the executive branch of state government, including statewide elected offices and institutions of higher education created and supported by the state government. "Local agency" means every county, city, town, municipal corporation, quasi-municipal corporation, special purpose district, or other local public agency.

**Sec. 309.** RCW 36.62.252 and 1984 c 26 s 20 are each amended to read as follows:

Every county which maintains a county hospital or infirmary shall establish a "county hospital fund" into which fund shall be deposited all unrestricted moneys received from any source for hospital or infirmary services including money received for services to recipients of public assistance and other persons without income and resources sufficient to secure such services. The county may maintain other funds for restricted moneys. Obligations incurred by the hospital shall be paid from such funds by the county treasurer in the same manner as general county obligations are paid, except that in counties where a contract has been executed in accordance with RCW 36.62.290, warrants may be issued by the hospital

administrator for the hospital, if authorized by the county legislative authority and the county treasurer. The county treasurer shall furnish to the county legislative authority a monthly report of receipts and disbursements in the county hospital funds which report shall also show the balance of cash on hand.

**Sec. 310.** RCW 36.32.235 and 2009 c 229 s 6 are each amended to read as follows:

(1) In each county with a population of four hundred thousand or more which by resolution establishes a county purchasing department, the purchasing department shall enter into leases of personal property on a competitive basis and purchase all supplies, materials, and equipment on a competitive basis, for all departments of the county, as provided in this chapter and chapter 39.04 RCW, except that the county purchasing department is not required to make purchases that are paid from the county road fund or equipment rental and revolving fund.

(2) As used in this section, "public works" has the same definition as in RCW 39.04.010.

(3) Except as otherwise specified in this chapter or in chapter 36.77 RCW, all counties subject to these provisions shall contract on a competitive basis for all public works after bids have been submitted to the county upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection.

(4) An advertisement shall be published in the county official newspaper stating the time and place where bids will be opened, the time after which bids will not be received, the character of the work to be done, the materials and equipment to be furnished, and that specifications therefor may be seen at the office of the clerk of the county legislative authority. An advertisement shall also be published in a legal newspaper of general circulation in or as near as possible to that part of the county in which such work is to be done. If the county official newspaper is a newspaper of general circulation covering at least forty percent of the residences in that part of the county in which such public works are to be done, then the publication of an advertisement of the applicable specifications in the county official newspaper is sufficient. Such advertisements shall be published at least once at least thirteen days prior to the last date upon which bids will be received.

(5) The bids shall be in writing, may be in either hard copy or electronic form as specified by the county, shall be filed with the clerk, shall be opened and read in public at the time and place named therefor in the advertisements, and after being opened, shall be filed for public inspection. No bid may be considered for public work unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

(6) The contract for the public work shall be awarded to the lowest responsible bidder. Any or all bids may be rejected for good cause. The county legislative authority shall require from the successful bidder for such public work a contractor's bond in the amount and with the conditions imposed by law.

(7) If the bidder to whom the contract is awarded fails to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the county legislative authority. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

(8) As limited by subsection (10) of this section, a county subject to these provisions may have public works performed by county employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period.

Whenever a county subject to these provisions has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works except emergency work under subsection (12) of this section within that budget period shall be done by contract pursuant to public notice and call for competitive bids as specified in subsection (3) of this section. The state auditor shall report to the state treasurer any county subject to these provisions that exceeds this amount and the extent to which the county has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(9) If a county subject to these provisions has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that county in its next budget period. Ten percent of the motor vehicle fuel tax distributions to that county shall be withheld if two years after the year in which the excess amount of work occurred, the county has failed to so reduce the amount of public works that it has performed by public employees. The amount withheld shall be distributed to the county when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been reduced as required.

(10) In addition to the percentage limitation provided in subsection (8) of this section, counties subject to these provisions containing a population of four hundred thousand or more shall not have public employees perform a public works project in excess of ninety thousand dollars if more than a single craft or trade is involved with the public works project, or a public works project in excess of forty-five thousand dollars if only a single craft or trade is involved with the public works project. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by public employees on a single project.

The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the

construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(11) In addition to the accounting and recordkeeping requirements contained in chapter 39.04 RCW, any county which uses public employees to perform public works projects under RCW 36.32.240(1) shall prepare a year-end report to be submitted to the state auditor indicating the total dollar amount of the county's public works construction budget and the total dollar amount for public works projects performed by public employees for that year.

The year-end report submitted pursuant to this subsection to the state auditor shall be in accordance with the standard form required by RCW 43.09.205.

(12) Notwithstanding any other provision in this section, counties may use public employees without any limitation for emergency work performed under an emergency declared pursuant to RCW 36.32.270, and any such emergency work shall not be subject to the limitations of this section. Publication of the description and estimate of costs relating to correcting the emergency may be made within seven days after the commencement of the work. Within two weeks of the finding that such an emergency existed, the county legislative authority shall adopt a resolution certifying the damage to public facilities and costs incurred or anticipated relating to correcting the emergency. Additionally this section shall not apply to architectural and engineering or other technical or professional services performed by public employees in connection with a public works project.

(13) In lieu of the procedures of subsections (3) through (11) of this section, a county may let contracts using the small works roster process provided in RCW 39.04.155.

Whenever possible, the county shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section.

(14) The allocation of public works projects to be performed by county employees shall not be subject to a collective bargaining agreement.

(15) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A RCW.

(16) Nothing in this section prohibits any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(17) This section does not apply to contracts between the public stadium authority and a team affiliate under RCW 36.102.060(4), or development agreements between the public stadium authority and a team affiliate under RCW 36.102.060(7) or leases entered into under RCW 36.102.060(8).

**Sec. 311.** RCW 36.32.245 and 2007 c 88 s 1 are each amended to read as follows:

(1) No contract for the purchase of materials, equipment, or supplies may be entered into by the county legislative authority or by any elected or appointed officer of the county until after bids have been submitted to the

county. Bid specifications shall be in writing and shall be filed with the clerk of the county legislative authority for public inspection. An advertisement shall be published in the official newspaper of the county stating the time and place where bids will be opened, the time after which bids will not be received, the materials, equipment, supplies, or services to be purchased, and that the specifications may be seen at the office of the clerk of the county legislative authority. The advertisement shall be published at least once at least thirteen days prior to the last date upon which bids will be received.

(2) The bids shall be in writing, may be in either hard copy or electronic form as specified by the county, and shall be filed with the clerk. The bids shall be opened and read in public at the time and place named in the advertisement. Contracts requiring competitive bidding under this section may be awarded only to the lowest responsible bidder. Immediately after the award is made, the bid quotations shall be recorded and open to public inspection and shall be available by telephone inquiry. Any or all bids may be rejected for good cause.

(3) For advertisement and formal sealed bidding to be dispensed with as to purchases between ~~((five))~~ ten thousand and ~~((twenty-five))~~ fifty thousand dollars, the county legislative authority must use the uniform process to award contracts as provided in RCW 39.04.190.

Advertisement and formal sealed bidding may be dispensed with as to purchases of less than ~~((five))~~ ten thousand dollars upon the order of the county legislative authority.

(4) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(4), that are negotiated under chapter 39.35A RCW; or contracts and purchases for the printing of election ballots, voting machine labels, and all other election material containing the names of candidates and ballot titles.

(5) Nothing in this section shall prohibit the legislative authority of any county from allowing for preferential purchase of products made from recycled materials or products that may be recycled or reused.

(6) This section does not apply to contracting for public defender services by a county.

**Sec. 312.** RCW 35.58.585 and 2008 c 123 s 2 are each amended to read as follows:

(1) Both a metropolitan municipal corporation and a city-owned transit system may establish, by resolution, a schedule of fines and penalties for civil infractions established in RCW 35.58.580. Fines established shall not exceed those imposed for class 1 infractions under RCW 7.80.120.

(2)(a) Both a metropolitan municipal corporation and a city-owned transit system may designate persons to monitor fare payment who are equivalent to, and are authorized to exercise all the powers of, an enforcement officer as defined in RCW 7.80.040. Both a metropolitan municipal corporation and a city-owned transit system may employ personnel to either monitor fare payment or contract for such services, or both.

(b) In addition to the specific powers granted to enforcement officers under RCW 7.80.050 and 7.80.060,

persons designated to monitor fare payment may also take the following actions:

(i) Request proof of payment from passengers;  
(ii) Request personal identification from a passenger who does not produce proof of payment when requested;  
(iii) Issue a citation for a civil infraction established in RCW 35.58.580 conforming to the requirements established in RCW 7.80.070, except that the form for the notice of civil infraction must be approved by the administrative office of the courts and must not include vehicle information; and

(iv) Request that a passenger leave the bus or other mode of public transportation when the passenger has not produced proof of payment after being asked to do so by a person designated to monitor fare payment.

(3) Both a metropolitan municipal corporation and a city-owned transit system shall keep records of citations in the manner prescribed by RCW 7.80.150. All civil infractions established by this section and RCW 35.58.580 and 35.58.590 shall be heard and determined by a district court as provided in RCW 7.80.010 (1) and (4).

**Sec. 313.** RCW 36.57A.030 and 1977 ex.s. c 44 s 1 are each amended to read as follows:

Any conference which finds it desirable to establish a public transportation benefit area or change the boundaries of any existing public transportation benefit area shall fix a date for a public hearing thereon, or the legislative bodies of any two or more component cities or the county legislative body by resolution may require the public transportation improvement conference to fix a date for a public hearing thereon. Prior to the convening of the public hearing, the county governing body shall delineate the area of the county proposed to be included within the transportation benefit area, and shall furnish a copy of such delineation to each incorporated city within such area. Each city shall advise the county governing body, on a preliminary basis, of its desire to be included or excluded from the transportation benefit area by means of an ordinance adopted by the legislative body of that city. The county governing body shall cause the delineations to be revised to reflect the wishes of such incorporated cities. This delineation shall be considered by the conference at the public hearing for inclusion in the public transportation benefit area.

Notice of such hearing shall be published once a week for at least four consecutive weeks in one or more newspapers of general circulation within the area. The notice shall contain a description and map of the boundaries of the proposed public transportation benefit area and shall state the time and place of the hearing and the fact that any changes in the boundaries of the public transportation benefit area will be considered at such time and place. At such hearing or any continuation thereof, any interested person may appear and be heard on all matters relating to the effect of the formation of the proposed public transportation benefit area.

The conference may make such changes in the boundaries of the public transportation benefit area as they shall deem reasonable and proper, but may not delete any

portion of the proposed area which will create an island of included or excluded lands, and may not delete a portion of any city. If the conference shall determine that any additional territory should be included in the public transportation benefit area, a second hearing shall be held and notice given in the same manner as for the original hearing. The conference may adjourn the hearing on the formation of a public transportation benefit area from time to time not exceeding thirty days in all.

Following the conclusion of such hearing the conference shall adopt a resolution fixing the boundaries of the proposed public transportation benefit area, declaring that the formation of the proposed public transportation benefit area will be conducive to the welfare and benefit of the persons and property therein.

Within thirty days of the adoption of such conference resolution, the county legislative authority of each county wherein a conference has established proposed boundaries of a public transportation benefit area, may by resolution, upon making a legislative finding that the proposed benefit area includes portions of the county which could not be reasonably expected to benefit from such benefit area or excludes portions of the county which could be reasonably expected to benefit from its creation, disapprove and terminate the establishment of such public transportation benefit area within such county."

On page 1, line 1 of the title, after "modernization;" strike the remainder of the title and insert "amending RCW 19.360.020, 19.360.030, 19.360.040, 19.360.050, 19.360.060, 36.62.252, 36.32.235, 36.32.245, 35.58.585, and 36.57A.030; and creating a new section."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2427 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Appleton and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2427, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Substitute House Bill No. 2427, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Fey, Fitzgibbon,

Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative Manweller.

Excused: Representative Farrell.

SUBSTITUTE HOUSE BILL NO. 2427, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **MESSAGE FROM THE SENATE**

March 9, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.28A.320 and 2015 2nd sp.s. c 3 s 16 are each amended to read as follows:

There is hereby established in the custody of the state ((treasury)) treasurer the 24/7 sobriety account. The account shall be maintained and administered by the criminal justice training commission to reimburse the state for costs associated with establishing and operating the 24/7 sobriety program and the Washington association of sheriffs and police chiefs for ongoing 24/7 sobriety program administration costs. An appropriation is not required for expenditures and the account is not subject to allotment procedures under chapter 43.88 RCW. Funds in the account may not lapse and must carry forward from biennium to biennium. Interest earned by the account must be retained in the account. The criminal justice training commission may accept for deposit in the account money from donations, gifts, grants, participation fees, and user fees or payments.

Sec. 2. RCW 43.79A.040 and 2013 c 251 s 5 and 2013 c 88 s 1 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund must be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to,

depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments must occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer must distribute the earnings credited to the investment income account to the state general fund except under (b), (c), and (d) of this subsection.

(b) The following accounts and funds must receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The 24/7 sobriety account, the Washington promise scholarship account, the Washington advanced college tuition payment program account, the accessible communities account, the community and technical college innovation account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the Washington global health technologies and product development account, the grain inspection revolving fund, the industrial insurance rainy day fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the multiagency permitting team account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account, the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, the center for childhood deafness and hearing loss account, the school for the blind account, the Millersylvania park trust fund, the public employees' and retirees' insurance reserve fund, and the radiation perpetual maintenance fund.

(c) The following accounts and funds must receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance

account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 3. RCW 46.01.260 and 2015 2nd sp.s. c 3 s 10 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the director may destroy applications for vehicle registrations, copies of vehicle registrations issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, and records or supporting papers on file in the department that have been microfilmed or photographed or are more than five years old. The director may destroy applications for vehicle registrations that are renewal applications when the computer record of the applications has been updated.

(2)(a) The director shall not destroy records of convictions or adjudications of RCW 46.61.502, 46.61.503, 46.61.504, 46.61.520, and 46.61.522, ((or)) records of deferred prosecutions granted under RCW 10.05.120, or any other records of a prior offense as defined in RCW 46.61.5055 and shall maintain such records permanently on file.

(b) ((The director shall not, within fifteen years from the date of conviction or adjudication, destroy records if the offense was originally charged as one of the offenses designated in (a) of this subsection, convictions or adjudications of the following offenses: RCW 46.61.500 or 46.61.5249 or any other violation that was originally charged as one of the offenses designated in (a) of this subsection.

(c)) For purposes of RCW 46.52.101 and 46.52.130, offenses subject to this subsection shall be considered "alcohol-related" offenses.

Sec. 4. RCW 46.64.025 and 2012 c 82 s 5 are each amended to read as follows:

Whenever any person served with a traffic citation or a traffic-related criminal complaint willfully fails to appear at a requested hearing for a moving violation or fails to comply with the terms of a notice of traffic citation for a moving violation or a traffic-related criminal complaint, the court in which the defendant failed to appear shall promptly give notice of such fact to the department of licensing. Whenever thereafter the case in which the defendant failed to appear is adjudicated, the court hearing the case shall promptly file with the department a certificate showing that the case has been adjudicated. For the purposes of this section, "moving violation" is defined by rule pursuant to RCW 46.20.2891.

Sec. 5. RCW 46.20.291 and 2007 c 393 s 2 are each amended to read as follows:

The department is authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

(1) Has committed an offense for which mandatory revocation or suspension of license is provided by law;

(2) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;

(3) Has been convicted of offenses against traffic regulations governing the movement of vehicles, or found to have committed traffic infractions, with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways;

(4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

(5) Has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction, criminal complaint, or citation, as provided in RCW 46.20.289;

(6) Is subject to suspension under RCW 46.20.305 or 9A.56.078;

(7) Has committed one of the prohibited practices relating to drivers' licenses defined in RCW 46.20.0921; or

(8) Has been certified by the department of social and health services as a person who is not in compliance with a child support order or a residential or visitation order as provided in RCW 74.20A.320.

Sec. 6. RCW 46.20.289 and 2012 c 82 s 3 are each amended to read as follows:

The department shall suspend all driving privileges of a person when the department receives notice from a court under RCW 46.63.070(6), 46.63.110(6), or 46.64.025 that the person has failed to respond to a notice of traffic infraction for a moving violation, failed to appear at a requested hearing for a moving violation, violated a written promise to appear in court for a notice of infraction for a moving violation, or has failed to comply with the terms of a notice of traffic infraction, criminal complaint, or citation for a moving violation, or when the department receives notice from another state under Article IV of the nonresident violator compact under RCW 46.23.010 or from a jurisdiction that has entered into an agreement with the department under RCW 46.23.020, other than for a standing, stopping, or parking violation, provided that the traffic infraction or traffic offense is committed on or after July 1, 2005. A suspension under this section takes effect pursuant to the provisions of RCW 46.20.245, and remains in effect until the department has received a certificate from the court showing that the case has been adjudicated, and until the person meets the requirements of RCW 46.20.311. In the case of failure to respond to a traffic infraction issued under RCW 46.55.105, the department shall suspend all driving privileges until the person provides evidence from the court that all penalties and restitution have been paid. A suspension under this section does not take effect if, prior to the effective date of the suspension, the department receives a certificate from the court showing that the case has been adjudicated.

Sec. 7. RCW 9.94A.533 and 2015 c 134 s 2 are each amended to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or 9.94A.517.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(((3))) (1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(((3))) (1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following:

Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(2) (a) or (b) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(2) (c), (d), or (e);

(c) Twelve months for offenses committed under RCW 69.50.4013.

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.827. All enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

Notwithstanding any other provision of law, all impaired driving enhancements under this subsection ((shall be)) are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other impaired driving enhancements, for all offenses sentenced under this chapter.

An offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(1)(c).

(8)(a) The following additional times shall be added to the standard sentence range for felony crimes committed on or after July 1, 2006, if the offense was committed with sexual motivation, as that term is defined in RCW 9.94A.030. If the offender is being sentenced for more than one offense, the sexual motivation enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to a sexual

motivation enhancement. If the offender committed the offense with sexual motivation and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(i) Two years for any felony defined under the law as a class A felony or with a statutory maximum sentence of at least twenty years, or both;

(ii) Eighteen months for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both;

(iii) One year for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both;

(iv) If the offender is being sentenced for any sexual motivation enhancements under (a)(i), (ii), and/or (iii) of this subsection and the offender has previously been sentenced for any sexual motivation enhancements on or after July 1, 2006, under (a)(i), (ii), and/or (iii) of this subsection, all sexual motivation enhancements under this subsection shall be twice the amount of the enhancement listed;

(b) Notwithstanding any other provision of law, all sexual motivation enhancements under this subsection are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other sexual motivation enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be:

(i) Granted an extraordinary medical placement when authorized under RCW 9.94A.728(((3))) (1)(c); or

(ii) Released under the provisions of RCW 9.94A.730;

(c) The sexual motivation enhancements in this subsection apply to all felony crimes;

(d) If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced;

(e) The portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender;

(f) Nothing in this subsection prevents a sentencing court from imposing a sentence outside the standard sentence range pursuant to RCW 9.94A.535.

(9) An additional one year enhancement shall be added to the standard sentence range for the felony crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089 committed on or after July 22, 2007, if the offender engaged, agreed, or offered to engage the victim in the sexual conduct in return for a fee. If the offender is being sentenced for more than one offense, the one year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement. If the offender is being sentenced for an anticipatory offense for the felony

crimes of RCW 9A.44.073, 9A.44.076, 9A.44.079, 9A.44.083, 9A.44.086, or 9A.44.089, and the offender attempted, solicited another, or conspired to engage, agree, or offer to engage the victim in the sexual conduct in return for a fee, an additional one year enhancement shall be added to the standard sentence range determined under subsection (2) of this section. For purposes of this subsection, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

(10)(a) For a person age eighteen or older convicted of any criminal street gang-related felony offense for which the person compensated, threatened, or solicited a minor in order to involve the minor in the commission of the felony offense, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by one hundred twenty-five percent. If the standard sentence range under this subsection exceeds the statutory maximum sentence for the offense, the statutory maximum sentence is the presumptive sentence unless the offender is a persistent offender.

(b) This subsection does not apply to any criminal street gang-related felony offense for which involving a minor in the commission of the felony offense is an element of the offense.

(c) The increased penalty specified in (a) of this subsection is unavailable in the event that the prosecution gives notice that it will seek an exceptional sentence based on an aggravating factor under RCW 9.94A.535.

(11) An additional twelve months and one day shall be added to the standard sentence range for a conviction of attempting to elude a police vehicle as defined by RCW 46.61.024, if the conviction included a finding by special allegation of endangering one or more persons under RCW 9.94A.834.

(12) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.831.

(13) An additional twelve months shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)) or felony physical control under the influence (RCW 46.61.504(6)) for each child passenger under the age of sixteen who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions. If the addition of a minor child enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(14) An additional twelve months shall be added to the standard sentence range for an offense that is also a violation of RCW 9.94A.832.

Sec. 8. RCW 46.61.506 and 2015 2nd sp.s. c 3 s 22 are each amended to read as follows:

(1) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical

control of a vehicle while under the influence of intoxicating liquor or any drug, if the person's alcohol concentration is less than 0.08 or the person's THC concentration is less than 5.00, it is evidence that may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor or any drug.

(2)(a) The breath analysis of the person's alcohol concentration shall be based upon grams of alcohol per two hundred ten liters of breath.

(b) The blood analysis of the person's THC concentration shall be based upon nanograms per milliliter of whole blood.

(c) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor or any drug.

(3) Analysis of the person's blood or breath to be considered valid under the provisions of this section or RCW 46.61.502 or 46.61.504 shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4)(a) A breath test performed by any instrument approved by the state toxicologist shall be admissible at trial or in an administrative proceeding if the prosecution or department produces prima facie evidence of the following:

(i) The person who performed the test was authorized to perform such test by the state toxicologist;

(ii) The person being tested did not vomit or have anything to eat, drink, or smoke for at least fifteen minutes prior to administration of the test;

(iii) The person being tested did not have any foreign substances, not to include dental work, fixed or removable, in his or her mouth at the beginning of the fifteen-minute observation period;

(iv) Prior to the start of the test, the temperature of any liquid simulator solution utilized as an external standard, as measured by a thermometer approved of by the state toxicologist was thirty-four degrees centigrade plus or minus 0.3 degrees centigrade;

(v) The internal standard test resulted in the message "verified";

(vi) The two breath samples agree to within plus or minus ten percent of their mean to be determined by the method approved by the state toxicologist;

(vii) The result of the test of the liquid simulator solution external standard or dry gas external standard result did lie between .072 to .088 inclusive; and

(viii) All blank tests gave results of .000.

(b) For purposes of this section, "prima facie evidence" is evidence of sufficient circumstances that would support a logical and reasonable inference of the facts sought to be proved. In assessing whether there is sufficient evidence of the foundational facts, the court or administrative tribunal is to assume the truth of the prosecution's or department's evidence and all reasonable inferences from it in a light most favorable to the prosecution or department.

(c) Nothing in this section shall be deemed to prevent the subject of the test from challenging the reliability or accuracy of the test, the reliability or functioning of the instrument, or any maintenance procedures. Such challenges, however, shall not preclude the admissibility of the test once the prosecution or department has made a prima facie showing of the requirements contained in (a) of this subsection. Instead, such challenges may be considered by the trier of fact in determining what weight to give to the test result.

(5) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic or drug content may be performed only by a physician licensed under chapter 18.71 RCW; an osteopathic physician licensed under chapter 18.57 RCW; a registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed under chapter 18.79 RCW; a physician assistant licensed under chapter 18.71A RCW; an osteopathic physician assistant licensed under chapter 18.57A RCW; an advanced emergency medical technician or paramedic licensed under chapter 18.73 RCW; until July 1, 2016, a health care assistant certified under chapter 18.135 RCW; or a medical assistant-certified or medical assistant-phlebotomist certified under chapter 18.360 RCW. Proof of qualification to draw blood may be established through the department of health's provider credential search. This limitation shall not apply to the taking of breath specimens.

(6) The person tested may have a licensed or certified health care provider listed in subsection (5) of this section, or a qualified technician, chemist, or other qualified person of his or her own choosing administer one or more tests in addition to any administered at the direction of a law enforcement officer. The test will be admissible if the person establishes the general acceptability of the testing technique or method. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(7) Upon the request of the person who shall submit to a test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

Sec. 9. RCW 10.31.100 and 2014 c 202 s 307, 2014 c 100 s 2, and 2014 c 5 s 1 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of an officer, except as provided in subsections (1) through (11) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW

9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol or THC in their system;

(f) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(g) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5)(a) A law enforcement officer investigating at the scene of a motor vessel accident may arrest the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a criminal violation of chapter 79A.60 RCW.

(b) A law enforcement officer investigating at the scene of a motor vessel accident may issue a citation for an infraction to the operator of a motor vessel involved in the accident if the officer has probable cause to believe that the operator has committed, in connection with the accident, a violation of any boating safety law of chapter 79A.60 RCW.

(6) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(7) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(8) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(9) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(10) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(11) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under RCW

77.15.160(4) may issue a citation for an infraction to the person in connection with the violation.

(13) A law enforcement officer having probable cause to believe that a person has committed a criminal violation under RCW 77.15.809 or 77.15.811 may arrest the person in connection with the violation.

(14) Except as specifically provided in subsections (2), (3), (4), and (7) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(15) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (9) of this section if the police officer acts in good faith and without malice.

(16)(a) Except as provided in (b) of this subsection, a police officer shall arrest and keep in custody, until release by a judicial officer on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that the person has violated RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and the police officer has knowledge that the person has a prior offense as defined in RCW 46.61.5055 within ten years.

(b) A police officer is not required to keep in custody a person under (a) of this subsection if the person requires immediate medical attention and is admitted to a hospital.

Sec. 10. RCW 10.01.230 and 2011 c 293 s 15 are each amended to read as follows:

(1) The Washington traffic safety commission may develop and maintain a registry of qualified victim impact panels. When imposing a requirement that an offender attend a victim impact panel under RCW 46.61.5152, the court may refer the offender to a victim impact panel that is listed in the registry. The Washington traffic safety commission may consult with victim impact panel organizations to develop and maintain a registry.

(2) To be listed on the registry, the victim impact panel must meet the following minimum standards:

(a) The victim impact panel must address the effects of driving while impaired on individuals and families and address alternatives to drinking and driving and drug use and driving;

(b) The victim impact panel ((should strive to)) shall have at least two different speakers, one of whom is a victim survivor of an impaired driving crash, to present their stories in person. A victim survivor may be the panel facilitator. The victim impact panel should be a minimum of sixty minutes of presentation, not including registration and administration time;

(c) The victim impact panel shall have policies and procedures to recruit, screen, train, and provide feedback and ongoing support to the panelists. The panel shall take reasonable steps to verify the authenticity of each panelist's story;

(d) Pursuant to (b) of this subsection, the victim impact panel shall use in-person speakers for each presentation for a minimum of sixty minutes of presentation. The victim impact panel may supplement the in-person presentations with prerecorded videos, but in no case shall the videos shown exceed fifteen minutes of presentation;

(e) The victim impact panel shall charge a reasonable fee to all persons required to attend, unless otherwise ordered by the court;

((e)) (f) The victim impact panel shall have a policy to prohibit admittance of anyone under the influence of alcohol or drugs, or anyone whose actions or behavior are otherwise inappropriate. The victim impact panel may institute additional admission requirements;

((f)) (g) The victim impact panel shall maintain attendance records for at least five years;

((g)) (h) The victim impact panel shall make reasonable efforts to use a facility that meets standards established by the Americans with disabilities act;

((h)) (i) The victim impact panel may provide referral information to other community services; and

((i)) (j) The victim impact panel shall have a designated facilitator who is responsible for the compliance with these minimum standards and who is responsible for maintaining appropriate records and communication with the referring courts and probationary departments regarding attendance or nonattendance.

Sec. 11. RCW 10.05.140 and 2013 2nd sp.s. c 35 s 21 are each amended to read as follows:

As a condition of granting a deferred prosecution petition, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any alcohol-dependency based case, the court shall also order the installation of an ignition interlock under RCW 46.20.720. The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720((3)). As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for alcoholism or drugs, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution program upon violation of the deferred prosecution order.

Sec. 12. RCW 46.20.311 and 2006 c 73 s 15 are each amended to read as follows:

(1)(a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall

determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the alcohol or drug dependency agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child support order under chapter 74.20A RCW ((or a residential or visitation order)), the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of seventy-five dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of seventy-five dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502(6) or 46.61.504(6), the department shall determine the person's eligibility for licensing based upon the reports provided by the alcohol or drug dependency agency required under RCW 46.61.524 and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person applying for a new license. The department may waive the requirement for written verification under this subsection if it determines to its satisfaction that a device previously verified as having been installed on a vehicle owned or operated by the person is still installed and functioning or as permitted by RCW 46.20.720(8). If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of seventy-five dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

Sec. 13. RCW 46.20.385 and 2015 2nd sp.s. c 3 s 3 are each amended to read as follows:

(1)(a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of: (i) A violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or (ii) a violation of RCW 46.61.520(1)(a) or an equivalent local or out-of-state statute or ordinance, or (iii) a conviction for a violation of RCW 46.61.520(1) (b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520(1)(a), or (iv) RCW 46.61.522(1)(b) or an equivalent local or out-of-state statute or ordinance, or (v) RCW 46.61.522(1) (a) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522(1)(b) committed while under the influence of intoxicating liquor or any drug, or (vi) who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial, unless otherwise permitted under RCW 46.20.720(6). ((Subject to the provisions of RCW 46.20.720(3)(b)(ii), the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.))

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or

revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

((iii) The time period during which the person is licensed under this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720, 46.61.5055, 10.05.140, 46.61.500(3), and 46.61.5249(4). Beginning with incidents occurring on or after September 1, 2011, when calculating the period of time for the restriction under RCW 46.20.720 (2) or (3), the department must also give the person a day-for-day credit for the time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates. For the purposes of this subsection (1)(c)(iii), the term "all vehicles" does not include vehicles that would be subject to the employer exception under RCW 46.20.720(3).))

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of twenty dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional twenty dollar fee to the department.

(b) The department shall deposit the proceeds of the twenty dollar fee into the ignition interlock device revolving

account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8)(a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under this chapter and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

Sec. 14. RCW 46.20.720 and 2013 2nd sp.s. c 35 s 19 are each amended to read as follows:

(1) ((The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific calibration setting at which the interlock will prevent the vehicle from being started. The court shall also establish the period of time for which interlock use will be required.

(2) Under RCW 46.61.5055 and subject to the exceptions listed in that statute, the court shall order any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person. The court shall order any person participating in a deferred prosecution program under RCW 10.05.020 for a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to have a functioning ignition interlock device installed on all motor vehicles operated by the person.

(3)(a) The department shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning ignition interlock device if the person is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance. The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device if the person is convicted of a violation of RCW 46.61.5249 or 46.61.500 and is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person.

(b)(i) Except as provided in (b)(ii) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.

(ii) The employer exemption does not apply:

(A) When the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment;

(B) For the first thirty days after an ignition interlock device has been installed as the result of a first conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(C) For the first three hundred sixty-five days after an ignition interlock device has been installed as the result of a second or subsequent conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance.

(c) The ignition interlock device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more. Subject to the provisions of subsections (4) and (5) of this section, the period of time of the restriction will be no less than:

(i) For a person who has not previously been restricted under this section, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ten years.

(4) A restriction imposed under subsection (3) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that there have been none of the following incidents in the four consecutive months prior to the date of release:

(a) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

(c) Failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; or

(d) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

(5) For a person required to install an ignition interlock device pursuant to RCW 46.61.5249(4) or 46.61.500(3), the

period of time of the restriction shall be for six months and shall be subject to subsection (4) of this section.

(6) In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of twenty dollars per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional twenty dollar fee to the department to be deposited into the ignition interlock device revolving account.) Ignition interlock restriction. The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device:

(a) Pretrial release. Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) Ignition interlock driver's license. As required for issuance of an ignition interlock driver's license under RCW 46.20.385;

(c) Deferred prosecution. Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) Post conviction. After any applicable period of suspension, revocation, or denial of driving privileges:

(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person; or

(e) Court order. Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific calibration setting at which the ignition interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) Calibration. Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more.

(3) Duration of restriction. A restriction imposed under:

(a) Subsection (1)(a) of this section shall remain in effect until:

(i) The court has authorized the removal of the device under RCW 10.21.055; or

(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.

(b) Subsection (1)(b) of this section remains in effect during the validity of any ignition interlock driver's license that has been issued to the person.

(c) Subsection (1)(c)(i) or (d)(i) of this section shall be for no less than:

(i) For a person who has not previously been restricted under this subsection, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ten years.

The restriction of a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who committed the offense while a passenger under the age of sixteen was in the vehicle shall be extended for an additional six-month period as required by RCW 46.61.5055(6)(a).

(d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for a period of no less than six months.

(e) Subsection (1)(e) of this section shall remain in effect for the period of time specified by the court.

The period of restriction under (c) and (d) of this subsection based on incidents occurring on or after the effective date of this section must be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person.

(4) Requirements for removal. A restriction imposed under subsection (1)(c) or (d) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that there have been none of the following incidents in the four consecutive months prior to the date of release:

(a) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

(b) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

(c) Failure to pass any random retest with a breath alcohol concentration of 0.025 or lower unless a subsequent test performed within ten minutes registers a breath alcohol concentration lower than 0.025, and the digital image confirms the same person provided both samples; or

(d) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

(5) Day-for-day credit. (a) The time period during which a person has an ignition interlock device installed in order to meet the requirements of subsection (1)(b) of this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

(b) The department must also give the person a day-for-day credit for any time period, beginning from the date of

the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates, other than those subject to the employer exemption under subsection (6) of this section.

(c) If the day-for-day credit granted under this subsection equals or exceeds the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident, and the person has already met the requirements for removal of the device under subsection (4) of this section, the department may waive the requirement that a device be installed or that the person again meet the requirements for removal.

(6) Employer exemption. (a) Except as provided in (b) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.

(b) The employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

(7) Ignition interlock device revolving account. In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of twenty dollars per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional twenty dollar fee to the department to be deposited into the ignition interlock device revolving account. The department may waive the monthly fee if the person is indigent under RCW 10.101.010.

(8) Foreign jurisdiction. For a person restricted under this section who is residing outside of the state of Washington, the department may accept verification of installation of an ignition interlock device by an ignition interlock company authorized to do business in the jurisdiction in which the person resides, provided the device meets any applicable requirements of that jurisdiction. The department may waive the monthly fee required by subsection (7) of this section if collection of the fee would be impractical in the case of a person residing in another jurisdiction.

Sec. 15. RCW 46.20.308 and 2015 2nd sp.s. c 3 s 5 are each amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath for the purpose of determining the alcohol concentration in his or her breath if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. Prior to administering a breath test pursuant to this section, the officer shall inform the person of his or her right under this section to refuse the breath test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver, in substantially the following language, that:

(a) If the driver refuses to take the test, the driver's license, permit, or privilege to drive will be revoked or denied for at least one year; and

(b) If the driver refuses to take the test, the driver's refusal to take the test may be used in a criminal trial; and

(c) If the driver submits to the test and the test is administered, the driver's license, permit, or privilege to drive will be suspended, revoked, or denied for at least ninety days if:

(i) The driver is age twenty-one or over and the test indicates either that the alcohol concentration of the driver's breath is 0.08 or more; or

(ii) The driver is under age twenty-one and the test indicates either that the alcohol concentration of the driver's breath is 0.02 or more; or

(iii) The driver is under age twenty-one and the driver is in violation of RCW 46.61.502 or 46.61.504; and

(d) If the driver's license, permit, or privilege to drive is suspended, revoked, or denied the driver may be eligible to immediately apply for an ignition interlock driver's license.

(3) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested exercises the right, granted herein, by refusing upon the request of a law enforcement officer to submit to a test or tests of his or her breath, no test shall be given except as otherwise authorized by law.

(4) Nothing in subsection (1), (2), or (3) of this section precludes a law enforcement officer from obtaining a person's blood to test for alcohol, marijuana, or any drug, pursuant to a search warrant, a valid waiver of the warrant requirement, when exigent circumstances exist, or under any other authority of law. Any blood drawn for the purpose of determining the person's alcohol, marijuana levels, or any drug, is drawn pursuant to this section when the officer has reasonable grounds to believe that the person is in physical control or driving a vehicle under the influence or in violation of RCW 46.61.503.

(5) If, after arrest and after any other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more, or the THC concentration of the person's blood is 5.00 or more, if the person is age twenty-one or over, or that the alcohol concentration of the person's breath or blood is 0.02 or more, or the THC concentration of the person's blood is

above 0.00, if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the department, where applicable, if the arrest results in a test of the person's blood, shall:

(a) Serve notice in writing on the person on behalf of the department of its intention to suspend, revoke, or deny the person's license, permit, or privilege to drive as required by subsection (6) of this section;

(b) Serve notice in writing on the person on behalf of the department of his or her right to a hearing, specifying the steps he or she must take to obtain a hearing as provided by subsection (7) of this section;

(c) Serve notice in writing that the license or permit, if any, is a temporary license that is valid for ((sixty)) thirty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or until the suspension, revocation, or denial of the person's license, permit, or privilege to drive is sustained at a hearing pursuant to subsection (7) of this section, whichever occurs first. No temporary license is valid to any greater degree than the license or permit that it replaces; and

(d) Immediately notify the department of the arrest and transmit to the department within seventy-two hours, except as delayed as the result of a blood test, a sworn report or report under a declaration authorized by RCW 9A.72.085 that states:

(i) That the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or was under the age of twenty-one years and had been driving or was in actual physical control of a motor vehicle while having an alcohol or THC concentration in violation of RCW 46.61.503;

(ii) That after receipt of any applicable warnings required by subsection (2) of this section the person refused to submit to a test of his or her breath, or a test was administered and the results indicated that the alcohol concentration of the person's breath or blood was 0.08 or more, or the THC concentration of the person's blood was 5.00 or more, if the person is age twenty-one or over, or that the alcohol concentration of the person's breath or blood was 0.02 or more, or the THC concentration of the person's blood was above 0.00, if the person is under the age of twenty-one; and

(iii) Any other information that the director may require by rule.

(6) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (5)(d) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective beginning ((sixty)) thirty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (7) of this section, whichever occurs first.

(7) A person receiving notification under subsection (5)(b) of this section may, within ((twenty)) seven days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of three hundred seventy-five dollars as part of the request. If the request is mailed, it must be postmarked within ((twenty)) seven days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required three hundred seventy-five dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required three hundred seventy-five dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within ((sixty)) thirty days, excluding Saturdays, Sundays, and legal holidays, following the date of timely receipt of such request for a formal hearing before the department or thirty days, excluding Saturdays, Sundays, and legal holidays following ((the arrest or following)) the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license under subsection (5) of this section extended, if the person is otherwise eligible for licensing. Unless otherwise agreed to by the department and the person, the department must give five days notice of the hearing to the person. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more, or THC in his or her system in a concentration above 0.00, if the person was under the age of twenty-one, whether the person was placed under arrest, and (a) whether the person refused to submit to the test or tests upon request of the officer after having been informed that such refusal would result in the revocation of the person's license, permit, or privilege to drive, or (b) if a test or tests were administered, whether the applicable requirements of this section were satisfied before the administration of the test or tests, whether the person submitted to the test or tests, or whether a test was administered pursuant to a search warrant, a valid waiver of the warrant requirement, when exigent circumstances exist, or under any other authority of law as permitted under this section, and whether the test or tests indicated that the alcohol concentration of the person's breath or blood was 0.08 or more, or the THC concentration of the person's blood was 5.00 or more, if the person was age twenty-one or over at the time of the arrest, or that the alcohol concentration of the person's breath or blood was 0.02 or more, or the THC concentration of the person's blood was above 0.00, if the person was under the age of twenty-one at the time of the arrest. Where a person is found to be in actual physical

control of a motor vehicle while under the influence of intoxicating liquor or any drug or was under the age of twenty-one at the time of the arrest and was in physical control of a motor vehicle while having alcohol in his or her system in a concentration of 0.02 or THC concentration above 0.00, the person may petition the hearing officer to apply the affirmative defense found in RCW 46.61.504(3) and 46.61.503(2). The driver has the burden to prove the affirmative defense by a preponderance of the evidence. The sworn report or report under a declaration authorized by RCW 9A.72.085 submitted by a law enforcement officer is prima facie evidence that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drugs, or both, or the person had been driving or was in actual physical control of a motor vehicle within this state while having alcohol in his or her system in a concentration of 0.02 or more, or THC in his or her system in a concentration above 0.00, and was under the age of twenty-one and that the officer complied with the requirements of this section.

A hearing officer shall conduct the hearing, may issue subpoenas for the attendance of witnesses and the production of documents, and shall administer oaths to witnesses. The hearing officer shall not issue a subpoena for the attendance of a witness at the request of the person unless the request is accompanied by the fee required by RCW 5.56.010 for a witness in district court. The sworn report or report under a declaration authorized by RCW 9A.72.085 of the law enforcement officer and any other evidence accompanying the report shall be admissible without further evidentiary foundation and the certifications authorized by the criminal rules for courts of limited jurisdiction shall be admissible without further evidentiary foundation. The person may be represented by counsel, may question witnesses, may present evidence, and may testify. The department shall order that the suspension, revocation, or denial either be rescinded or sustained.

(8) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly

made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(9)(a) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (6) of this section, other than as a result of a breath test refusal, and who has not committed an offense for which he or she was granted a deferred prosecution under chapter 10.05 RCW, petitions a court for a deferred prosecution on criminal charges arising out of the arrest for which action has been or will be taken under subsection (6) of this section, or notifies the department of licensing of the intent to seek such a deferred prosecution, then the license suspension or revocation shall be stayed pending entry of the deferred prosecution. The stay shall not be longer than one hundred fifty days after the date charges are filed, or two years after the date of the arrest, whichever time period is shorter. If the court stays the suspension, revocation, or denial, it may impose conditions on such stay. If the person is otherwise eligible for licensing, the department shall issue a temporary license, or extend any valid temporary license under subsection (5) of this section, for the period of the stay. If a deferred prosecution treatment plan is not recommended in the report made under RCW 10.05.050, or if treatment is rejected by the court, or if the person declines to accept an offered treatment plan, or if the person violates any condition imposed by the court, then the court shall immediately direct the department to cancel the stay and any temporary license or extension of a temporary license issued under this subsection.

(b) A suspension, revocation, or denial imposed under this section, other than as a result of a breath test refusal, shall be stayed if the person is accepted for deferred prosecution as provided in chapter 10.05 RCW for the incident upon which the suspension, revocation, or denial is based. If the deferred prosecution is terminated, the stay shall be lifted and the suspension, revocation, or denial reinstated. If the deferred prosecution is completed, the stay shall be lifted and the suspension, revocation, or denial canceled.

(c) The provisions of (b) of this subsection relating to a stay of a suspension, revocation, or denial and the cancellation of any suspension, revocation, or denial do not apply to the suspension, revocation, denial, or disqualification of a person's commercial driver's license or privilege to operate a commercial motor vehicle.

(10) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, revoked, or denied, the department shall give information in writing of the action taken to the motor vehicle administrator

of the state of the person's residence and of any state in which he or she has a license.

Sec. 16. RCW 10.21.055 and 2015 2nd sp.s. c 3 s 2 are each amended to read as follows:

(1)(a) When any person charged with a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, in which the person has a prior offense as defined in RCW 46.61.5055 and the current offense involves alcohol, is released from custody at arraignment or trial on bail or personal recognizance, the court authorizing the release shall require, as a condition of release that person comply with one of the following four requirements:

(i) Have a functioning ignition interlock device installed on all motor vehicles operated by the person, with proof of installation filed with the court by the person or the certified interlock provider within five business days of the date of release from custody or as soon thereafter as determined by the court based on availability within the jurisdiction; or

(ii) Comply with 24/7 sobriety program monitoring, as defined in RCW 36.28A.330; or

(iii) Have an ignition interlock device on all motor vehicles operated by the person pursuant to (a)(i) of this subsection and submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5) (b) and (c); or

(iv) Have an ignition interlock device on all motor vehicles operated by the person and that such person agrees not to operate any motor vehicle without an ignition interlock device as required by the court. Under this subsection (1)(a)(iv), the person must file a sworn statement with the court upon release at arraignment that states the person will not operate any motor vehicle without an ignition interlock device while the ignition interlock restriction is imposed by the court. Such person must also submit to 24/7 sobriety program monitoring pursuant to (a)(ii) of this subsection, if available, or alcohol monitoring, at the expense of the person, as provided in RCW 46.61.5055(5) (b) and (c).

(b) The court shall immediately notify the department of licensing when an ignition interlock restriction is imposed: (i) As a condition of release pursuant to (a) of this subsection; or (ii) in instances where a person is charged with, or convicted of, a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, and the offense involves alcohol. If the court imposes an ignition interlock restriction, the department of licensing shall attach or imprint a notation on the driving record of any person restricted under this section stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device.

(2)(a) Upon acquittal or dismissal of all pending or current charges relating to a violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, or equivalent local ordinance, the court shall authorize removal of the ignition interlock device and lift any requirement to comply with electronic alcohol/drug monitoring imposed under subsection (1) of this section. Nothing in this section limits the authority of the court or department under RCW 46.20.720.

(b) If the court authorizes removal of an ignition interlock device imposed under ((a) of)) this

((subsectionH:\DATA\2016

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(3) When an ignition interlock restriction imposed as a condition of release is canceled, the court shall provide a defendant with a written order confirming release of the restriction. The written order shall serve as proof of release of the restriction until which time the department of licensing updates the driving record.

Sec. 17. RCW 46.61.5055 and 2015 2nd sp.s. c 3 s 9 are each amended to read as follows:

(1) No prior offenses in seven years. Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) Penalty for alcohol concentration less than 0.15. In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than three hundred sixty-four days. Twenty-four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring or a ninety day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) Penalty for alcohol concentration at least 0.15. In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than three hundred sixty-four days. Forty-eight consecutive hours of the imprisonment may not be suspended unless the

court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring or a one hundred twenty day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) One prior offense in seven years. Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) Penalty for alcohol concentration less than 0.15. In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. In lieu of the mandatory minimum term of sixty days electronic home monitoring, the court may order at least an additional four days in jail or, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and the court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the

fine may not be suspended unless the court finds the offender to be indigent; or

(b) Penalty for alcohol concentration at least 0.15. In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. In lieu of the mandatory minimum term of ninety days electronic home monitoring, the court may order at least an additional six days in jail or, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and the court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(3) Two or three prior offenses in seven years. Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or three prior offenses within seven years shall be punished as follows:

(a) Penalty for alcohol concentration less than 0.15. In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred twenty days of electronic home monitoring, the court may order at least an additional eight days in jail. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol

monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) Penalty for alcohol concentration at least 0.15. In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred fifty days of electronic home monitoring, the court may order at least an additional ten days in jail. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) Four or more prior offenses in ten years. A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has four or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) Monitoring.

(a) Ignition interlock device. The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) Monitoring devices. If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) ((Ignition interlock device substituted for)) 24/7 sobriety program monitoring. In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) Penalty for having a minor passenger in vehicle. If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional six months;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment and a fine of not less than one thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment and a fine of not less than two thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two or three prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment and a fine of not less than three thousand dollars and not more than ten thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(7) Other items courts must consider while setting penalties. In exercising its discretion in setting penalties

within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) Treatment and information school. An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(9) Driver's license privileges of the defendant. The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) Penalty for alcohol concentration less than 0.15. If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ninety day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) Penalty for alcohol concentration at least 0.15. If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by an alcoholism agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) Penalty for refusing to take test. If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) Probation of driving privilege. After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) Conditions of probation. (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW

46.20.720(((3))). The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) Waiver of electronic home monitoring. A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) Extraordinary medical placement. An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) Definitions. For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle

while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means alcohol or drug treatment approved by the department of social and health services;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

Sec. 18. RCW 46.20.3101 and 2013 c 3 s 32 are each amended to read as follows:

Pursuant to RCW 46.20.308, the department shall suspend, revoke, or deny the arrested person's license, permit, or privilege to drive as follows:

(1) In the case of a person who has refused a test or tests:

(a) For a first refusal within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, revocation or denial for one year;

(b) For a second or subsequent refusal within seven years, or for a first refusal where there has been one or more previous incidents within seven years that have resulted in administrative action under this section, revocation or denial for two years or until the person reaches age twenty-one, whichever is longer.

(2) In the case of an incident where a person has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.08 or more, or that the THC concentration of the person's blood was 5.00 or more:

(a) For a first incident within seven years, where there has not been a previous incident within seven years that resulted in administrative action under this section, suspension for ninety days, unless the person successfully completes or is enrolled in a pretrial 24/7 sobriety program;

(b) For a second or subsequent incident within seven years, revocation or denial for two years.

(3) In the case of an incident where a person under age twenty-one has submitted to or been administered a test or tests indicating that the alcohol concentration of the person's breath or blood was 0.02 or more, or that the THC concentration of the person's blood was above 0.00:

(a) For a first incident within seven years, suspension or denial for ninety days;

(b) For a second or subsequent incident within seven years, revocation or denial for one year or until the person reaches age twenty-one, whichever is longer.

(4) The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this section for a suspension, revocation, or denial imposed under RCW 46.61.5055 arising out of the same incident.

Sec. 19. RCW 36.28A.390 and 2015 2nd sp.s. c 3 s 19 are each amended to read as follows:

(1) A general authority Washington peace officer, as defined in RCW 10.93.020, who has probable cause to believe that a participant has violated the terms of participation in the 24/7 sobriety program may immediately take the participant into custody and cause him or her to be held until an appearance before a judge on the next judicial day.

(2) A participant who violates the terms of participation in the 24/7 sobriety program or does not pay the required fees or associated costs pretrial or posttrial shall, at a minimum:

(a) Receive a written warning notice for a first violation;

(b) Serve ((the lesser of two days imprisonment or if posttrial, the entire remaining sentence imposed by the court)) a minimum of one day imprisonment for a second violation;

(c) Serve ((the lesser of five days imprisonment or if posttrial, the entire remaining sentence imposed by the court)) a minimum of three days imprisonment for a third violation;

(d) Serve ((the lesser of ten days imprisonment or if posttrial, the entire remaining sentence imposed by the court)) a minimum of five days imprisonment for a fourth violation; and

(e) Serve a minimum of seven days imprisonment for a fifth or subsequent violation ((pretrial, the participant shall abide by the order of the court. For posttrial participants, the participant shall serve the entire remaining sentence imposed by the court)).

(3) The court may remove a participant from the 24/7 sobriety program at any time for noncompliance with the terms of participation. If a participant is removed from the 24/7 sobriety program, the court shall send written notice to the department of licensing within five business days.

NEW SECTION. Sec. 20. RCW 36.28A.310 (24/7 sobriety program pilot project) and 2013 2nd sp.s. c 35 s 24 are each repealed.

NEW SECTION. Sec. 21. Section 15 of this act takes effect January 1, 2019."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL

**AS SENATE AMENDED**

Representatives Goodman, Orcutt and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2700, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2700, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 80; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dunshee, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dent, Dye, Harris, Kretz, Kristiansen, McCaslin, Nealey, Schmick, Scott, Shea, Short, Taylor, Van Werven, Vick and Young.

Excused: Representative Farrell.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

**MESSAGE FROM THE SENATE**

March 9, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2908 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 314.** The legislature recognizes the invaluable contributions of law enforcement officers, who risk their own lives every day to protect our families and communities. We hold law enforcement to a high standard in their positions of public trust and as the guardians in our communities, and the legislature applauds their efforts to show respect and compassion to all citizens while holding individuals accountable for their criminal activity.

The legislature acknowledges that officers are often placed in harm's way and must make decisions quickly while under extreme stress. Although regrettable in every case, the use of deadly force may sometimes be necessary to protect the safety of others. The legislature also recognizes that both the people of this state and law enforcement officers themselves rely on and expect accountability, the failure of which damages the public trust in those who serve the public honorably and with compassion.

It is the intent of the legislature to improve our law in a manner that provides clear guidance to law enforcement, respects and supports the role of law enforcement to maintain public safety, and fosters accountability and public trust.

**NEW SECTION. Sec. 315.** (1) A joint legislative task force on the use of deadly force in community policing is established.

(2) The task force is composed of members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint:

(i) Members representing the following:

(A) Washington association of sheriffs and police chiefs;

(B) Washington state patrol;

(C) Washington council of police and sheriffs;

(D) Criminal justice training commission;

(E) Washington association of prosecuting attorneys;

(F) Washington association of criminal defense lawyers, public defender association, or the Washington defender association;

(G) Washington state association of counties;

(H) Association of Washington cities;

(I) National association for the advancement of colored people or its designee;

(J) Northwest immigration rights project;

(K) Black alliance of Thurston county;

(L) Disability rights Washington;

(M) Latino civic alliance;

(N) COMPAS (council of metropolitan police and sheriffs);

(O) Washington state fraternal order of police;

(P) One other association, community organization, advocacy group, or faith-based organization with experience or interest in community policing; and

(Q) One other association representing law enforcement officers who represent traditionally underrepresented communities; and

(ii) A member representing a liberty organization.

(d) The governor shall appoint four members representing the following:

- (i) Washington state commission on Hispanic affairs;
- (ii) Washington state commission on Asian Pacific American affairs;
- (iii) Washington state commission on African-American affairs; and
- (iv) Governor's office of Indian affairs.
- (3) The task force shall:
- (a) Review laws, practices, and training programs regarding the use of deadly force in Washington state and other states;
- (b) Review current policies, practices, and tools used by or otherwise available to law enforcement as an alternative to lethal uses of force, including tasers and other nonlethal weapons; and
- (c) Recommend best practices to reduce the number of violent interactions between law enforcement officers and members of the public.
- (4) The task force may review literature and reports on the use of deadly force, and may consult with persons, organizations, and entities with interest or experience in community policing including, but not limited to, law enforcement, local governments, professional associations, community organizations, advocacy groups, and faith-based organizations.
- (5) The legislative membership shall convene the initial meeting of the task force no later than July 1, 2016. The task force shall convene at least four meetings in 2016. The task force shall choose its cochairs from among its legislative membership, which must include one representative from the house of representatives and one senator from the senate.
- (6) The task force shall submit a report, which may include findings and recommendations, to the governor and the appropriate committees of the legislature by December 1, 2016. A minority report must be submitted along with the task force's report if requested by any member of the task force.
- (7) Staff support for the task force shall be provided by the senate committee services and the house office of program research.
- (8) Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.
- (9) The expenses of the task force shall be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.
- (10) This section expires December 31, 2016."  
On page 1, line 2 of the title, after "Washington;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

## SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2908 and advanced the bill as amended by the Senate to final passage.

## FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ryu, Shea and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2908, as amended by the Senate.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2908, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representative Farrell.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2908, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

## MESSAGE FROM THE SENATE

March 9, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2928 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 316.** (1) The department of natural resources shall conduct a forest resiliency burning pilot project. The goal of the pilot project is to monitor and evaluate the benefits of forest resiliency

burning and the impacts on ambient air quality. The department of natural resources is responsible for establishing the processes and procedures necessary to administer the pilot project, including the review and approval of qualifying forest resiliency burning proposals. The department of natural resources may consider forest resiliency burning proposals that include treatments to reduce fuel loads prior to burning, including the thinning of forest stands and grazing to clear brush.

(2)(a) The department of natural resources must, as the primary focus of the pilot project, arrange with interested third parties to perform forest resiliency burning on land prone to forest or wildland fires in coordination with the following forest health collaboratives as recognized by the United States forest service:

- (i) North Central Washington forest health collaborative;
  - (ii) Northeast Washington forestry collaborative;
- and
- (iii) Tapash sustainable forest collaborative.

(b) The department of natural resources must also coordinate with at least one organized group of public agencies and interested stakeholders whose purpose is to protect, conserve, and expand the safe and responsible use of prescribed fire on the Washington landscape.

(3)(a) The department of natural resources must, as part of the pilot project, approve single day or multiple day forest resiliency burns if the burning is unlikely to significantly contribute to an exceedance of air quality standards established by chapter 70.94 RCW. Once approved, forest resiliency burns spanning multiple days may only be revoked or postponed midway through the duration of the approved burn if necessary for the safety of adjacent property or upon a determination by the department of natural resources or the department of ecology that the burn has significantly contributed to an exceedance of air quality standards under chapter 70.94 RCW.

(b) The department of natural resources must approve burns at least twenty-four hours prior to ignition of the fire.

(4) Forest resiliency burning, when conducted under the pilot project authorized by this section, is not subject to the outdoor burning restrictions in RCW 70.94.6512(2) and 70.94.6514.

(5) The implementation of the pilot project authorized in this section is not:

(a) Intended to require the department of natural resources to update the smoke management plan defined in RCW 70.94.6536. However, information obtained through the pilot project's implementation may be used to inform any future updates to the smoke management plan; and

(b) Subject to the provisions of chapter 43.21C RCW.

(6) Forest resiliency burning, and the implementation of the pilot project authorized in this section, must not be conducted at a scale that would require a revision to the state implementation plan under the federal clean air act.

(7) The department of natural resources shall submit a report to the legislature, consistent with RCW

43.01.036, by December 1, 2018. The report must include information and analyses regarding the following elements:

(a) The amount of forest resiliency burns proposed, approved, and conducted;

(b) The quantity and severity of air quality exceedances by pollutant type;

(c) A comparative analysis between the predicted smoke conditions and the actual smoke conditions observed on location by qualified meteorological personnel or trained prescribed burning professionals during the forest resiliency burn; and

(d) Recommendations relating to continuing or expanding forest resiliency burning and creating forest resiliency burning as a new type of outdoor burning permitted by the department of natural resources.

(8) The report to the legislature required by this section may include recommendations for the updating of the smoke management plan defined in RCW 70.94.6536.

(9) For the purposes of this section, "forest resiliency burning" means silvicultural burning carried out under the supervision of qualified silvicultural, ecological, or fire management professionals and used to improve fire dependent ecosystems, mitigate wildfire potential, decrease forest susceptibility to forest insect or disease as defined in RCW 76.06.020, or otherwise enhance forest resiliency to fire.

(10) This section expires July 1, 2019.

**NEW SECTION. Sec. 317.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "fires;" strike the remainder of the title and insert "creating a new section; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2928 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Buys and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2928, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2928, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dent, Dunshee, Dye, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representative DeBolt.

Excused: Representative Farrell.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2928, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 4, 2016

Mr. Speaker:

The Senate has passed FOURTH SUBSTITUTE HOUSE BILL NO. 1541 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature has already established that it is a goal of the state to provide for a public school system that gives all students the opportunity to achieve personal and academic success. This goal contains within it a promise of excellence and opportunity for all students, not just some students. In 2012, in *McCleary v. State of Washington*, the Washington supreme court reaffirmed the positive constitutional right of every student by noting, "No child is excluded." In establishing the educational opportunity gap oversight and accountability committee in 2009, the legislature recognized that additional work was needed to fulfill the promise of excellence and opportunity for students of certain demographic groups, including English language learners.

(2) In its 2015 report to the legislature, the educational opportunity gap oversight and accountability committee made the following recommendations in keeping with its statutory purpose, which is to recommend specific policies and strategies to close the educational opportunity gap:

(a) Reduce the length of time students of color are excluded from school due to suspension and expulsion and provide students support for reengagement plans;

(b) Enhance the cultural competence of current and future educators and classified staff;

(c) Endorse all educators in English language learner and second language acquisition;

(d) Account for the transitional bilingual instruction program instructional services provided to English language learner students;

(e) Analyze the opportunity gap through deeper disaggregation of student demographic data;

(f) Invest in the recruitment, hiring, and retention of educators of color;

(g) Incorporate integrated student services and family engagement; and

(h) Strengthen student transitions at each stage of the education development pathway: Early learning to elementary, elementary to secondary, secondary to college and career.

(3) The legislature finds that these recommendations represent a holistic approach to making progress toward closing the opportunity gap. The recommendations are interdependent and mutually reinforcing. Closing the opportunity gap requires highly skilled, culturally competent, and diverse educators who understand the communities and cultures that students come from; it requires careful monitoring of not only the academic performance but also the educational environment for all students, at a fine grain of detail to assure adequate accountability; and it requires a robust program of instruction, including appropriately trained educators, to help English language learners gain language proficiency as well as academic proficiency.

(4) Therefore, the legislature intends to adopt policies and programs to implement the six recommendations of the educational opportunity gap oversight and accountability committee and fulfill its promise of excellence and opportunity for all students.

#### PART I

#### DISPROPORTIONALITY IN STUDENT DISCIPLINE

Sec. 101. RCW 28A.600.490 and 2013 2nd sp.s. c 18 s 301 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall convene a discipline task force to develop standard definitions for causes of student disciplinary actions taken at the discretion of the school district. The task force must also develop data collection standards for disciplinary actions that are discretionary and for disciplinary actions that result in the exclusion of a student from school. The data collection standards must include data about education services provided while a student is subject to a disciplinary action, the status of petitions for readmission to the school district when a student has been excluded from school, credit retrieval during a period of exclusion, and school dropout as a result of disciplinary action.

(2) The discipline task force shall include representatives from the K-12 data governance group, the educational opportunity gap oversight and accountability committee, the state ethnic commissions, the governor's office of Indian affairs, the office of the education ombudsman  
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ombuds, school districts, tribal representatives, and other education and advocacy organizations.

(3) The office of the superintendent of public instruction and the K-12 data governance group shall revise the statewide student data system to incorporate the student discipline data collection standards recommended by the discipline task force, and begin collecting data based on the revised standards in the 2015-16 school year.

NEW SECTION. Sec. 102. A new section is added to chapter 28A.320 RCW to read as follows:

(1) School districts shall annually disseminate discipline policies and procedures to students, families, and the community.

(2) School districts shall use disaggregated data collected pursuant to RCW 28A.300.042 to monitor the impact of the school district's discipline policies and procedures.

(3) School districts, in consultation with school district staff, students, families, and the community, shall periodically review and update their discipline rules, policies, and procedures.

NEW SECTION. Sec. 103. A new section is added to chapter 28A.345 RCW to read as follows:

(1) The Washington state school directors' association shall create model school district discipline policies and procedures and post these models publicly by December 1, 2016. In developing these model policies and procedures, the association shall request technical assistance and guidance from the equity and civil rights office within the office of the superintendent of public instruction and the Washington state human rights commission. The model policies and procedures shall be updated as necessary.

(2) School districts shall adopt and enforce discipline policies and procedures consistent with the model policy by the beginning of the 2017-18 school year.

NEW SECTION. Sec. 104. A new section is added to chapter 28A.415 RCW to read as follows:

(1) The office of the superintendent of public instruction, subject to the availability of amounts appropriated for this specific purpose, shall develop a training program to support the implementation of discipline policies and procedures under chapter 28A.600 RCW.

(2) School districts are strongly encouraged to provide the trainings to all school and district staff interacting with students, including instructional staff and noninstructional staff, as well as within a reasonable time following any substantive change to school discipline policies or procedures.

(3) To the maximum extent feasible, the trainings must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within available funds.

(4) The trainings must be developed in modules that allow:

(a) Access to material over a reasonable number of training sessions;

(b) Delivery in person or online; and

(c) Use in a self-directed manner.

Sec. 105. RCW 28A.600.015 and 2013 2nd sp.s. c 18 s 302 are each amended to read as follows:

(1) The superintendent of public instruction shall adopt and distribute to all school districts lawful and reasonable rules prescribing the substantive and procedural due process guarantees of pupils in the common schools. Such rules shall

authorize a school district to use informal due process procedures in connection with the short-term suspension of students to the extent constitutionally permissible: PROVIDED, That the superintendent of public instruction deems the interest of students to be adequately protected. When a student suspension or expulsion is appealed, the rules shall authorize a school district to impose the suspension or expulsion temporarily after an initial hearing for no more than ten consecutive school days or until the appeal is decided, whichever is earlier. Any days that the student is temporarily suspended or expelled before the appeal is decided shall be applied to the term of the student suspension or expulsion and shall not limit or extend the term of the student suspension or expulsion. An expulsion or suspension of a student may not be for an indefinite period of time.

(2) Short-term suspension procedures may be used for suspensions of students up to and including, ten consecutive school days.

(3) Emergency expulsions must end or be converted to another form of corrective action within ten school days from the date of the emergency removal from school. Notice and due process rights must be provided when an emergency expulsion is converted to another form of corrective action.

(4) School districts may not impose long-term suspension or expulsion as a form of discretionary discipline.

(5) Any imposition of discretionary and nondiscretionary discipline is subject to the bar on suspending the provision of educational services pursuant to subsection (8) of this section.

(6) As used in this chapter, "discretionary discipline" means a disciplinary action taken by a school district for student behavior that violates rules of student conduct adopted by a school district board of directors under RCW 28A.600.010 and this section, but does not constitute action taken in response to any of the following:

(a) A violation of RCW 28A.600.420;

(b) An offense in RCW 13.04.155;

(c) Two or more violations of RCW 9A.46.120, 9.41.280, 28A.600.455, 28A.635.020, or 28A.635.060 within a three-year period; or

(d) Behavior that adversely impacts the health or safety of other students or educational staff.

(7) Except as provided in RCW 28A.600.420, school districts are not required to impose long-term suspension or expulsion for behavior that constitutes a violation or offense listed under subsection (6)(a) through (d) of this section and should first consider alternative actions.

(8) School districts may not suspend the provision of educational services to a student as a disciplinary action. A student may be excluded from a particular classroom or instructional or activity area for the period of suspension or expulsion, but the school district must provide an opportunity for a student to receive educational services during a period of suspension or expulsion.

(9) Nothing in this section creates any civil liability for school districts, or creates a new cause of action or new theory of negligence against a school district board of directors, a school district, or the state.

Sec. 106. RCW 28A.600.020 and 2013 2nd sp.s. c 18 s 303 are each amended to read as follows:

(1) The rules adopted pursuant to RCW 28A.600.010 shall be interpreted to ensure that the optimum learning atmosphere of the classroom is maintained, and that the highest consideration is given to the judgment of qualified certificated educators regarding conditions necessary to maintain the optimum learning atmosphere.

(2) Any student who creates a disruption of the educational process in violation of the building disciplinary standards while under a teacher's immediate supervision may be excluded by the teacher from his or her individual classroom and instructional or activity area for all or any portion of the balance of the school day, or up to the following two days, or until the principal or designee and teacher have conferred, whichever occurs first. Except in emergency circumstances, the teacher first must attempt one or more alternative forms of corrective action. In no event without the consent of the teacher may an excluded student return to the class during the balance of that class or activity period or up to the following two days, or until the principal or his or her designee and the teacher have conferred.

(3) In order to preserve a beneficial learning environment for all students and to maintain good order and discipline in each classroom, every school district board of directors shall provide that written procedures are developed for administering discipline at each school within the district. Such procedures shall be developed with the participation of parents and the community, and shall provide that the teacher, principal or designee, and other authorities designated by the board of directors, make every reasonable attempt to involve the parent or guardian and the student in the resolution of student discipline problems. Such procedures shall provide that students may be excluded from their individual classes or activities for periods of time in excess of that provided in subsection (2) of this section if such students have repeatedly disrupted the learning of other students. The procedures must be consistent with the rules of the superintendent of public instruction and must provide for early involvement of parents in attempts to improve the student's behavior.

(4) The procedures shall assure, pursuant to RCW 28A.400.110, that all staff work cooperatively toward consistent enforcement of proper student behavior throughout each school as well as within each classroom.

(5)(a) A principal shall consider imposing long-term suspension or expulsion as a sanction when deciding the appropriate disciplinary action for a student who, after July 27, 1997:

(i) Engages in two or more violations within a three-year period of RCW 9A.46.120, ((28A.320.135,)) 28A.600.455, 28A.600.460, 28A.635.020, 28A.600.020, 28A.635.060, or 9A.1.280((, or 28A.320.140)); or

(ii) Engages in one or more of the offenses listed in RCW 13.04.155.

(b) The principal shall communicate the disciplinary action taken by the principal to the school personnel who referred the student to the principal for disciplinary action.

(6) Any corrective action involving a suspension or expulsion from school for more than ten days must have an end date of not more than ((one calendar year)) the length of an academic term, as defined by the school board, from the time of corrective action. Districts shall make reasonable efforts to assist students and parents in returning to an

educational setting prior to and no later than the end date of the corrective action. Where warranted based on public health or safety, a school may petition the superintendent of the school district, pursuant to policies and procedures adopted by the office of the superintendent of public instruction, for authorization to exceed the ((one calendar year)) academic term limitation provided in this subsection. The superintendent of public instruction shall adopt rules outlining the limited circumstances in which a school may petition to exceed the ((one calendar year)) academic term limitation, including safeguards to ensure that the school district has made every effort to plan for the student's return to school. School districts shall report to the office of the superintendent of public instruction the number of petitions made to the school board and the number of petitions granted on an annual basis.

(7) Nothing in this section prevents a public school district, educational service district, the Washington state center for childhood deafness and hearing loss, or the state school for the blind if it has suspended or expelled a student from the student's regular school setting from providing educational services to the student in an alternative setting or modifying the suspension or expulsion on a case-by-case basis. An alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include alternative high schools, one-on-one tutoring, and online learning.

Sec. 107. RCW 28A.600.022 and 2013 2nd sp.s. c 18 s 308 are each amended to read as follows:

(1) School districts should make efforts to have suspended or expelled students return to an educational setting as soon as possible. School districts ((should)) must convene a meeting with the student and the student's parents or guardians within twenty days of the student's long-term suspension or expulsion, but no later than five days before the student's enrollment, to discuss a plan to reengage the student in a school program. Families must have access to, provide meaningful input on, and have the opportunity to participate in a culturally sensitive and culturally responsive reengagement plan.

(2) In developing a reengagement plan, school districts should consider shortening the length of time that the student is suspended or expelled, other forms of corrective action, and supportive interventions that aid in the student's academic success and keep the student engaged and on track to graduate. School districts must create a reengagement plan tailored to the student's individual circumstances, including consideration of the incident that led to the student's long-term suspension or expulsion. The plan should aid the student in taking the necessary steps to remedy the situation that led to the student's suspension or expulsion.

(3) Any reengagement meetings conducted by the school district involving the suspended or expelled student and his or her parents or guardians are not intended to replace a petition for readmission.

Sec. 108. RCW 43.41.400 and 2012 c 229 s 585 are each amended to read as follows:

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative evaluation and

accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system, which includes the department of early learning, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the student achievement council, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

(a) In consultation with the legislative evaluation and accountability program committee and the agencies and organizations participating in the education data center, identify the critical research and policy questions that are intended to be addressed by the education data center and the data needed to address the questions;

(b) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;

(c) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed to ensure that legislative interests are served;

(d) Annually provide to the K-12 data governance group a list of data elements and data quality improvements that are necessary to answer the research and policy questions identified by the education data center and have been identified by the legislative committees in (c) of this subsection. Within three months of receiving the list, the K-12 data governance group shall develop and transmit to the education data center a feasibility analysis of obtaining or improving the data, including the steps required, estimated time frame, and the financial and other resources that would be required. Based on the analysis, the education data center shall submit, if necessary, a recommendation to the legislature regarding any statutory changes or resources that would be needed to collect or improve the data;

(e) Monitor and evaluate the education data collection systems of the organizations and agencies represented in the education data center ensuring that data systems are flexible, able to adapt to evolving needs for information, and to the extent feasible and necessary, include data that are needed to conduct the analyses and provide answers to the research and policy questions identified in (a) of this subsection;

(f) Track enrollment and outcomes through the public centralized higher education enrollment system;

(g) Assist other state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs;

(h) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system; ((and))

(i) Prepare a regular report on the educational and workforce outcomes of youth in the juvenile justice system, using data disaggregated by age, and by ethnic categories and racial subgroups in accordance with RCW 28A.300.042; and

(j) Make recommendations to the legislature as necessary to help ensure the goals and objectives of this section and RCW 28A.655.210 and 28A.300.507 are met.

(3) The department of early learning, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, student achievement council, public four-year institutions of higher education, department of social and health services and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. The education data center shall also develop data-sharing and research agreements with the administrative office of the courts to conduct research on educational and workforce outcomes using data maintained under RCW 13.50.010(12) related to juveniles. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

Sec. 109. RCW 13.50.010 and 2015 c 265 s 2 and 2015 c 262 s 1 are each reenacted and amended to read as follows:

(1) For purposes of this chapter:

(a) "Good faith effort to pay" means a juvenile offender has either (i) paid the principal amount in full; (ii) made at least eighty percent of the value of full monthly payments within the period from disposition or deferred disposition until the time the amount of restitution owed is under review; or (iii) can show good cause why he or she paid an amount less than eighty percent of the value of full monthly payments;

(b) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of the family and children's ombuds, the department of social and health services and its contracting agencies, schools; persons or public or private agencies having

children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(c) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(d) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;

(e) "Social file" means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a

notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) The court shall release to the caseload forecast council the records needed for its research and data-gathering functions. Access to caseload forecast data may be permitted by the council for research purposes only if the anonymity of all persons mentioned in the records or information will be preserved.

(10) Juvenile detention facilities shall release records to the caseload forecast council upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

(11) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the legislative children's oversight committee or the office of the family and children's ombuds.

(12) For the purpose of research only, the administrative office of the courts shall maintain an electronic research copy of all records in the judicial information system related to juveniles. Access to the research copy is restricted to the ((Washington state center for court research)) administrative office of the courts for research purposes as authorized by the supreme court or by state statute. The ((Washington state center for court research)) administrative office of the courts shall maintain the confidentiality of all confidential records and shall preserve the anonymity of all persons identified in the research copy. Data contained in the research copy may be shared with other governmental agencies as authorized by state statute, pursuant to data-sharing and research agreements, and consistent with applicable security and confidentiality requirements. The research copy may not be subject to any records retention schedule and must include records destroyed or removed from the judicial information system pursuant to RCW 13.50.270 and 13.50.100(3).

(13) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records.

(14) The court shall release to the Washington state office of civil legal aid records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.53.045. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of civil legal aid. The Washington state office of civil legal aid shall maintain the confidentiality of all confidential information included in the records, and shall, as soon as possible, destroy any retained notes or records obtained under this section that are not necessary for its functions related to RCW 2.53.045.

## PART II

### EDUCATOR CULTURAL COMPETENCE

NEW SECTION. Sec. 201. A new section is added to chapter 28A.345 RCW to read as follows:

The Washington state school directors' association, in consultation with the office of the superintendent of public

instruction, the professional educator standards board, the steering committee established in RCW 28A.405.100, and the educational opportunity gap oversight and accountability committee, must develop a plan for the creation and delivery of cultural competency training for school board directors and superintendents. The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. The content of the training must be aligned with the standards for cultural competence developed by the professional educator standards board under RCW 28A.410.270.

Sec. 202. RCW 28A.405.106 and 2012 c 35 s 5 are each amended to read as follows:

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction must develop and make available a professional development program to support the implementation of the evaluation systems required by RCW 28A.405.100. The program components may be organized into professional development modules for principals, administrators, and teachers. The professional development program shall include a comprehensive online training package.

(2) The training program must include, but not be limited to, the following topics:

- (a) Introduction of the evaluation criteria for teachers and principals and the four-level rating system;
- (b) Orientation to and use of instructional frameworks;
- (c) Orientation to and use of the leadership frameworks;
- (d) Best practices in developing and using data in the evaluation systems, including multiple measures, student growth data, classroom observations, and other measures and evidence;
- (e) Strategies for achieving maximum rater agreement;
- (f) Evaluator feedback protocols in the evaluation systems;
- (g) Examples of high quality teaching and leadership; and
- (h) Methods to link the evaluation process to ongoing educator professional development.

(3) The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. The content of the training must be aligned with the standards for cultural competence developed by the professional educator standards board under RCW 28A.410.270. The office of the superintendent of public instruction, in consultation with the professional educator standards board, the steering committee established in RCW 28A.405.100, and the educational opportunity gap oversight and accountability committee, must integrate the content for cultural competence into the overall training for principals, administrators, and teachers to support the revised evaluation systems.

(4) To the maximum extent feasible, the professional development program must incorporate or adapt existing online training or curriculum, including securing materials or curriculum under contract or purchase agreements within

available funds. Multiple modes of instruction should be incorporated including videos of classroom teaching, participatory exercises, and other engaging combinations of online audio, video, and print presentation.

((4)) (5) The professional development program must be developed in modules that allow:

- (a) Access to material over a reasonable number of training sessions;
- (b) Delivery in person or online; and
- (c) Use in a self-directed manner.

((5)) (6) The office of the superintendent of public instruction must maintain a web site that includes the online professional development materials along with sample evaluation forms and templates, links to relevant research on evaluation and on high quality teaching and leadership, samples of contract and collective bargaining language on key topics, examples of multiple measures of teacher and principal performance, suggestions for data to measure student growth, and other tools that will assist school districts in implementing the revised evaluation systems.

((6)) (7) The office of the superintendent of public instruction must identify the number of in-service training hours associated with each professional development module and develop a way for users to document their completion of the training. Documented completion of the training under this section is considered approved in-service training for the purposes of RCW 28A.415.020.

((7)) (8) The office of the superintendent of public instruction shall periodically update the modules to reflect new topics and research on performance evaluation so that the training serves as an ongoing source of continuing education and professional development.

((8)) (9) The office of the superintendent of public instruction shall work with the educational service districts to provide clearinghouse services for the identification and publication of professional development opportunities for teachers and principals that align with performance evaluation criteria.

Sec. 203. RCW 28A.405.120 and 2012 c 35 s 2 are each amended to read as follows:

(1) School districts shall require each administrator, each principal, or other supervisory personnel who has responsibility for evaluating classroom teachers or principals to have training in evaluation procedures.

(2) Before school district implementation of the revised evaluation systems required under RCW 28A.405.100, principals and administrators who have evaluation responsibilities must engage in professional development designed to implement the revised systems and maximize rater agreement. The professional development to support the revised evaluation systems must also include foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition.

NEW SECTION. Sec. 204. A new section is added to chapter 28A.415 RCW to read as follows:

(1) Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction, in collaboration with the educational opportunity gap oversight and accountability committee, the professional educator standards board, colleges of education, and representatives from diverse communities and community-

based organizations, must develop a content outline for professional development and training in cultural competence for school staff.

(2) The content of the cultural competence professional development and training must be aligned with the standards developed by the professional educator standards board under RCW 28A.410.270. The training program must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum.

(3) The cultural competence professional development and training must contain components that are appropriate for classified school staff and district administrators as well as certificated instructional staff and principals at the building level. The professional development and training must also contain components suitable for delivery by individuals from the local community or community-based organizations with appropriate expertise.

(4) The legislature encourages educational service districts and school districts to use the cultural competence professional development and training developed under this section and provide opportunities for all school and school district staff to gain knowledge and skills in cultural competence, including in partnership with their local communities.

NEW SECTION. Sec. 205. A new section is added to chapter 28A.657 RCW to read as follows:

Required action districts as provided in RCW 28A.657.030, and districts with schools that receive the federal school improvement grant under the American recovery and reinvestment act of 2009, and districts with schools identified by the superintendent of public instruction as priority or focus are strongly encouraged to provide the cultural competence professional development and training developed under RCW 28A.405.106, 28A.405.120, and section 204 of this act for classified, certificated instructional, and administrative staff of the school. The professional development and training may be delivered by an educational service district, through district in-service, or by another qualified provider, including in partnership with the local community.

### PART III

#### INSTRUCTING ENGLISH LANGUAGE LEARNERS

Sec. 301. RCW 28A.180.040 and 2013 2nd sp.s. c 9 s 4 are each amended to read as follows:

(1) Every school district board of directors shall:

(a) Make available to each eligible pupil transitional bilingual instruction to achieve competency in English, in accord with rules of the superintendent of public instruction;

(b) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program;

(c) Determine, by administration of an English test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district at the beginning of a school year and thereafter during the year as necessary in individual cases;

(d) Ensure that a student who is a child of a military family in transition and who has been assessed as in need of,

or enrolled in, a bilingual instruction program, the receiving school shall initially honor placement of the student into a like program.

(i) The receiving school shall determine whether the district's program is a like program when compared to the sending school's program; and

(ii) The receiving school may conduct subsequent assessments pursuant to RCW 28A.180.090 to determine appropriate placement and continued enrollment in the program;

(e) Before the conclusion of each school year, measure each eligible pupil's improvement in learning the English language by means of a test approved by the superintendent of public instruction;

(f) Provide in-service training for teachers, counselors, and other staff, who are involved in the district's transitional bilingual program. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and program models; and

(g) Make available a program of instructional support for up to two years immediately after pupils exit from the program, for exited pupils who need assistance in reaching grade-level performance in academic subjects even though they have achieved English proficiency for purposes of the transitional bilingual instructional program.

(2) Beginning in the 2019-20 school year, all classroom teachers assigned using funds for the transitional bilingual instruction program to provide supplemental instruction for eligible pupils must hold an endorsement in bilingual education or English language learner, or both.

(3) The definitions in Article II of RCW 28A.705.010 apply to subsection (1)(d) of this section.

### PART IV

#### ENGLISH LANGUAGE LEARNER ACCOUNTABILITY

Sec. 401. RCW 28A.180.090 and 2001 1st sp.s. c 6 s 2 are each amended to read as follows:

The superintendent of public instruction shall develop an evaluation system designed to measure increases in the English and academic proficiency of eligible pupils. When developing the system, the superintendent shall:

(1) Require school districts to assess potentially eligible pupils within ten days of registration using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;

(2) Require school districts to annually assess all eligible pupils at the end of the school year using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;

(3) Develop a system to evaluate increases in the English and academic proficiency of students who are, or were, eligible pupils. This evaluation shall include students when they are in the program and after they exit the program until they finish their K-12 career or transfer from the school district. The purpose of the evaluation system is to inform schools, school districts, parents, and the state of the effectiveness of the transitional bilingual programs in school

and school districts in teaching these students English and other content areas, such as mathematics and writing; and

(4) ((Report to the education and fiscal committees of the legislature by November 1, 2002, regarding the development of the systems described in this section and a timeline for the full implementation of those systems. The legislature shall approve and provide funding for the evaluation system in subsection (3) of this section before any implementation of the system developed under subsection (3) of this section may occur.)) Subject to funds appropriated specifically for this purpose, provide school districts with technical assistance and support in selecting research-based program models, instructional materials, and professional development for program staff, including disseminating information about best practices and innovative programs. The information must include research about the differences between conversational language proficiency, academic language proficiency, and subject-specific language proficiency and the implications this research has on instructional practices and evaluation of program effectiveness.

NEW SECTION. Sec. 402. A new section is added to chapter 28A.657 RCW to read as follows:

At the beginning of each school year, the office of the superintendent of public instruction shall identify schools in the top five percent of schools with the highest percent growth during the previous two school years in enrollment of English language learner students as compared to previous enrollment trends. The office shall notify the identified schools, and the school districts in which the schools are located are strongly encouraged to provide the cultural competence professional development and training developed under RCW 28A.405.106, 28A.405.120, and section 204 of this act for classified, certificated instructional, and administrative staff of the schools. The professional development and training may be delivered by an educational service district, through district in-service, or by another qualified provider, including in partnership with the local community.

#### PART V

#### DISAGGREGATED STUDENT DATA

Sec. 501. RCW 28A.300.042 and 2013 2nd sp.s. c 18 s 307 are each amended to read as follows:

(1) Beginning with the 2017-18 school year, and using the phase-in provided in subsection (2) of this section, the superintendent of public instruction must collect and school districts must submit all student-level data using the United States department of education 2007 race and ethnicity reporting guidelines, including the subracial and subethnic categories within those guidelines, with the following modifications:

(a) Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;

(b) Further disaggregation of countries of origin for Asian students;

(c) Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington; and

(d) For students who report as multiracial, collection of their racial and ethnic combination of categories.

(2) Beginning with the 2017-18 school year, school districts shall collect student-level data as provided in subsection (1) of this section for all newly enrolled students, including transfer students. When the students enroll in a different school within the district, school districts shall resurvey the newly enrolled students for whom subracial and subethnic categories were not previously collected. School districts may resurvey other students.

(3) All student data-related reports required of the superintendent of public instruction in this title must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

((2)) (4) All student data-related reports ((required of)) prepared by the superintendent of public instruction regarding student suspensions and expulsions as required ((in RCW 28A.300.046)) under this title are subject to disaggregation by subgroups including:

- (a) Gender;
- (b) Foster care;
- (c) Homeless, if known;
- (d) School district;
- (e) School;
- (f) Grade level;
- (g) Behavior infraction code, including:

- (i) Bullying;
- (ii) Tobacco;
- (iii) Alcohol;

(iv) Illicit drug;

(v) Fighting without major injury;

(vi) Violence without major injury;

(vii) Violence with major injury;

(viii) Possession of a weapon; and

(ix) Other behavior resulting from a short-term or long-term suspension, expulsion, or interim alternative education setting intervention;

(h) Intervention applied, including:

(i) Short-term suspension;

(ii) Long-term suspension;

(iii) Emergency expulsion;

(iv) Expulsion;

(v) Interim alternative education settings;

(vi) No intervention applied; and

(vii) Other intervention applied that is not described in this subsection ((2)) (4)(h);

(i) Number of days a student is suspended or expelled, to be

counted in half or full days; and

(j) Any other categories added at a future date by the data governance group.

((3)) (5) All student data-related reports required of the superintendent of public instruction regarding student suspensions and expulsions as required in RCW 28A.300.046 are subject to cross-tabulation at a minimum by the following:

(a) School and district;

(b) Race, low income, special education, transitional bilingual, migrant, foster care, homeless, students covered by section 504 of the federal rehabilitation act of 1973, as

amended (29 U.S.C. Sec. 794), and categories to be added in the future;

- (c) Behavior infraction code; and
- (d) Intervention applied.

(6) The K-12 data governance group shall develop the data protocols and guidance for school districts in the collection of data as required under this section, and the office of the superintendent of public instruction shall modify the statewide student data system as needed. The office of the superintendent of public instruction shall also incorporate training for school staff on best practices for collection of data on student race and ethnicity in other training or professional development related to data provided by the office.

**NEW SECTION. Sec. 502.** Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall convene a task force to review the United States department of education 2007 race and ethnicity reporting guidelines and develop race and ethnicity guidance for the state. The task force must include representatives from the educational opportunity gap oversight and accountability committee, the ethnic commissions, the governor's office of Indian affairs, and a diverse group of parents. The guidance must clarify for students and families why information about race and ethnicity is collected and how students and families can help school administrators properly identify them. The guidance must also describe the best practices for school administrators to use when identifying the race and ethnicity of students and families. The task force must use the United States census and the American community survey in the development of the guidance.

Sec. 503. RCW 28A.300.505 and 2015 c 210 s 2 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall develop standards for school data systems that focus on validation and verification of data entered into the systems to ensure accuracy and compatibility of data. The standards shall address but are not limited to the following topics:

- (a) Date validation;
- (b) Code validation, which includes gender, race or ethnicity, and other code elements;
- (c) Decimal and integer validation; and
- (d) Required field validation as defined by state and federal requirements.

(2) The superintendent of public instruction shall develop a reporting format and instructions for school districts to collect and submit data that must include:

(a) Data on student demographics that is disaggregated ((by distinct ethnic categories within racial subgroups so that analyses may be conducted on student achievement using the disaggregated data)) as required by RCW 28A.300.042; and

(b) Starting no later than the 2016-17 school year, data on students from military families. The K-12 data governance group established in RCW 28A.300.507 must develop best practice guidelines for the collection and regular updating of this data on students from military families. Collection and updating of this data must use the United States department of education 2007 race and ethnicity reporting guidelines, including the subracial and subethnic categories within those guidelines, with the following modifications:

(i) Further disaggregation of the Black category to differentiate students of African origin and students native to the United States with African ancestors;

(ii) Further disaggregation of countries of origin for Asian students;

(iii) Further disaggregation of the White category to include subethnic categories for Eastern European nationalities that have significant populations in Washington; and

(iv) For students who report as multiracial, collection of their racial and ethnic combination of categories.

(3) For the purposes of this section, "students from military families" means the following categories of students, with data to be collected and submitted separately for each category:

(a) Students with a parent or guardian who is a member of the active duty United States armed forces; and

(b) Students with a parent or guardian who is a member of the reserves of the United States armed forces or a member of the Washington national guard.

**NEW SECTION. Sec. 504.** (1) To increase the visibility of the opportunity gap in schools with small subgroups of students and to hold schools accountable to individual student-level support, by August 1, 2016, the office of the superintendent of public instruction, in cooperation with the K-12 data governance group established within the office of the superintendent of public instruction, the education data center established within the office of financial management, and the state board of education, shall adopt a rule that the only student data that should not be reported for public reporting and accountability is data where the school or district has fewer than ten students in a grade level or student subgroup.

(2) This section expires August 1, 2017.

#### PART VI

#### RECRUITMENT AND RETENTION OF EDUCATORS

Sec. 601. RCW 28A.300.507 and 2009 c 548 s 203 are each amended to read as follows:

(1) A K-12 data governance group shall be established within the office of the superintendent of public instruction to assist in the design and implementation of a K-12 education data improvement system for financial, student, and educator data. It is the intent that the data system reporting specifically serve requirements for teachers, parents, superintendents, school boards, the office of the superintendent of public instruction, the legislature, and the public.

(2) The K-12 data governance group shall include representatives of the education data center, the office of the superintendent of public instruction, the legislative evaluation and accountability program committee, the professional educator standards board, the state board of education, and school district staff, including information technology staff. Additional entities with expertise in education data may be included in the K-12 data governance group.

(3) The K-12 data governance group shall:

(a) Identify the critical research and policy questions that need to be addressed by the K-12 education data improvement system;

(b) Identify reports and other information that should be made available on the internet in addition to the reports identified in subsection (5) of this section;

(c) Create a comprehensive needs requirement document detailing the specific information and technical capacity needed by school districts and the state to meet the legislature's expectations for a comprehensive K-12 education data improvement system as described under RCW 28A.655.210;

(d) Conduct a gap analysis of current and planned information compared to the needs requirement document, including an analysis of the strengths and limitations of an education data system and programs currently used by school districts and the state, and specifically the gap analysis must look at the extent to which the existing data can be transformed into canonical form and where existing software can be used to meet the needs requirement document;

(e) Focus on financial and cost data necessary to support the new K-12 financial models and funding formulas, including any necessary changes to school district budgeting and accounting, and on assuring the capacity to link data across financial, student, and educator systems; and

(f) Define the operating rules and governance structure for K-12 data collections, ensuring that data systems are flexible and able to adapt to evolving needs for information, within an objective and orderly data governance process for determining when changes are needed and how to implement them. Strong consideration must be made to the current practice and cost of migration to new requirements. The operating rules should delineate the coordination, delegation, and escalation authority for data collection issues, business rules, and performance goals for each K-12 data collection system, including:

(i) Defining and maintaining standards for privacy and confidentiality;

(ii) Setting data collection priorities;

(iii) Defining and updating a standard data dictionary;

(iv) Ensuring data compliance with the data dictionary;

(v) Ensuring data accuracy; and

(vi) Establishing minimum standards for school, student, financial, and teacher data systems. Data elements may be specified "to the extent feasible" or "to the extent available" to collect more and better data sets from districts with more flexible software. Nothing in RCW 43.41.400, this section, or RCW 28A.655.210 should be construed to require that a data dictionary or reporting should be hobbled to the lowest common set. The work of the K-12 data governance group must specify which data are desirable. Districts that can meet these requirements shall report the desirable data. Funding from the legislature must establish which subset data are absolutely required.

(4)(a) The K-12 data governance group shall provide updates on its work as requested by the education data center and the legislative evaluation and accountability program committee.

(b) The work of the K-12 data governance group shall be periodically reviewed and monitored by the educational data center and the legislative evaluation and accountability program committee.

(5) To the extent data is available, the office of the superintendent of public instruction shall make the following

minimum reports available on the internet. The reports must either be run on demand against current data, or, if a static report, must have been run against the most recent data:

(a) The percentage of data compliance and data accuracy by school district;

(b) The magnitude of spending per student, by student estimated by the following algorithm and reported as the detailed summation of the following components:

(i) An approximate, prorated fraction of each teacher or human resource element that directly serves the student. Each human resource element must be listed or accessible through online tunneling in the report;

(ii) An approximate, prorated fraction of classroom or building costs used by the student;

(iii) An approximate, prorated fraction of transportation costs used by the student; and

(iv) An approximate, prorated fraction of all other resources within the district. District wide components should be disaggregated to the extent that it is sensible and economical;

(c) The cost of K-12 basic education, per student, by student, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;

(d) The cost of K-12 special education services per student, by student receiving those services, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;

(e) Improvement on the statewide assessments computed as both a percentage change and absolute change on a scale score metric by district, by school, and by teacher that can also be filtered by a student's length of full-time enrollment within the school district;

(f) Number of K-12 students per classroom teacher on a per teacher basis;

(g) Number of K-12 classroom teachers per student on a per student basis;

(h) Percentage of a classroom teacher per student on a per student basis; ((and))

(i) Percentage of classroom teachers per school district and per school disaggregated as described in RCW 28A.300.042(1) for student-level data;

(j) Average length of service of classroom teachers per school district and per school disaggregated as described in RCW 28A.300.042(1) for student-level data; and

(k) The cost of K-12 education per student by school district sorted by federal, state, and local dollars.

(6) The superintendent of public instruction shall submit a preliminary report to the legislature by November 15, 2009, including the analyses by the K-12 data governance group under subsection (3) of this section and preliminary options for addressing identified gaps. A final report, including a proposed phase-in plan and preliminary cost estimates for implementation of a comprehensive data improvement system for financial, student, and educator data shall be submitted to the legislature by September 1, 2010.

(7) All reports and data referenced in this section and RCW 43.41.400 and 28A.655.210 shall be made available in a manner consistent with the technical requirements of the legislative evaluation and accountability program committee

and the education data center so that selected data can be provided to the legislature, governor, school districts, and the public.

(8) Reports shall contain data to the extent it is available. All reports must include documentation of which data are not available or are estimated. Reports must not be suppressed because of poor data accuracy or completeness. Reports may be accompanied with documentation to inform the reader of why some data are missing or inaccurate or estimated.

#### PART VII TRANSITIONS

NEW SECTION. Sec. 701. A new section is added to chapter 43.215 RCW to read as follows:

The department, in collaboration with the office of the superintendent of public instruction, shall create a community information and involvement plan to inform home-based, tribal, and family early learning providers of the early achievers program under RCW 43.215.100.

#### PART VIII INTEGRATED STUDENT SERVICES AND FAMILY ENGAGEMENT

NEW SECTION. Sec. 801. A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the Washington integrated student supports protocol is established. The protocol shall be developed by the center for the improvement of student learning, established in RCW 28A.300.130, based on the framework described in this section. The purposes of the protocol include:

(a) Supporting a school-based approach to promoting the success of all students by coordinating academic and nonacademic supports to reduce barriers to academic achievement and educational attainment;

(b) Fulfilling a vision of public education where educators focus on education, students focus on learning, and auxiliary supports enable teaching and learning to occur unimpeded;

(c) Encouraging the creation, expansion, and quality improvement of community-based supports that can be integrated into the academic environment of schools and school districts;

(d) Increasing public awareness of the evidence showing that academic outcomes are a result of both academic and nonacademic factors; and

(e) Supporting statewide and local organizations in their efforts to provide leadership, coordination, technical assistance, professional development, and advocacy to implement high-quality, evidence-based, student-centered, coordinated approaches throughout the state.

(2)(a) The Washington integrated student supports protocol must be sufficiently flexible to adapt to the unique needs of schools and districts across the state, yet sufficiently structured to provide all students with the individual support they need for academic success.

(b) The essential framework of the Washington integrated student supports protocol includes:

(i) Needs assessments: A needs assessment must be conducted for all at-risk students in order to develop or identify the needed academic and nonacademic supports within the students' school and community. These supports

must be coordinated to provide students with a package of mutually reinforcing supports designed to meet the individual needs of each student.

(ii) Integration and coordination: The school and district leadership and staff must develop close relationships with providers of academic and nonacademic supports to enhance the effectiveness of the protocol.

(iii) Community partnerships: Community partners must be engaged to provide nonacademic supports to reduce barriers to students' academic success, including supports to students' families.

(iv) Data driven: Students' needs and outcomes must be tracked over time to determine student progress and evolving needs.

(c) The framework must facilitate the ability of any academic or nonacademic provider to support the needs of at-risk students, including, but not limited to: Out-of-school providers, social workers, mental health counselors, physicians, dentists, speech therapists, and audiologists.

NEW SECTION. Sec. 802. (1) The legislature intends to integrate the delivery of various academic and nonacademic programs and services through a single protocol. This coordination and consolidation of assorted services, such as expanded learning opportunities, mental health, medical screening, and access to food and housing, is intended to reduce barriers to academic achievement and educational attainment by weaving together existing public and private resources needed to support student success in school.

(2) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall create a work group to determine how to best implement the framework described in section 801 of this act throughout the state.

(3) The work group must be composed of the following members, who must reflect the geographic diversity across the state:

(a) The superintendent of public instruction or the superintendent's designee;

(b) Three principals and three superintendents representing districts with diverse characteristics, selected by state associations of principals and superintendents, respectively;

(c) A representative from a statewide organization specializing in out-of-school learning;

(d) A representative from an organization with expertise in the needs of homeless students;

(e) A school counselor from an elementary school, a middle school, and a high school, selected by a state association of school counselors;

(f) A representative of an organization that is an expert on a multitiered system of supports; and

(g) A representative from a career and technical student organization.

(4) The superintendent of public instruction shall consult and may contract for services with a national nonpartisan, nonprofit research center that has provided data and analyses to improve policies and programs serving children and youth for over thirty-five years.

(5) The work group must submit to the appropriate committees of the legislature a report recommending policies that need to be adopted or revised to implement the

framework described in section 801 of this act throughout the state by October 1, 2017. The work group must submit a preliminary report by October 1, 2016, and a final report by October 1, 2017.

(6) This section expires August 1, 2018.

Sec. 803. RCW 28A.165.035 and 2013 2nd sp.s. c 18 s 203 are each amended to read as follows:

(1) ((Beginning in the 2015-16 school year, expenditure of funds from the learning assistance program must be consistent with the provisions of RCW 28A.655.235.

(2))) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

(d) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

(e) Tutoring support for participating students;

(f) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; and

(g) Up to five percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The ((office of the superintendent of public instruction)) school board must approve in an open meeting any community-based organization or local agency before learning assistance funds may be expended.

((((3))) (2) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.

((((4))) (3)(a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts

must use a practice or strategy that is on a state menu developed under subsection (((3))) (2) of this section or RCW 28A.655.235.

(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (((3))) (2) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate increased improved outcomes for participating students.

(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

((((5))) (4) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.

Sec. 804. RCW 28A.300.130 and 2009 c 578 s 6 are each amended to read as follows:

(1) To facilitate access to information and materials on educational improvement and research, the superintendent of public instruction, ((to the extent funds are appropriated)) subject to the availability of amounts appropriated for this specific purpose, shall establish the center for the improvement of student learning. The center shall work in conjunction with parents, educational service districts, institutions of higher education, and education, parent, community, and business organizations.

(2) The center, ((to the extent funds are appropriated for this purpose)) subject to the availability of amounts appropriated for this specific purpose, and in conjunction with other staff in the office of the superintendent of public instruction, shall:

(a) Serve as a clearinghouse for information regarding successful educational improvement and parental involvement programs in schools and districts, and information about efforts within institutions of higher education in the state to support educational improvement initiatives in Washington schools and districts;

(b) Provide best practices research that can be used to help schools develop and implement: Programs and practices to improve instruction; systems to analyze student assessment data, with an emphasis on systems that will combine the use of state and local data to monitor the academic progress of each and every student in the school district; comprehensive, school-wide improvement plans; school-based shared decision-making models; programs to promote lifelong learning and community involvement in education; school-to-work transition programs; programs to meet the needs of highly capable students; programs and practices to meet the needs of students with disabilities; programs and practices to meet the diverse needs of students

based on gender, racial, ethnic, economic, and special needs status; research, information, and technology systems; and other programs and practices that will assist educators in helping students learn the essential academic learning requirements;

(c) Develop and maintain an internet web site to increase the availability of information, research, and other materials;

(d) Work with appropriate organizations to inform teachers, district and school administrators, and school directors about the waivers available and the broadened school board powers under RCW 28A.320.015;

(e) Provide training and consultation services, including conducting regional summer institutes;

(f) Identify strategies for improving the success rates of ethnic and racial student groups and students with disabilities, with disproportionate academic achievement;

(g) Work with parents, teachers, and school districts in establishing a model absentee notification procedure that will properly notify parents when their student has not attended a class or has missed a school day. The office of the superintendent of public instruction shall consider various types of communication with parents including, but not limited to, ((electronic mail)) email, phone, and postal mail; and

(h) Perform other functions consistent with the purpose of the center as prescribed in subsection (1) of this section.

(3) The superintendent of public instruction shall select and employ a director for the center.

(4) The superintendent may enter into contracts with individuals or organizations including but not limited to: School districts; educational service districts; educational organizations; teachers; higher education faculty; institutions of higher education; state agencies; business or community-based organizations; and other individuals and organizations to accomplish the duties and responsibilities of the center. In carrying out the duties and responsibilities of the center, the superintendent, whenever possible, shall use practitioners to assist agency staff as well as assist educators and others in schools and districts.

(5) The office of the superintendent of public instruction shall report to the legislature by September 1, 2007, and thereafter biennially, regarding the effectiveness of the center for the improvement of student learning, how the services provided by the center for the improvement of student learning have been used and by whom, and recommendations to improve the accessibility and application of knowledge and information that leads to improved student learning and greater family and community involvement in the public education system."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to FOURTH SUBSTITUTE HOUSE BILL NO. 1541 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Santos and Magendanz spoke in favor of the passage of the bill.

Representative Hayes spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Fourth Substitute House Bill No. 1541, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Fourth Substitute House Bill No. 1541, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bergquist, Blake, Calder, Clibborn, Cody, Dunshee, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kuderer, Lytton, Magendanz, McBride, Moeller, Morris, Moscoso, Muri, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wylie and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Holy, Klippert, Kretz, Kristiansen, MacEwen, Manweller, McCabe, McCaslin, Nealey, Orcutt, Parker, Pike, Schmick, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilcox, Wilson, Young and Zeiger.

Excused: Representative Farrell.

FOURTH SUBSTITUTE HOUSE BILL NO. 1541, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### **POINT OF PERSONAL PRIVILEGE**

Representative Rossetti: "Mr. Speaker, please join me in thanking the cafeteria staff for all of their hard work and for taking care of us all session long."

The Speaker assumed the chair.

#### **SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

SUBSTITUTE HOUSE BILL NO. 1130  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1351  
THIRD SUBSTITUTE HOUSE BILL NO. 1682  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 1763  
HOUSE BILL NO. 2326  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2511  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2524

SECOND SUBSTITUTE HOUSE BILL NO. 2530  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2545  
     HOUSE BILL NO. 2637  
     SUBSTITUTE HOUSE BILL NO. 2644  
 SECOND SUBSTITUTE HOUSE BILL NO. 2681  
     SUBSTITUTE HOUSE BILL NO. 2711  
 SECOND SUBSTITUTE HOUSE BILL NO. 2791  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 2793  
     SUBSTITUTE HOUSE BILL NO. 2831  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2847  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
     BILL NO. 2872  
 SECOND SUBSTITUTE HOUSE BILL NO. 2877  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2906  
     ENGROSSED HOUSE BILL NO. 2959  
     HOUSE JOINT MEMORIAL NO. 4010  
 ENGROSSED SECOND SUBSTITUTE SENATE  
     BILL NO. 5109  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     5435  
     SENATE BILL NO. 5689  
     SUBSTITUTE SENATE BILL NO. 5778  
 FIFTH ENGROSSED SUBSTITUTE SENATE BILL  
     NO. 5857  
     ENGROSSED SENATE BILL NO. 6091  
     ENGROSSED SENATE BILL NO. 6100  
     SUBSTITUTE SENATE BILL NO. 6160  
     SUBSTITUTE SENATE BILL NO. 6211  
     SUBSTITUTE SENATE BILL NO. 6227  
     SUBSTITUTE SENATE BILL NO. 6238  
     SUBSTITUTE SENATE BILL NO. 6261  
     SUBSTITUTE SENATE BILL NO. 6264  
     SUBSTITUTE SENATE BILL NO. 6273  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6293  
     SUBSTITUTE SENATE BILL NO. 6329  
     SUBSTITUTE SENATE BILL NO. 6337  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6470  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
     6528  
 ENGROSSED SECOND SUBSTITUTE SENATE  
     BILL NO. 6534  
 ENGROSSED SECOND SUBSTITUTE SENATE  
     BILL NO. 6564  
 ENGROSSED SECOND SUBSTITUTE SENATE  
     BILL NO. 6601  
 ENGROSSED SENATE BILL NO. 6620

The Speaker called upon Representative Moeller to preside.

There being no objection, the House reverted to the fourth order of business.

#### INTRODUCTION & FIRST READING

HCR 4416 by Representatives Sullivan and Kretz

Returning bills to their house of origin.

HCR 4417 by Representatives Sullivan and Kretz

Adjourning the 2016 Regular Session of the Sixty-fourth Legislature SINE DIE.

There being no objection, the resolutions listed on the day's introduction sheet under the fourth order of business were read the first time, and under suspension of the rules, were placed on the third reading calendar.

There being no objection, the House advanced to the seventh order of business.

#### THIRD READING

#### MESSAGE FROM THE SENATE

March 9, 2016

Mr. Speaker:

The Senate receded from its amendment(s) to HOUSE BILL NO. 2929, and under suspension of the rules returned HOUSE BILL NO. 2929 to second reading for purpose of amendment(s). The Senate further adopted amendment 2929 AMS OBAN S5168.1 and passed the measure as amended.

On page 2, line 19, after "fees" insert "on a religious organization"

On page 2, line 22, after "buildings" insert "owned and operated by a religious organization"

On page 2, line 24, after "construction" insert "and are being used for housing the homeless no longer than thirty continuous days at a time. Buildings owned by religious organizations that are being used for housing the homeless under this subsection must install smoke detectors in accordance with the smoke detector manufacturer's recommendations at the request of the fire code official"

On page 3, line 15, after "fees" insert "on a religious organization"

On page 3, line 18, after "buildings" insert "owned and operated by a religious organization"

On page 3, line 20, after "construction" insert "and are being used for housing the homeless no longer than thirty continuous days at a time. Buildings owned by religious organizations that are being used for housing the homeless under this subsection must install smoke detectors in accordance with the smoke detector manufacturer's recommendations at the request of the fire code official"

On page 4, line 11, after "fees" insert "on a religious organization"

On page 4, line 14, after "buildings" insert "owned and operated by a religious organization"

On page 4, line 16, after "construction" insert "and are being used for housing the homeless no longer than thirty continuous days at a time. Buildings owned by religious organizations that are being used for housing the homeless under this subsection must install smoke detectors in accordance with the smoke detector"

manufacturer's recommendations at the request of the fire code official"

On page 4, after line 27, insert the following:

"**NEW SECTION. Sec. 6.** The chair and ranking member of the house of representatives local government committee must convene a meeting of stakeholders impacted by the changes made in this act to assess the effectiveness of the provisions of this act no later than November 15, 2017."

On page 1, line 3 of the title, after "19.27 RCW;" strike the remainder of the title and insert "adding a new section to chapter 19.27 RCW; and creating a new section." and the same is herewith transmitted.

Hunter G. Goodman Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to HB 2929 and asked the Senate to recede therefrom.

#### MESSAGE FROM THE SENATE

March 7, 2016

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 6274 and asks the House to recede therefrom, and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendment to SENATE BILL NO. 6274 and asked the Senate to concur therein.

#### MESSAGES FROM THE SENATE

March 10, 2016

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2667,

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

March 10, 2016

Mr. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6194,

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

March 10, 2016

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6360, and the same is herewith transmitted.

Hunter G. Goodman, Secretary

March 10, 2016

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5180, ENGROSSED SENATE BILL NO. 6349, ENGROSSED SENATE BILL NO. 6413, and the same are herewith transmitted.

Hunter G. Goodman, Secretary

#### THIRD READING

#### MESSAGE FROM THE SENATE

March 10, 2016

Mr. Speaker:

The Senate adheres to its position on SUBSTITUTE SENATE BILL NO. 6327 and asks the House to concur, and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 6327. The rules were suspended and SUBSTITUTE SENATE BILL NO. 6327 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

**SUBSTITUTE SENATE BILL NO. 6327, by Senate Committee on Health Care (originally sponsored by Senators Bailey, Keiser, Nelson, Conway, Mullet and Dammeier)**

**Providing for hospital discharge planning with lay caregivers.**

The bill was read a second time.

Representative Cody moved the adoption of amendment (973):

Strike everything after the enacting clause and insert the following:

"Sec. 7. RCW 70.41.020 and 2015 c 23 s 5 are each reenacted and amended to read as follows:

Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

(1) "Aftercare" means the assistance provided by a lay caregiver to a patient under this chapter after the patient's discharge from a hospital. The assistance may include, but is not limited to, assistance with activities of daily living, wound care, medication assistance, and the operation of medical equipment. "Aftercare" includes assistance only for conditions that were present at the time of the patient's discharge from the hospital. "Aftercare" does not include:

(a) Assistance related to conditions for which the patient did not receive medical care, treatment, or observation in the hospital; or

(b) Tasks the performance of which requires licensure as a health care provider.

(2) "Department" means the Washington state department of health.

~~((2))~~ (3) "Discharge" means a patient's release from a hospital following the patient's admission to the hospital.

(4) "Distant site" means the site at which a physician or other licensed provider, delivering a professional service, is physically located at the time the service is provided through telemedicine.

~~((3))~~ (5) "Emergency care to victims of sexual assault" means medical examinations, procedures, and services provided by a hospital emergency room to a victim of sexual assault following an alleged sexual assault.

~~((4))~~ (6) "Emergency contraception" means any health care treatment approved by the food and drug administration that prevents pregnancy, including but not limited to administering two increased doses of certain oral contraceptive pills within seventy-two hours of sexual contact.

~~((5))~~ (7) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physician's offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include birthing centers, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of

those suffering from mental illness, intellectual disability, convulsive disorders, or other abnormal mental condition. Furthermore, nothing in this chapter or the rules adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well recognized church or religious denominations.

~~((6))~~ (8) "Lay caregiver" means any individual designated as such by a patient under this chapter who provides aftercare assistance to a patient in the patient's residence. "Lay caregiver" does not include a long-term care worker as defined in RCW 74.39A.009.

(9) "Originating site" means the physical location of a patient receiving health care services through telemedicine.

~~((7))~~ (10) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

~~((8))~~ (11) "Secretary" means the secretary of health.

~~((9))~~ (12) "Sexual assault" has the same meaning as in RCW 70.125.030.

~~((10))~~ (13) "Telemedicine" means the delivery of health care services through the use of interactive audio and video technology, permitting real-time communication between the patient at the originating site and the provider, for the purpose of diagnosis, consultation, or treatment. "Telemedicine" does not include the use of audio-only telephone, facsimile, or email.

~~((11))~~ (14) "Victim of sexual assault" means a person who alleges or is alleged to have been sexually assaulted and who presents as a patient.

NEW SECTION. Sec. 8. A new section is added to chapter 70.41 RCW to read as follows:

(1) In addition to the requirements in RCW 70.41.320, hospital discharge policies must ensure that the discharge plan is appropriate for the patient's physical condition, emotional and social needs, and, if a lay caregiver is designated takes into consideration, to the extent possible, the lay caregiver's abilities as disclosed to the hospital.

(2) As part of a patient's individualized treatment plan, discharge criteria must include, but not be limited to, the following components:

- (a) The details of the discharge plan;
- (b) Hospital staff assessment of the patient's ability for self-care after discharge;
- (c) An opportunity for the patient to designate a lay caregiver;
- (d) Documentation of any designated lay caregiver's contact information;
- (e) A description of aftercare tasks necessary to promote the patient's ability to stay at home;
- (f) An opportunity for the patient and, if designated, the patient's lay caregiver to participate in the discharge planning;
- (g) Instruction or training provided to the patient and, if designated, the patient's lay caregiver, prior to

discharge, to perform aftercare tasks. Instruction or training may include education and counseling about the patient's medications, including dosing and proper use of medication delivery devices when applicable; and

(h) Notification to a lay caregiver, if designated, of the patient's discharge or transfer.

(3) In the event that a hospital is unable to contact a designated lay caregiver, the lack of contact may not interfere with, delay, or otherwise affect the medical care provided to the patient, or an appropriate discharge of the patient.

**NEW SECTION. Sec. 9.** A new section is added to chapter 70.41 RCW to read as follows:

Section 2 of this act does not require a hospital to adopt discharge policies or criteria that:

(1) Delay a patient's discharge or transfer to another facility or to home; or

(2) Require the disclosure of protected health information to a lay caregiver without obtaining a patient's consent as required by state and federal laws governing health information privacy and security, including chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and related regulations.

**NEW SECTION. Sec. 10.** A new section is added to chapter 70.41 RCW to read as follows:

Nothing in section 2 of this act may be construed to:

(1) Interfere with the rights or duties of an agent operating under a valid health care directive under RCW 70.122.030;

(2) Interfere with designations made by a patient pursuant to a physician order for life-sustaining treatment under RCW 43.70.480;

(3) Interfere with the rights or duties of an authorized surrogate decision maker under RCW 7.70.065;

(4) Establish a new requirement to reimburse or otherwise pay for services performed by the lay caregiver for aftercare;

(5) Create a private right of action against a hospital or any of its directors, trustees, officers, employees, or agents, or any contractors with whom the hospital has a contractual relationship;

(6) Hold liable, in any way, a hospital, hospital employee, or any consultants or contractors with whom the hospital has a contractual relationship for the services rendered or not rendered by the lay caregiver to the patient at the patient's residence;

(7) Obligate a designated lay caregiver to perform any aftercare tasks for any patient;

(8) Require a patient to designate any individual as a lay caregiver as defined in RCW 70.41.020;

(9) Obviate the obligation of a health carrier as defined in RCW 48.43.005 or any other entity issuing health benefit plans to provide coverage required under a health benefit plan; and

(10) Impact, impede, or otherwise disrupt or reduce the reimbursement obligations of a health carrier or any other entity issuing health benefit plans.

**Sec. 11.** RCW 70.41.320 and 1998 c 245 s 127 are each amended to read as follows:

(1) Hospitals and acute care facilities shall:

(a) Work cooperatively with the department of social and health services, area agencies on aging, and local long-term care information and assistance organizations in the planning and implementation of patient discharges to long-term care services.

(b) Establish and maintain a system for discharge planning and designate a person responsible for system management and implementation.

(c) Establish written policies and procedures to:

(i) Identify patients needing further nursing, therapy, or supportive care following discharge from the hospital;

(ii) Subject to section 2 of this act, develop a documented discharge plan for each identified patient, including relevant patient history, specific care requirements, and date such follow-up care is to be initiated;

(iii) Coordinate with patient, family, caregiver, lay caregiver as provided in section 2 of this act, and appropriate members of the health care team which may include a long-term care worker or a home and community-based service provider. For the purposes of this subsection (1)(c)(iii), long-term care worker has the meaning provided in RCW 74.39A.009 and home and community-based service provider includes an adult family home as defined in RCW 70.128.010, an assisted living facility as defined in RCW 18.20.020, or a home care agency as defined in RCW 70.127.010;

(iv) Provide any patient, regardless of income status, written information and verbal consultation regarding the array of long-term care options available in the community, including the relative cost, eligibility criteria, location, and contact persons;

(v) Promote an informed choice of long-term care services on the part of patients, family members, and legal representatives; ~~(and)~~

(vi) Coordinate with the department and specialized case management agencies, including area agencies on aging and other appropriate long-term care providers, as necessary, to ensure timely transition to appropriate home, community residential, or nursing facility care; and

(vii) Inform the patient or his or her surrogate decision maker designated under RCW 7.70.065 if it is necessary to complete a valid disclosure authorization as required by state and federal laws governing health information privacy and security, including chapter 70.02 RCW and the federal health insurance portability and accountability act of 1996 and related regulations, in order to allow disclosure of health care information, including the discharge plan, to an individual or entity that will be involved in the patient's care upon discharge, including a lay caregiver as defined in RCW 70.41.020, a long-term care worker as defined in RCW 74.39A.009, a home and community-based service provider such as an adult family home as defined in RCW 70.128.010, an assisted living facility as defined in RCW 18.20.020, or a home care agency as defined in RCW 70.127.010. If a valid disclosure authorization is obtained, the hospital may release

information as designated by the patient for care coordination or other specified purposes.

(d) Work in cooperation with the department which is responsible for ensuring that patients eligible for medicaid long-term care receive prompt assessment and appropriate service authorization.

(2) In partnership with selected hospitals, the department of social and health services shall develop and implement pilot projects in up to three areas of the state with the goal of providing information about appropriate in-home and community services to individuals and their families early during the individual's hospital stay.

The department shall not delay hospital discharges but shall assist and support the activities of hospital discharge planners. The department also shall coordinate with home health and hospice agencies whenever appropriate. The role of the department is to assist the hospital and to assist patients and their families in making informed choices by providing information regarding home and community options.

In conducting the pilot projects, the department shall:

(a) Assess and offer information regarding appropriate in-home and community services to individuals who are medicaid clients or applicants; and

(b) Offer assessment and information regarding appropriate in-home and community services to individuals who are reasonably expected to become medicaid recipients within one hundred eighty days of admission to a nursing facility."

Correct the title.

Representatives Cody and Schmick spoke in favor of the adoption of the amendment.

Amendment (973) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6327, as amended by the House.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6327, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller,

McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6327, as amended by the House, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 10, 2016

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6455 and asks the House to recede therefrom, and the same is herewith transmitted.

Hunter G. Goodman, Secretary

There being no objection, the House advanced to the seventh order of business.

#### HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6455. The rules were suspended and ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6455 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

**ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6455, by Senate Committee on Ways & Means (originally sponsored by Senators Dammeier, Rolfes, Litzow, Billig, Rivers, Conway and McAuliffe)**

**Expanding the professional educator workforce by increasing career opportunities in education, creating a more robust enrollment forecasting, and enhancing recruitment efforts.**

The bill was read the second time.

Representative Santos moved the adoption of amendment (972).

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 12.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction, in consultation with school districts, educational service districts, and other state agencies, shall develop and implement a comprehensive, statewide initiative to increase the number of qualified individuals who apply for teaching positions in Washington. In developing and implementing the initiative, the office of the superintendent of public instruction, in partnership with the employment security department, shall:

(a) Develop and implement a teacher recruitment campaign that targets groups of individuals who may be interested in teaching in Washington public schools, such as: College students who have not chosen a major; out-of-state teachers; military personnel and their spouses; and individuals with teaching certificates who are not currently employed as teachers;

(b) Incorporate certificated positions into the employment security department's existing web-based depository for job applications that allows for access by school districts in the state for purposes of hiring teachers and other certificated positions. The services and tools developed under this subsection must be made available initially to small school districts, and to larger districts as resources are available. When defining small districts for the purpose of this subsection, the office of the superintendent of public instruction must consider whether a district has fewer than three hundred certificated staff;

(c) Create or enhance an existing web site that provides useful information to individuals who are interested in teaching in Washington; and

(d) Take other actions to increase the number of qualified individuals who apply for teaching positions in Washington.

(2) By December 1, 2019, the office of the superintendent of public instruction shall assess the efficiency and effectiveness of the centralized web-based depository for job applications required under subsection (1)(b) of this section, and shall submit a report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, that recommends whether the requirement for the application depository be continued, modified, or terminated. In performing the assessment required in this subsection (2), the office must solicit and consider feedback from small school districts.

(3) This section expires July 1, 2020.

**NEW SECTION. Sec. 13.** (1) Subject to the availability of amounts appropriated for this specific purpose, the workforce training and education coordinating board, in collaboration with the professional educator standards board, shall work with the student achievement council, the office of the superintendent of public instruction, school districts, educational service districts, the state board for community and technical colleges, the institutions of higher education, major employers, and other parties to develop and disseminate information designed to increase recruitment into professional educator standards

board-approved teacher preparation programs. The information must be disseminated statewide through existing channels.

(2) This section expires July 1, 2019.

**NEW SECTION. Sec. 14.** (1) Subject to the availability of amounts appropriated for this specific purpose, the professional educator standards board shall create and administer the recruitment specialists grant program to provide funds to professional educator standards board-approved teacher preparation programs to hire, or contract with, recruitment specialists that focus on recruitment of individuals who are from traditionally underrepresented groups among teachers in Washington when compared to the common school population.

(2) This section expires July 1, 2018.

**Sec. 15.** RCW 28A.410.250 and 2005 c 498 s 2 are each amended to read as follows:

The agency responsible for educator certification shall adopt rules for professional certification that:

(1) Provide maximum program choice for applicants, promote portability among programs, and promote maximum efficiency for applicants in attaining professional certification;

(2) Require professional certification no earlier than the fifth year following the year that the teacher first completes provisional status, with an automatic two-year extension upon enrollment;

(3) Grant professional certification to any teacher who attains certification from the national board for professional teaching standards;

(4) Permit any teacher currently enrolled in or participating in a program leading to professional certification to continue the program under administrative rules in place when the teacher began the program;

(5) Provide criteria for the approval of educational service districts, beginning no later than August 31, 2007, to offer programs leading to professional certification. The rules shall be written to encourage institutions of higher education and educational service districts to partner with local school districts or consortia of school districts, as appropriate, to provide instruction for teachers seeking professional certification;

(6) Encourage institutions of higher education to offer professional certificate coursework as continuing education credit hours. This shall not prevent an institution of higher education from providing the option of including the professional certification requirements as part of a master's degree program;

(7) Provide criteria for a liaison relationship between approved programs and school districts in which applicants are employed;

(8) Identify an expedited professional certification process for out-of-state teachers who have five years or more of successful teaching experience ~~((to demonstrate skills and impact on student learning commensurate with Washington requirements for professional certification. The rules may require these teachers, within one year of the time they begin to teach in the state's public schools, take a~~

~~course in or show evidence that they can teach to the state's essential academic learning requirements)), including a method to determine the comparability of rigor between the Washington professional certification process and the advanced level teacher certification process of other states. A professional certificate must be issued to these experienced out-of-state teachers if the teacher holds: (a) A valid teaching certificate issued by the national board for professional teaching standards; or (b) an advanced level teacher certificate from another state that has been determined to be comparable to the Washington professional certificate; and~~

(9) Identify an evaluation process of approved programs that includes a review of the program coursework and applicant coursework load requirements, linkages of programs to individual teacher professional growth plans, linkages to school district and school improvement plans, and, to the extent possible, linkages to school district professional enrichment and growth programs for teachers, where such programs are in place in school districts. The agency shall provide a preliminary report on the evaluation process to the senate and house of representatives committees on education policy by November 1, 2005. The board shall identify:

(a) A process for awarding conditional approval of a program that shall include annual evaluations of the program until the program is awarded full approval;

(b) A less intensive evaluation cycle every three years once a program receives full approval unless the responsible agency has reason to intensify the evaluation;

(c) A method for investigating programs that have received numerous complaints from students enrolled in the program and from those recently completing the program;

(d) A method for investigating programs at the reasonable discretion of the agency; and

(e) A method for using, in the evaluation, both program completer satisfaction responses and data on the impact of educators who have obtained professional certification on student work and achievement.

**NEW SECTION. Sec. 16.** A new section is added to chapter 28A.410 RCW to read as follows:

The agency responsible for educator certification shall adopt rules for professional certification that identify an expedited professional certification process for out-of-state teachers who have five years or more of successful teaching experience, including a method to determine the comparability of rigor between the Washington professional certification process and any United States federally issued or state-issued advanced level teacher certification process that allows an individual to teach internationally. A professional certificate must be issued to these experienced out-of-state teachers if the teacher holds a United States federally issued or state-issued advanced level teacher certificate that allows the individual to teach internationally and that has been determined to be comparable to the Washington professional certificate.

**NEW SECTION. Sec. 17.** A new section is added to chapter 28A.410 RCW to read as follows:

(1) By September 1, 2020, the Washington state institute for public policy must review the effect of the provisions in RCW 28A.410.250(8) and section 5 of this act and report to the appropriate committees of the legislature, in accordance with RCW 43.01.036. The review and report must include information on:

(a) The extent to which advanced level teacher certificates from other states compare to the standards and requirements of the Washington professional certificate;

(b) The extent to which United States federal or state-issued advanced level certificates that allow individuals to teach internationally compare to the standards and requirements of the Washington professional certificate; and

(c) Whether the provisions in RCW 28A.410.250(8) and section 5 of this act have increased the number of professional certifications issued to individuals from out-of-state.

(2) The Washington state institute for public policy must coordinate with state agencies including the office of the superintendent of public instruction, the employment security department, and the professional educator standards board to gather data that informs the review. These state agencies must cooperate in a timely manner with data requests in service of this review.

(3) This section expires July 1, 2021.

**NEW SECTION. Sec. 18.** A new section is added to chapter 41.32 RCW under the subchapter heading "provisions applicable to plan 2 and plan 3" to be codified between RCW 41.32.067 and 41.32.215 to read as follows:

In addition to the postretirement employment options available in RCW 41.32.802 or 41.32.862, and only until August 1, 2020, a teacher in plan 2 or plan 3 who has retired under the alternate early retirement provisions of RCW 41.32.765(3)(b) or 41.32.875(3)(b) may be employed with an employer for up to eight hundred sixty-seven hours per calendar year without suspension of his or her benefit, provided that: (1) The retired teacher reenters employment more than one calendar month after his or her accrual date and after the effective date of this section; (2) is employed exclusively as either a substitute teacher as defined in RCW 41.32.010(48)(a) in an instructional capacity, as opposed to other capacities identified in RCW 41.32.010(49); and (3) the employing school district compensates the district's substitute teachers at a rate that is at least eighty-five percent of the full daily amount allocated by the state to the district for substitute teacher compensation.

**NEW SECTION. Sec. 19.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) By October 1st of each year, a school district must report to the office of the superintendent of public instruction:

(a) The number of substitute teachers hired per school year;

(b) The number of substitute teachers hired under section 5 of this act per school year;

(c) The full daily compensation rate per substitute teacher; and

(d) The reason for hiring the substitute teacher.

(2) By January 1st of each year, the office of the superintendent of public instruction must post on its web site the information identified in subsection (1) of this section.

**NEW SECTION. Sec. 20.** (1) Subject to the availability of amounts appropriated for this specific purpose, the professional educator standards board shall coordinate meetings between the school districts that do not have professional educator standards board-approved alternative route teacher certification programs and the nearest public or private institution of higher education with a professional educator standards board-approved teacher preparation program. The purpose of the meetings is to determine whether the districts and institutions can partner to apply to the professional educator standards board to operate an alternative route teacher certification program.

(2) Subject to the availability of amounts appropriated for this specific purpose, an institution of higher education, as defined in RCW 28B.10.016, with a professional educator standards board-approved teacher preparation program that does not operate a professional educator standards board-approved alternative route teacher certification program must seek approval from the professional educator standards board to offer an alternative route teacher certification program by submitting the proposal developed under RCW 28A.410.290, or an updated version of the proposal, by September 1, 2016. If approved, the institution of higher education must implement an alternative route teacher certification program according to a timeline suggested by the professional educator standards board.

(3) This section expires July 1, 2017.

**NEW SECTION. Sec. 21.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) By July 1, 2018, each institution of higher education with a professional educator standards board-approved alternative route teacher certification program must develop a plan describing how the institution of higher education will partner with school districts in the general geographic region of the school, or where its programs are offered, regarding placement of resident teachers. The plans must be developed in collaboration with school districts desiring to partner with the institutions of higher education, and may include use of unexpended federal or state funds to support residencies and mentoring for students who are likely to continue teaching in the district in which they have a supervised student teaching residency.

(2) The plans required under subsection (1) of this section must be updated at least biennially.

**Sec. 22.** RCW 28A.415.265 and 2013 2nd sp.s. c 18 s 401 are each amended to read as follows:

(1) For the purposes of this section, a mentor is an educator who has achieved appropriate training in assisting,

coaching, and advising beginning teachers or student teaching residents as defined by the office of the superintendent of public instruction, such as national board certification or other specialized training.

(2)(a) The educator support program is established to provide professional development and mentor support for beginning educators, candidates in alternative route teacher certification programs under RCW 28A.660.040, and educators on probation under RCW 28A.405.100, to be composed of the beginning educator support team for beginning educators and continuous improvement coaching for educators on probation, as provided in this section.

~~((2)(a))~~ (b) The superintendent of public instruction shall notify school districts about the educator support program and encourage districts to apply for program funds.

(3) Subject to ~~((funds appropriated for this specific))~~ the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction shall allocate funds for the beginning educator support team on a competitive basis to individual school districts or consortia of districts. School districts are encouraged to include educational service districts in creating regional consortia. In allocating funds, the office of the superintendent of public instruction shall give priority to:

(a) School districts with low-performing schools identified under RCW 28A.657.020 as being challenged schools in need of improvement; and

(b) School districts with a large influx of beginning classroom teachers.

(4) A portion of the appropriated funds may be used for program coordination and provision of statewide or regional professional development through the office of the superintendent of public instruction.

~~((4))~~ (5) A beginning educator support team must include the following components:

~~((i))~~ (a) A paid orientation or individualized assistance before the start of the school year for beginning educators;

~~((ii))~~ (b) Assignment of a trained and qualified mentor for the first three years for beginning educators, with intensive support in the first year and decreasing support over the following years depending on the needs of the beginning educator;

~~((iii))~~ (c) A goal to provide beginning teachers from underrepresented populations with a mentor who has strong ties to underrepresented populations;

(d) Professional development for beginning educators that is designed to meet their unique needs for supplemental training and skill development;

~~((iv))~~ (e) Professional development for mentors;

~~((v))~~ (f) Release time for mentors and their designated educators to work together, as well as time for educators to observe accomplished peers; and

~~((vi))~~ (g) A program evaluation using a standard evaluation tool provided from the office of the superintendent of public instruction that measures increased knowledge, skills, and positive impact on student learning for program participants.

~~((3))~~ (6) Subject to ~~((funds separately))~~ the availability of amounts appropriated for this specific

purpose, the beginning educator support team components under subsection ~~((2))~~ (3) of this section may be provided for continuous improvement coaching to support educators on probation under RCW 28A.405.100.

**NEW SECTION. Sec. 23.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) In fiscal year 2017, the office of the superintendent of public instruction, in collaboration with the professional educator standards board and institutions of higher education with professional educator standards board-approved teacher preparation programs, shall develop mentor training program goals, and shall post the goals on its web site.

(2) The office of the superintendent of public instruction is encouraged to develop professional development curricula aligned with the mentor training program goals required under this section. The purpose of this curricula is to standardize mentorship training statewide in order to develop high quality mentors.

**NEW SECTION. Sec. 24.** A new section is added to chapter 28A.330 RCW to read as follows:

By June 15th of each year, a school district shall report to the office of the superintendent of public instruction the number of classroom teachers hired in the previous school year and the district projects will be hired in the following school year, disaggregated by content area.

**Sec. 25.** RCW 28A.660.050 and 2015 3rd sp.s. c 9 s 2 are each amended to read as follows:

Subject to the availability of amounts appropriated for ~~((these))~~ this specific purpose(s), the conditional scholarship programs in this chapter are created under the following guidelines:

(1) The programs shall be administered by the student achievement council. In administering the programs, the council has the following powers and duties:

(a) To adopt necessary rules and develop guidelines to administer the programs;

(b) To collect and manage repayments from participants who do not meet their service obligations; and

(c) To accept grants and donations from public and private sources for the programs.

(2) Requirements for participation in the conditional scholarship programs are as provided in this subsection (2).

(a) The alternative route conditional scholarship program is limited to interns of professional educator standards board-approved alternative route ~~((s-to-teaching))~~ teacher certification programs under RCW 28A.660.040. For fiscal year 2011, priority must be given to fiscal year 2010 participants in the alternative route partnership program. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment in an alternative ~~((certification))~~ route ~~((s))~~ teacher certification program through a professional educator standards board-approved program;

(ii) Continue to make satisfactory progress toward completion of the alternative route teacher certification program and receipt of a residency teaching certificate; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed eight thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route teacher certification program in which the recipient is enrolled. The council may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(b) The pipeline for paraeducators conditional scholarship program is limited to qualified paraeducators as provided by RCW 28A.660.042. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment at a community and technical college for no more than two years and attain an associate of arts degree;

(ii) Continue to make satisfactory progress toward completion of an associate of arts degree. This progress requirement is a condition for eligibility into a route one program of the alternative route ~~((s-to))~~ teacher certification program for ~~((#))~~ an early childhood education, elementary education, mathematics, computer science, special education, bilingual education, or English as a second language endorsement; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed four thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route teacher certification program in which the recipient is enrolled. The student achievement council may adjust the annual award by the average rate of tuition and fee increases at the state community and technical colleges.

(c) The educator retooling conditional scholarship program is limited to current K-12 teachers. In order to receive conditional scholarship awards:

(i) Individuals currently employed as teachers shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to ~~((r))~~ mathematics, science, special education, elementary education, early childhood education, bilingual education, English language learner, computer science education, or environmental and sustainability education; or

(ii) Individuals who are certificated with an elementary education endorsement shall pursue an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to ~~((r))~~ mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and sustainability education; and

(iii) Individuals shall use one of the pathways to endorsement processes to receive an endorsement in a subject or geographic endorsement shortage area, as defined by the professional educator standards board, including but not limited to ~~((r))~~ mathematics, science, special education, bilingual education, English language learner, computer science education, or environmental and

sustainability education, which shall include passing an endorsement test plus observation and completing applicable coursework to attain the proper endorsement; and

(iv) Individuals shall receive no more than the annual amount of the scholarship, not to exceed three thousand dollars, for the cost of tuition, test fees, and educational expenses, including books, supplies, and transportation for the endorsement pathway being pursued.

(3) The Washington professional educator standards board shall select individuals to receive conditional scholarships. In selecting recipients, preference shall be given to eligible veterans or national guard members. In awarding conditional scholarships to support additional bilingual education or English language learner endorsements, the board shall also give preference to teachers assigned to schools required under state or federal accountability measures to implement a plan for improvement, and to teachers assigned to schools whose enrollment of English language learner students has increased an average of more than five percent per year over the previous three years.

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients who fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The student achievement council shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) The student achievement council may deposit all appropriations, collections, and any other funds received for the program in this chapter in the future teachers conditional scholarship account authorized in RCW 28B.102.080.

**NEW SECTION. Sec. 26.** A new section is added to chapter 28B.102 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office shall develop and administer the teacher shortage conditional grant program as a subprogram within the future teachers conditional scholarship and loan repayment program. The purpose of the teacher shortage conditional grant program is to encourage individuals to become teachers by providing financial aid to individuals enrolled in professional educator standards-approved teacher preparation programs.

(2) The office has the power and duty to develop and adopt rules as necessary under chapter 34.05 RCW to administer the program described in this section.

(3) As part of the rule-making process under subsection (2) of this section, the office must collaborate

with the professional educator standards board, the Washington state school directors' association, and the professional educator standards board-approved teacher preparation programs to develop a framework for the teacher shortage conditional grant program, including eligibility requirements, contractual obligations, conditional grant amounts, and loan repayment requirements.

(4)(a) In developing the eligibility requirements, the office must consider: Whether the individual has a financial need, is a first-generation college student, or is from a traditionally underrepresented group among teachers in Washington; whether the individual is completing an alternative route teacher certification program; whether the individual plans to obtain an endorsement in a hard-to-fill subject, as defined by the professional educator standards board; the characteristic of any geographic shortage area, as defined by the professional educator standards board, that the individual plans to teach in; and whether a school district has committed to offering the individual employment once the individual obtains a residency teacher certificate.

(b) In developing the contractual obligations, the office must consider requiring the individual to: Obtain a Washington state residency teacher certificate; teach in a subject or geographic endorsement shortage area, as defined by the professional educator standards board; and commit to teach for five school years in an approved education program with a need for a teacher with such an endorsement at the time of hire.

(c) In developing the conditional grant award amounts, the office must consider whether the individual is: Enrolled in a public or private institution of higher education, a resident, in a baccalaureate or postbaccalaureate program, or in an alternative route teacher certification program. In addition, the award amounts must not result in a reduction of the individual's federal or state grant aid, including Pell grants, state need grants, college bound scholarships, or opportunity scholarships.

(d) In developing the repayment requirements for a conditional grant that is converted into a loan, the terms and conditions of the loan must follow the interest rate and repayment terms of the federal direct subsidized loan program. In addition, the office must consider the following repayment schedule:

(i) For less than one school year of teaching completed, the loan obligation is eighty-five percent of the conditional grant the student received, plus interest and an equalization fee;

(ii) For less than two school years of teaching completed, the loan obligation is seventy percent of the conditional grant the student received, plus interest and an equalization fee;

(iii) For less than three school years of teaching completed, the loan obligation is fifty-five percent of the conditional grant the student received, plus interest and an equalization fee; and

(iv) For less than four school years of teaching completed, the loan obligation is forty percent of the conditional grant the student received, plus interest and an equalization fee.

(5) By November 1, 2018, and November 1, 2020, the office shall submit reports, in accordance with RCW 43.01.036, to the appropriate committees of the legislature that recommend whether the teacher shortage conditional grant program under this section should be continued, modified, or terminated, and that include information about the recipients of the grants under this program.

**NEW SECTION. Sec. 27.** A new section is added to chapter 28A.630 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the teacher endorsement and certification help pilot project, known as the TEACH pilot, is created. The scale of the TEACH pilot is dependent on the level of funding appropriated.

(2) The student achievement council, after consultation with the professional educator standards board, shall have the power and duty to develop and adopt rules as necessary under chapter 34.05 RCW to administer the pilot project described in this section. The rules, which must be adopted by August 1, 2016, must include:

- (a) A TEACH pilot grant application process;
- (b) A financial need verification process;
- (c) The order of priority in which the applications will be approved; and
- (d) A process for disbursing TEACH pilot grant awards to selected applicants.

(3) A student seeking a TEACH pilot grant to cover the costs of basic skills and content tests required for teacher certification and endorsement must submit an application to the student achievement council, following the rules developed under this section.

(4) To qualify for financial assistance, an applicant must meet the following criteria:

- (a) Be enrolled in, have applied to, or have completed a professional educator standards board-approved teacher preparation program;
- (b) Demonstrate financial need, as defined by the office of student financial assistance and consistent with the income criteria required to receive the state need grant established in chapter 28B.92 RCW;
- (c) Apply for a TEACH pilot grant under this section; and
- (d) Register for an endorsement competency test in one or more endorsement shortage areas.

(5) Beginning September 1, 2016, the student achievement council, in collaboration with the professional educator standards board, shall award a TEACH pilot grant to a student who meets the qualifications listed in this section and in rules developed under this section. The TEACH pilot grant award must cover the costs of basic skills and content tests required for teacher certification. The council shall prioritize TEACH pilot grant awards first to applicants registered for competency tests in endorsement shortage areas and second to applicants with greatest financial need. The council shall scale the number of TEACH pilot grant awards to the amount of funds appropriated for this purpose.

(6) The student achievement council and the professional educator standards board shall include

information about the TEACH pilot in materials distributed to schools and students.

(7) By December 31, 2018, and in compliance with RCW 43.01.036, the student achievement council, in collaboration with the professional educator standards board, shall submit a preliminary report to the appropriate committees of the legislature that details the effectiveness and costs of the pilot project. The preliminary report must (a) compare the numbers and demographic information of students taking and passing tests in the endorsement shortage areas before and after implementation of the pilot project, and (b) determine the amount of TEACH pilot grant award financial assistance awarded each pilot year and per student.

(8) By December 31, 2020, and in compliance with RCW 43.01.036, the student achievement council, in collaboration with the professional educator standards board, shall submit a final report to the appropriate committees of the legislature that details the effectiveness and costs of the pilot project. In addition to updating the preliminary report, the final report must (a) compare the numbers and demographic information of students obtaining teaching certificates with endorsement competencies in the endorsement shortage areas before and after implementation of the pilot project, and (b) recommend whether the pilot project should be modified, continued, and expanded.

(9) This section expires July 1, 2021.

**NEW SECTION. Sec. 28.** A new section is added to chapter 28B.76 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office shall administer a student teaching residency grant program to provide additional funds to individuals completing student teaching residencies at public schools in Washington.

(2) To qualify for the grant, recipients must be enrolled in a professional educator standards board-approved teacher preparation program, be completing or about to start a student teaching residency at a Title I school, and demonstrate financial need, as defined by the office and consistent with the income criteria required to receive the state need grant established in chapter 28B.92 RCW.

(3) The office shall establish rules for administering the grants under this section.

**Sec. 29.** RCW 28B.15.558 and 2015 c 55 s 221 are each amended to read as follows:

(1) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges may waive all or a portion of the tuition and services and activities fees for state employees as defined under subsection (2) of this section and teachers ~~((and))~~, other certificated instructional staff under subsection (3) of this section, and K-12 classified staff under subsection (4) of this section. The enrollment of these persons is pursuant to the following conditions:

(a) Such persons shall register for and be enrolled in courses on a space available basis and no new course sections shall be created as a result of the registration;

(b) Enrollment information on persons registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such persons be considered in any enrollment statistics that would affect budgetary determinations; and

(c) Persons registering on a space available basis shall be charged a registration fee of not less than five dollars.

(2) For the purposes of this section, "state employees" means persons employed half-time or more in one or more of the following employee classifications:

(a) Permanent employees in classified service under chapter 41.06 RCW;

(b) Permanent employees governed by chapter 41.56 RCW pursuant to the exercise of the option under RCW 41.56.201;

(c) Permanent classified employees and exempt paraprofessional employees of technical colleges; and

(d) Faculty, counselors, librarians, and exempt professional and administrative employees at institutions of higher education as defined in RCW 28B.10.016.

(3) The waivers available to state employees under this section shall also be available to teachers and other certificated instructional staff employed at public common and vocational schools, holding or seeking a valid endorsement and assignment in a state-identified shortage area.

(4) The waivers available under this section shall also be available to classified staff employed at K-12 public schools when used for coursework relevant to the work assignment.

(5) In awarding waivers, an institution of higher education may award waivers to eligible persons employed by the institution before considering waivers for eligible persons who are not employed by the institution.

~~((5))~~ (6) If an institution of higher education exercises the authority granted under this section, it shall include all eligible state employees in the pool of persons eligible to participate in the program.

~~((6))~~ (7) In establishing eligibility to receive waivers, institutions of higher education may not discriminate between full-time employees and employees who are employed half-time or more.

NEW SECTION. Sec. 30. Section 7 of this act expires July 1, 2021."

Correct the title.

Representatives Santos and Magendanz spoke in favor of the adoption of the amendment.

Amendment (972) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos, Magendanz, Ortiz-Self, Pike, Pollet and Caldier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6455, as amended by the House.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6455, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Scott and Taylor.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6455, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### MESSAGE FROM THE SENATE

March 10, 2016

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2440 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 31.** RCW 74.15.020 and 2013 c 105 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter and RCW 74.13.031 unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or

persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers, or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides

care as needed to mothers and their infants after confinement;

(i) "Resource and assessment center" means an agency that provides short-term emergency and crisis care for a period up to seventy-two hours, excluding Saturdays, Sundays, and holidays to children who have been removed from their parent's or guardian's care by child protective services or law enforcement;

(j) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(k) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (a)(i), (ii), or (iii) of this subsection (2), even after the marriage is terminated;

(v) Relatives, as named in (a)(i), (ii), (iii), or (iv) of this subsection (2), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and assisted living facilities licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(o) A host home program, and host home, operated by a tax exempt organization for youth not in the care of or receiving services from the department, if that program: (i) Recruits and screens potential homes in the program, including performing background checks on individuals over the age of eighteen residing in the home through the Washington state patrol or equivalent law enforcement agency and performing physical inspections of the home; (ii) screens and provides case management services to youth in the program; (iii) obtains a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program and the authorization is updated every six months when a youth remains in a host home longer than six months; (iv) obtains insurance for the program through an insurance provider authorized under Title 48 RCW; (v) provides mandatory reporter and confidentiality training; and (vi) registers with the secretary of state as provided in section 3 of this act. A host home is a private home that volunteers to host youth in need of temporary placement that is associated with a host home program. Any host

home program that receives local, state, or government funding shall report the following information to the office of homeless youth prevention and protection programs annually by December 1st of each year: The number of children the program served, why the child was placed with a host home, and where the child went after leaving the host home, including but not limited to returning to the parents, running away, reaching the age of majority, or becoming a dependent of the state. A host home program shall not receive more than one hundred thousand dollars per year of public funding, including local, state, and federal funding. A host home shall not receive any local, state, or government funding.

(3) "Department" means the state department of social and health services.

(4) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.

(11) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States

department of labor, employment and training administration programs including the workforce investment act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

**NEW SECTION. Sec. 32.** By July 1, 2017, the department of commerce must report to the governor and the legislature recommendations and best practices for host home programs.

**NEW SECTION. Sec. 33.** A new section is added to chapter 24.03 RCW to read as follows:

(1) Host home programs have the same meaning as described in RCW 74.15.020.

(2) Host home programs shall register with the secretary of state's office. This registration may occur when the host home program files articles of incorporation or registers as a nonprofit organization under this chapter.

(3) The host home program registration must include a notarized statement by the host home program that it meets all of the statutory requirements as provided for in RCW 74.15.020.

(4) The secretary of state has no duty to confirm that a host home program is meeting its statutory requirements.

(5) Any filing under this section does not imply an endorsement by the secretary of state.

(6) The secretary of state may adopt rules as necessary to carry out its duties under this section.

**Sec. 34.** RCW 26.44.030 and 2015 1st sp.s. c 6 s 1 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, ~~((or))~~ state family and children's ombuds or any volunteer in the ombuds's office, or host home program has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a

child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Organization" includes a sole proprietor, partnership, corporation, limited liability company, trust, association, financial institution, governmental entity, other than the federal government, and any other individual or group engaged in a trade, occupation, enterprise, governmental function, charitable function, or similar activity in this state whether or not the entity is operated as a nonprofit or for-profit entity.

(iii) "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

(iv) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(v) "Sexual contact" has the same meaning as in RCW 9A.44.010.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court-appointed special advocates, appointed under Titles 11~~((+))~~ and 13~~((+))~~ RCW and ~~((26 RCW))~~ this title, who in the course of their

representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The reporting requirement in (a) of this subsection also applies to administrative and academic or athletic department employees, including student employees, of institutions of higher education, as defined in RCW 28B.10.016, and of private institutions of higher education.

(g) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency, including military law enforcement, if appropriate. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the

local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response:

(i) Investigation; or

(ii) Family assessment.

(b) In making the response in (a) of this subsection the department shall:

(i) Use a method by which to assign cases to investigation or family assessment which are based on an array of factors that may include the presence of: Imminent danger, level of risk, number of previous child abuse or neglect reports, or other presenting case characteristics, such as the type of alleged maltreatment and the age of the alleged victim. Age of the alleged victim shall not be used as the sole criterion for determining case assignment;

(ii) Allow for a change in response assignment based on new information that alters risk or safety level;

(iii) Allow families assigned to family assessment to choose to receive an investigation rather than a family assessment;

(iv) Provide a full investigation if a family refuses the initial family assessment;

(v) Provide voluntary services to families based on the results of the initial family assessment. If a family refuses voluntary services, and the department cannot identify specific facts related to risk or safety that warrant assignment to investigation under this chapter, and there is not a history of reports of child abuse or neglect related to the family, then the department must close the family assessment response case. However, if at any time the department identifies risk or safety factors that warrant an investigation under this chapter, then the family assessment response case must be reassigned to investigation;

(vi) Conduct an investigation, and not a family assessment, in response to an allegation that, the department determines based on the intake assessment:

(A) Poses a risk of "imminent harm" consistent with the definition provided in RCW 13.34.050, which includes, but is not limited to, sexual abuse and sexual exploitation as defined in this chapter;

(B) Poses a serious threat of substantial harm to a child;

(C) Constitutes conduct involving a criminal offense that has, or is about to occur, in which the child is the victim;

(D) The child is an abandoned child as defined in RCW 13.34.030;

(E) The child is an adjudicated dependent child as defined in RCW 13.34.030, or the child is in a facility that is licensed, operated, or certified for care of children by the department under chapter 74.15 RCW, or by the department of early learning.

(c) The department may not be held civilly liable for the decision to respond to an allegation of child abuse or neglect by using the family assessment response under this section unless the state or its officers, agents, or employees acted with reckless disregard.

(12)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(13) For reports of alleged abuse or neglect that are responded to through family assessment response, the department shall:

(a) Provide the family with a written explanation of the procedure for assessment of the child and the family and its purposes;

(b) Collaborate with the family to identify family strengths, resources, and service needs, and develop a service plan with the goal of reducing risk of harm to the child and improving or restoring family well-being;

(c) Complete the family assessment response within forty-five days of receiving the report; however, upon parental agreement, the family assessment response period may be extended up to ninety days;

(d) Offer services to the family in a manner that makes it clear that acceptance of the services is voluntary;

(e) Implement the family assessment response in a consistent and cooperative manner;

(f) Have the parent or guardian sign an agreement to participate in services before services are initiated that informs the parents of their rights under family assessment response, all of their options, and the options the department has if the parents do not sign the consent form.

(14)(a) In conducting an investigation or family assessment of alleged abuse or neglect, the department or law enforcement agency:

(i) May interview children. If the department determines that the response to the allegation will be family assessment response, the preferred practice is to request a parent's, guardian's, or custodian's permission to interview the child before conducting the child interview unless doing so would compromise the safety of the child or the integrity of the assessment. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. If the allegation is investigated, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(ii) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(b) The Washington state school directors' association shall adopt a model policy addressing protocols when an interview, as authorized by this subsection, is conducted on school premises. In formulating its policy, the

association shall consult with the department and the Washington association of sheriffs and police chiefs.

(15) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombuds of the contents of the report. The department shall also notify the ombuds of the disposition of the report.

(16) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(17)(a) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(b) In the family assessment response, the department shall not make a finding as to whether child abuse or neglect occurred. No one shall be named as a perpetrator and no investigative finding shall be entered in the department's child abuse or neglect database.

(18) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor.

(19) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(20) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

(21) The department shall make efforts as soon as practicable to determine the military status of parents whose children are subject to abuse or neglect allegations. If the department determines that a parent or guardian is in the military, the department shall notify a department of defense family advocacy program that there is an allegation of abuse and neglect that is screened in and open for investigation that relates to that military parent or guardian."

On page 1, line 1 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 74.15.020 and 26.44.030; adding a new section to chapter 24.03 RCW; and creating a new section."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2440 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2440, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2440, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2440, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 10, 2016

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2449 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that all children and youth in Washington state are entitled to a basic education and to an equal opportunity to learn. The legislature recognizes that poor school attendance can have far-reaching effects on academic performance and achievement, development of social skills and school engagement, dropout rates, and even college completion rates, and that these effects occur regardless of whether excessive absenteeism is considered excused or unexcused or the specific reason or reasons for the absences. The legislature recognizes that there are many causes of truancy and that truancy is an indicator of future school dropout and delinquent behavior. The legislature recognizes that early engagement of parents in the education process is an

important measure in preventing truancy. It is the intent of the legislature to encourage the systematic identification of truant behavior as early as possible and to encourage the use of best practices and evidence-based interventions to reduce truant behavior in every school in Washington state. The legislature intends that schools, parents, juvenile courts, and communities share resources within and across school districts where possible to enhance the availability of best practices and evidence-based intervention for truant children and youth.

By taking a four-pronged approach and providing additional tools to schools, courts, communities, and families, the legislature hopes to reduce excessive absenteeism, strengthen families, engage communities and families with schools, promote academic achievement, reduce educational opportunity gaps, reduce juvenile delinquency, address juveniles' emotional, mental health, and chemical dependency needs, and increase high school graduation rates.

First, with respect to absenteeism in general, the legislature intends to put in place consistent practices and procedures, beginning in kindergarten, pursuant to which schools share information with families about the importance of consistent attendance and the consequences of excessive absences, involve families early, and provide families with information, services, and tools that they may access to improve and maintain their children's school attendance.

Second, the legislature recognizes the success that has been had by school districts and county juvenile courts around the state that have worked in tandem with one another to establish truancy boards capable of prevention and intervention and that regularly stay truancy petitions in order to first allow these boards to identify barriers to school attendance, cooperatively solve problems, and connect students and their families with needed community-based services. While keeping petition filing requirements in place, the legislature intends to require an initial stay of truancy petitions in order to allow for appropriate intervention and prevention before using a court order to enforce attendance laws. The legislature also intends to encourage efforts by county juvenile courts and school districts to establish and maintain community truancy boards and to employ other best practices, including the provision of training for board members and other school and court personnel on trauma-informed approaches to discipline, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families.

Third, the legislature recognizes that there are instances in which barriers to school attendance that have led to truancy may be best addressed by juvenile courts, which may refer truant students to a crisis residential center or HOPE center for the provision of services. The legislature further recognizes that even when a truant student is found in contempt of a court order to attend school, it is best practice that the truant student not be placed in juvenile detention but, where feasible and available, instead be placed in a secure crisis residential center. The legislature intends to increase

the number of beds in HOPE centers and crisis residential centers in order to facilitate their use for truant students.

Fourth, the legislature recognizes that some problematic behaviors that are predictive of truancy and delinquency may be best addressed by appropriate screenings and, where appropriate, temporary provision of home services. The legislature intends to strengthen the juvenile court's ability to seek a chemical dependency or mental health assessment for a child subject to a truancy petition, if the court finds that such an assessment might help to reengage a child in school. The legislature further finds that where family conflict exists or a juvenile's health or safety is in jeopardy due to circumstances in the child's home, referral to a crisis residential center might be appropriate to help achieve family reconciliation.

Sec. 2. RCW 28A.225.005 and 2009 c 556 s 5 are each amended to read as follows:

(1) Each school within a school district shall inform the students and the parents of the students enrolled in the school about: The benefits of regular school attendance; the potential effects of excessive absenteeism, whether excused or unexcused, on academic achievement, and graduation and dropout rates; the school's expectations of the parents and guardians to ensure regular school attendance by the child; the resources available to assist the child and the parents and guardians; the role and responsibilities of the school; and the consequences of truancy, including the compulsory education requirements under this chapter. The school shall provide access to the information ((at least annually.)) before or at the time of enrollment of the child at a new school and at the beginning of each school year. If the school regularly and ordinarily communicates most other information to parents online, providing online access to the information required by this section satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. Reasonable efforts must be made to enable parents to request and receive the information in a language in which they are fluent. A parent must date and acknowledge review of this information online or in writing before or at the time of enrollment of the child at a new school and at the beginning of each school year.

(2) The office of the superintendent of public instruction shall develop a template that schools may use to satisfy the requirements of subsection (1) of this section and shall post the information on its web site.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.225 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, in the event that a child in elementary school is required to attend school under RCW 28A.225.010 or 28A.225.015(1) and has five or more excused absences in a single month during the current school year, or ten or more excused absences in the current school year, the school district shall schedule a conference or conferences with the parent and child at a time reasonably convenient for all persons included for the purpose of identifying the barriers to the child's regular attendance, and the supports and resources that may be made available to the family so that the child is able to regularly attend school. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the absences, the school district may schedule this

conference on that day. To satisfy the requirements of this section, the conference must include at least one school district employee such as a nurse, counselor, social worker, teacher, or community human services provider, except in those instances regarding the attendance of a child who has an individualized education program or a plan developed under section 504 of the rehabilitation act of 1973, in which case the reconvening of the team that created the program or plan is required.

(2) A conference pursuant to subsection (1) of this section is not required in the event of excused absences for which prior notice has been given to the school or a doctor's note has been provided and an academic plan is put in place so that the child does not fall behind.

Sec. 4. RCW 28A.225.020 and 2009 c 266 s 1 are each amended to read as follows:

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall:

(a) Inform the child's ((custodial)) parent((, parents, or guardian)) by a notice in writing or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences. If the ((custodial)) parent((, parents, or guardian)) is not fluent in English, the ((preferred practice is to)) school must make reasonable efforts to provide this information in a language in which the ((custodial)) parent((, parents, or guardian)) is fluent;

(b) Schedule a conference or conferences with the ((custodial)) parent((, parents, or guardian)) and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take data-informed steps to eliminate or reduce the child's absences. These steps shall include application of the Washington assessment of the risks and needs of students (WARNS) by a school district's designee under section 6 of this act, and where appropriate, providing an available approved best practice or research-based intervention, or both, consistent with the WARNS profile, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, ((if available,)) requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.

(2) For purposes of this chapter, an "unexcused absence" means that a child:

(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(b) Has failed to meet the school district's policy for excused absences.

(3) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and 28A.225.015. The sending school district shall provide this information to the receiving school, together with a copy of any previous assessment as required under subsection (1)(c) of this section, history of any best practices or researched-based intervention previously provided to the child by the child's sending school district, and a copy of the most recent truancy information including any online or written acknowledgment by the parent and child, as provided for in RCW 28A.225.005.

Sec. 5. RCW 28A.225.025 and 2009 c 266 s 2 are each amended to read as follows:

(1) For purposes of this chapter, "community truancy board" means a board established pursuant to a memorandum of understanding between a juvenile court and a school district and composed of members of the local community in which the child attends school. ((Juvenile courts may establish and operate community truancy boards. If the juvenile court and the school district agree, a school district may establish and operate a community truancy board under the jurisdiction of the juvenile court. Juvenile courts may create a community truancy board or may use other entities that exist or are created, such as diversion units. However, a diversion unit or other existing entity must agree before it is used as a truancy board.)) All members of a community truancy board must receive training regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, evidence-based treatments that have been found effective in supporting at-risk youth and their families, and the specific services and treatment available in the particular school, court, community, and elsewhere. Duties of a community truancy board shall include, but not be limited to: Identifying barriers to school attendance, recommending methods for improving ((school)) attendance such as ((assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or)) connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, multisystemic therapy, and aggression replacement training, suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program, or recommending to the juvenile court that a juvenile be referred to a HOPE center or crisis residential center.

(2) The legislature finds that utilization of community truancy boards((, or other diversion units that fulfill a similar function,)) is the preferred means of intervention when

preliminary methods ((of notice and parent conferences and taking appropriate steps)) to eliminate or reduce unexcused absences as required by RCW 28A.225.020 have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community truancy boards ((and other diversion programs which are effective in promoting school attendance and preventing the need for more intrusive intervention by the court)). Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3).

NEW SECTION. Sec. 6. A new section is added to chapter 28A.225 RCW to read as follows:

(1) By the beginning of the 2017-18 school year, juvenile courts must establish, through a memorandum of understanding with each school district within their respective counties, a coordinated and collaborative approach to address truancy through the establishment of a community truancy board or, with respect to certain small districts, through other means as provided in subsection (3) of this section.

(2) Except as provided in subsection (3) of this section, each school district must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to the operation of a community truancy board. A community truancy board may be operated by a juvenile court, a school district, or a collaboration between both entities, so long as the agreement is memorialized in a memorandum of understanding. For a school district that is located in more than one county, the memorandum of understanding shall be with the juvenile court in the county that acts as the school district's treasurer.

(3) A school district with fewer than two hundred students must enter into a memorandum of understanding with the juvenile court in the county in which it is located with respect to: (a) The operation of a community truancy board; or (b) addressing truancy through other coordinated means of intervention aimed at identifying barriers to school attendance, and connecting students and their families with community services, culturally appropriate promising practices, and evidence-based services such as functional family therapy, multisystemic therapy, and aggression replacement training. School districts with fewer than two hundred students may work cooperatively with other school districts or the school district's educational service district to ensure access to a community truancy board or to provide other coordinated means of intervention.

(4) All school districts must designate, and identify to the local juvenile court, a person or persons to coordinate school district efforts to address excessive absenteeism and truancy, including tasks associated with: Outreach and conferences pursuant to section 3 of this act; entering into a memorandum of understanding with the juvenile court; establishing protocols and procedures with the court; coordinating trainings; sharing evidence-based and culturally appropriate promising practices; identifying a person within every school to serve as a contact with respect to excessive absenteeism and truancy; and assisting in the recruitment of community truancy board members.

(5) As has been demonstrated by school districts and county juvenile courts around the state that have worked

together and led the way with community truancy boards, success has resulted from involving the entire community and leveraging existing dollars from a variety of sources, including public and private, local and state, and court, school, and community. In emulating this coordinated and collaborative approach statewide pursuant to local memoranda of understanding, courts and school districts are encouraged to create strong community-wide partnerships and to leverage existing dollars and resources.

Sec. 7. RCW 28A.225.030 and 2012 c 157 s 1 are each amended to read as follows:

(1) If a child under the age of seventeen is required to attend school under RCW 28A.225.010 and if the actions taken by a school district under RCW 28A.225.020 are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year the school district shall file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. The petition must include a list of all interventions that have been attempted as set forth in RCW 28A.225.020, include a copy of any previous truancy assessment completed by the child's current school district, the history of approved best practices intervention or research-based intervention previously provided to the child by the child's current school district, and a copy of the most recent truancy information document signed by the parent and child, pursuant to RCW 28A.225.005. Except as provided in this subsection, no additional documents need be filed with the petition. Nothing in this subsection requires court jurisdiction to terminate when a child turns seventeen or precludes a school district from filing a petition for a child that is seventeen years of age.

(2) The district shall not later than the fifth unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board((, if available,)) as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district fails to file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

Sec. 8. RCW 28A.225.035 and 2012 c 157 s 2 are each amended to read as follows:

(1) A petition for a civil action under RCW 28A.225.030 or 28A.225.015 shall consist of a written notification to the court alleging that:

(a) The child has unexcused absences as described in RCW 28A.225.030(1) during the current school year;

(b) Actions taken by the school district have not been successful in substantially reducing the child's absences from school; and

(c) Court intervention and supervision are necessary to assist the school district or parent to reduce the child's absences from school.

(2) The petition shall set forth the name, date of birth, school, address, gender, race, and ethnicity of the child and the names and addresses of the child's parents, and shall set forth ((whether)) the languages in which the child and parent are fluent ((in English)), whether there is an existing individualized education program, and the child's current academic status in school.

(3) The petition shall set forth facts that support the allegations in this section and shall generally request relief available under this chapter and provide information about what the court might order under RCW 28A.225.090.

(4)(a) When a petition is filed under RCW 28A.225.030 or 28A.225.015, ((the juvenile court shall schedule a hearing at which the court shall consider the petition, or if the court determines that a referral to an available community truancy board would substantially reduce the child's unexcused absences, the court may refer the case to a community truancy board under the jurisdiction of the juvenile court)) it shall initially be stayed by the juvenile court, and the child and the child's parent must be referred to a community truancy board or other coordinated means of intervention as set forth in the memorandum of understanding under section 6 of this act. The community truancy board must provide to the court a description of the intervention and prevention efforts to be employed to substantially reduce the child's unexcused absences, along with a timeline for completion.

(b) If a community truancy board or other coordinated means of intervention is not in place as required by section 6 of this act, the juvenile court shall schedule a hearing at which the court shall consider the petition.

(5) ((If)) When a referral is made to a community truancy board, the truancy board must meet with the child, a parent, and the school district representative and enter into an agreement with the petitioner and respondent regarding expectations and any actions necessary to address the child's truancy within twenty days of the referral. If the petition is based on RCW 28A.225.015, the child shall not be required to attend and the agreement under this subsection shall be between the truancy board, the school district, and the child's parent. The court may permit the truancy board or truancy prevention counselor to provide continued supervision over the student, or parent if the petition is based on RCW 28A.225.015.

(6) If the community truancy board fails to reach an agreement, or the parent or student does not comply with the agreement within the timeline for completion set by the community truancy board, the community truancy board shall return the case to the juvenile court ((for a hearing)). The stay of the petition shall be lifted, and the juvenile court shall schedule a hearing at which the court shall consider the petition.

(7)(a) Notwithstanding the provisions in subsection (4)(a) of this section, a hearing shall not be required if other actions by the court would substantially reduce the child's unexcused absences. Such actions may include referral to an existing community truancy board, use of the Washington assessment of risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, the provision of community-based services, and the provision of evidence-based treatments that have been found to be effective in supporting at-risk youth and their families. When a juvenile court hearing is held, the court shall:

(i) Separately notify the child, the parent of the child, and the school district of the hearing. If the parent is not fluent in English, ((the preferred practice is for)) notice ((to)) should be provided in a language in which the parent is fluent as indicated on the petition pursuant to RCW 28A.225.030(1);

(ii) Notify the parent and the child of their rights to present evidence at the hearing; and

(iii) Notify the parent and the child of the options and rights available under chapter 13.32A RCW.

(b) If the child is not provided with counsel, the advisement of rights must take place in court by means of a colloquy between the court, the child if eight years old or older, and the parent.

(8)(a) The court may require the attendance of the child if eight years old or older, the parents, and the school district at any hearing on a petition filed under RCW 28A.225.030.

(b) The court may not issue a bench warrant for a child for failure to appear at a hearing on an initial truancy petition filed under RCW 28A.225.030. If there has been proper service, the court may instead enter a default order assuming jurisdiction under the terms specified in subsection (12) of this section.

(9) A school district is responsible for determining who shall represent the school district at hearings on a petition filed under RCW 28A.225.030 or 28A.225.015.

(10) The court may permit the first hearing to be held without requiring that either party be represented by legal counsel, and to be held without a guardian ad litem for the child under RCW 4.08.050. At the request of the school district, the court shall permit a school district representative who is not an attorney to represent the school district at any future hearings.

(11) If the child is in a special education program or has a diagnosed mental or emotional disorder, the court shall inquire as to what efforts the school district has made to assist the child in attending school.

(12) If the allegations in the petition are established by a preponderance of the evidence, the court shall grant the petition and enter an order assuming jurisdiction to intervene for the period of time determined by the court, after considering the facts alleged in the petition and the circumstances of the juvenile, to most likely cause the juvenile to return to and remain in school while the juvenile is subject to this chapter. In no case may the order expire before the end of the school year in which it is entered.

(13)(a) If the court assumes jurisdiction, the school district shall periodically report to the court any additional unexcused absences by the child, actions taken by the school district, and an update on the child's academic status in school at a schedule specified by the court.

(b) The first report under this subsection (13) must be received no later than three months from the date that the court assumes jurisdiction.

(14) Community truancy boards and the courts shall coordinate, to the extent possible, proceedings and actions pertaining to children who are subject to truancy petitions and at-risk youth petitions in RCW 13.32A.191 or child in need of services petitions in RCW 13.32A.140.

(15) If after a juvenile court assumes jurisdiction in one county the child relocates to another county, the juvenile court in the receiving county shall, upon the request of a school district or parent, assume jurisdiction of the petition filed in the previous county.

Sec. 9. RCW 28A.225.090 and 2009 c 266 s 4 are each amended to read as follows:

(1) A court may order a child subject to a petition under RCW 28A.225.035 to do one or more of the following:

(a) Attend the child's current school, and set forth minimum attendance requirements, ((including suspensions)) which shall not consider a suspension day as an unexcused absence;

(b) If there is space available and the program can provide educational services appropriate for the child, order the child to attend another public school, an alternative education program, center, a skill center, dropout prevention program, or another public educational program;

(c) Attend a private nonsectarian school or program including an education center. Before ordering a child to attend an approved or certified private nonsectarian school or program, the court shall: (i) Consider the public and private programs available; (ii) find that placement is in the best interest of the child; and (iii) find that the private school or program is willing to accept the child and will not charge any fees in addition to those established by contract with the student's school district. If the court orders the child to enroll in a private school or program, the child's school district shall contract with the school or program to provide educational services for the child. The school district shall not be required to contract for a weekly rate that exceeds the state general apportionment dollars calculated on a weekly basis generated by the child and received by the district. A school district shall not be required to enter into a contract that is longer than the remainder of the school year. A school district shall not be required to enter into or continue a contract if the child is no longer enrolled in the district;

(d) ((Be referred to a community truancy board, if available; or

(e)) Submit to ((testing for the use of controlled substances or alcohol based on a determination that such testing)) a substance abuse assessment if the court finds on the record that such assessment is appropriate to the circumstances and behavior of the child and will facilitate the child's compliance with the mandatory attendance law and, if any assessment, including a urinalysis test ordered under this subsection indicates the use of controlled substances or alcohol, order the minor to abstain from the unlawful consumption of controlled substances or alcohol and adhere to the recommendations of the ((drug)) substance abuse assessment at no expense to the school;

(e) Submit to a mental health evaluation or other diagnostic evaluation and adhere to the recommendations of the drug assessment, at no expense to the school, if the court

finds on the court records that such evaluation is appropriate to the circumstances and behavior of the child, and will facilitate the child's compliance with the mandatory attendance law; or

(f) Submit to a temporary placement in a crisis residential center or a HOPE center if the court determines there is an immediate health and safety concern, or a family conflict with the need for mediation.

(2) If the child fails to comply with the court order, the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as community restitution. Failure by a child to comply with an order issued under this subsection shall not be subject to detention for a period greater than that permitted pursuant to a civil contempt proceeding against a child under chapter 13.32A RCW. Detention ordered under this subsection may be for no longer than seven days. Detention ordered under this subsection shall preferably be served at a secure crisis residential center close to the child's home rather than in a juvenile detention facility. A warrant of arrest for a child under this subsection may not be served on a child inside of school during school hours in a location where other students are present.

(3) Any parent violating any of the provisions of either RCW 28A.225.010, 28A.225.015, or 28A.225.080 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. The court shall remit fifty percent of the fine collected under this section to the child's school district. It shall be a defense for a parent charged with violating RCW 28A.225.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the child's school did not perform its duties as required in RCW 28A.225.020. The court may order the parent to provide community restitution instead of imposing a fine. Any fine imposed pursuant to this section may be suspended upon the condition that a parent charged with violating RCW 28A.225.010 shall participate with the school and the child in a supervised plan for the child's attendance at school or upon condition that the parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

(4) If a child continues to be truant after entering into a court-approved order with the truancy board under RCW 28A.225.035, the juvenile court shall find the child in contempt, and the court may order the child to be subject to detention, as provided in RCW 7.21.030(2)(e), or may impose alternatives to detention such as meaningful community restitution. Failure by a child to comply with an order issued under this subsection may not subject a child to detention for a period greater than that permitted under a civil contempt proceeding against a child under chapter 13.32A RCW.

(5) Subsections (1), (2), and (4) of this section shall not apply to a six or seven year old child required to attend public school under RCW 28A.225.015.

Sec. 10. RCW 43.185C.315 and 2015 c 69 s 22 are each amended to read as follows:

(1) The department shall establish HOPE centers that provide no more than seventy-five beds across the state and may establish HOPE centers by contract, within funds

appropriated by the legislature specifically for this purpose. HOPE centers shall be operated in a manner to reasonably assure that street youth placed there will not run away. Street youth may leave a HOPE center during the course of the day to attend school or other necessary appointments, but the street youth must be accompanied by an administrator or an administrator's designee. The street youth must provide the administration with specific information regarding his or her destination and expected time of return to the HOPE center. Any street youth who runs away from a HOPE center shall not be readmitted unless specifically authorized by the street youth's placement and liaison specialist, and the placement and liaison specialist shall document with specific factual findings an appropriate basis for readmitting any street youth to a HOPE center. HOPE centers are required to have the following:

((1)) (a) A license issued by the department of social and health services;

((2)) (b) A professional with a master's degree in counseling, social work, or related field and at least one year of experience working with street youth or a bachelor of arts degree in social work or a related field and five years of experience working with street youth. This professional staff person may be contractual or a part-time employee, but must be available to work with street youth in a HOPE center at a ratio of one to every fifteen youth staying in a HOPE center. This professional shall be known as a placement and liaison specialist. Preference shall be given to those professionals cross-credentialed in mental health and chemical dependency. The placement and liaison specialist shall:

((a)) (i) Conduct an assessment of the street youth that includes a determination of the street youth's legal status regarding residential placement;

((b)) (ii) Facilitate the street youth's return to his or her legally authorized residence at the earliest possible date or initiate processes to arrange legally authorized appropriate placement. Any street youth who may meet the definition of dependent child under RCW 13.34.030 must be referred to the department of social and health services. The department of social and health services shall determine whether a dependency petition should be filed under chapter 13.34 RCW. A shelter care hearing must be held within seventy-two hours to authorize out-of-home placement for any youth the department of social and health services determines is appropriate for out-of-home placement under chapter 13.34 RCW. All of the provisions of chapter 13.32A RCW must be followed for children in need of services or at-risk youth;

((c)) (iii) Interface with other relevant resources and system representatives to secure long-term residential placement and other needed services for the street youth;

((d)) (iv) Be assigned immediately to each youth and meet with the youth within eight hours of the youth receiving HOPE center services;

((e)) (v) Facilitate a physical examination of any street youth who has not seen a physician within one year prior to residence at a HOPE center and facilitate evaluation by a county-designated mental health professional, a chemical dependency specialist, or both if appropriate; and

((f)) (vi) Arrange an educational assessment to measure the street youth's competency level in reading, writing, and basic mathematics, and that will measure learning disabilities or special needs;

((3)) (c) Staff trained in development needs of street youth as determined by the department, including an administrator who is a professional with a master's degree in counseling, social work, or a related field and at least one year of experience working with street youth, or a bachelor of arts degree in social work or a related field and five years of experience working with street youth, who must work with the placement and liaison specialist to provide appropriate services on site;

((4)) (d) A data collection system that measures outcomes for the population served, and enables research and evaluation that can be used for future program development and service delivery. Data collection systems must have confidentiality rules and protocols developed by the department;

((5)) (e) Notification requirements that meet the notification requirements of chapter 13.32A RCW. The youth's arrival date and time must be logged at intake by HOPE center staff. The staff must immediately notify law enforcement and dependency caseworkers if a street youth runs away from a HOPE center. A child may be transferred to a secure facility as defined in RCW 13.32A.030 whenever the staff reasonably believes that a street youth is likely to leave the HOPE center and not return after full consideration of the factors set forth in RCW 43.185C.290(2)(a) (i) and (ii). The street youth's temporary placement in the HOPE center must be authorized by the court or the secretary of the department of social and health services if the youth is a dependent of the state under chapter 13.34 RCW or the department of social and health services is responsible for the youth under chapter 13.32A RCW, or by the youth's parent or legal custodian, until such time as the parent can retrieve the youth who is returning to home;

((6)) (f) HOPE centers must identify to the department of social and health services any street youth it serves who is not returning promptly to home. The department of social and health services then must contact the missing children's clearinghouse identified in chapter 13.60 RCW and either report the youth's location or report that the youth is the subject of a dependency action and the parent should receive notice from the department of social and health services; and

((7)) (g) Services that provide counseling and education to the street youth(, and);

((8)) (2) The department shall award contracts for the operation of HOPE center beds with the goal of facilitating the coordination of services provided for youth by such programs and those services provided by secure and semi-secure crisis residential centers.

(3) Subject to funds appropriated for this purpose, the department must incrementally increase the number of available HOPE beds by at least seventeen beds in fiscal year 2017, at least seventeen beds in fiscal year 2018, and at least seventeen beds in fiscal year 2019, such that by July 1, 2019, seventy-five HOPE beds are established and operated throughout the state as set forth in subsection (1) of this section.

(4) Subject to funds appropriated for this purpose, the beds available in HOPE centers shall be increased incrementally beyond the limit of seventy-five set forth in subsection (1) of this section. The additional capacity shall be distributed around the state based upon need and, to the extent feasible, shall be geographically situated so that

HOPE beds are available across the state. In determining the need for increased numbers of HOPE beds in a particular county or counties, one of the considerations should be the volume of truancy petitions filed there.

Sec. 11. RCW 43.185C.320 and 2015 c 69 s 23 are each amended to read as follows:

To be eligible for placement in a HOPE center, a minor must be either a street youth, as that term is defined in this chapter, or a youth who, without placement in a HOPE center, will continue to participate in increasingly risky behavior, including truancy. Youth may also self-refer to a HOPE center. Payment for a HOPE center bed is not contingent upon prior approval by the department; however, approval from the department of social and health services is needed if the youth is dependent under chapter 13.34 RCW.

NEW SECTION. Sec. 12. A new section is added to chapter 43.185C RCW to read as follows:

Subject to funds appropriated for this purpose, the capacity available in crisis residential centers established pursuant to this chapter shall be increased incrementally by no fewer than ten beds per fiscal year through fiscal year 2019 in order to accommodate truant students found in contempt of a court order to attend school. The additional capacity shall be distributed around the state based upon need and, to the extent feasible, shall be geographically situated to expand the use of crisis residential centers as set forth in this chapter so they are available for use by all courts for housing truant youth.

Sec. 13. RCW 28A.165.005 and 2013 2nd sp.s. c 18 s 201 are each amended to read as follows:

(1) This chapter is designed to: (a) Promote the use of data when developing programs to assist underachieving students and reduce disruptive behaviors in the classroom; and (b) guide school districts in providing the most effective and efficient practices when implementing supplemental instruction and services to assist underachieving students and reduce disruptive behaviors in the classroom.

(2) School districts implementing a learning assistance program shall focus first on addressing the needs of students:

(a) In grades kindergarten through four who are deficient in reading or reading readiness skills to improve reading literacy; and

(b) For whom a conference is required under section 3 of this act or who are the subject of a petition under RCW 28A.225.035 to increase regular school attendance and eliminate truancy.

(3) For purposes of this chapter, "disruptive behaviors in the classroom" includes excessive absenteeism and truancy.

Sec. 14. RCW 28A.165.035 and 2013 2nd sp.s. c 18 s 203 are each amended to read as follows:

(1) Beginning in the 2015-16 school year, expenditure of funds from the learning assistance program must be consistent with the provisions of RCW 28A.655.235.

(2) Use of best practices that have been demonstrated through research to be associated with increased student achievement magnifies the opportunities for student success. To the extent they are included as a best practice or strategy in one of the state menus or an approved alternative under this section or RCW 28A.655.235, the following are services and activities that may be supported by the learning assistance program:

(a) Extended learning time opportunities occurring:

(i) Before or after the regular school day;

(ii) On Saturday; and

(iii) Beyond the regular school year;

(b) Services under RCW 28A.320.190;

(c) Professional development for certificated and classified staff that focuses on:

(i) The needs of a diverse student population;

(ii) Specific literacy and mathematics content and instructional strategies; and

(iii) The use of student work to guide effective instruction and appropriate assistance;

(d) Consultant teachers to assist in implementing effective instructional practices by teachers serving participating students;

(e) Tutoring support for participating students;

(f) Outreach activities and support for parents of participating students, including employing parent and family engagement coordinators; ((and))

(g) Up to five percent of a district's learning assistance program allocation may be used for development of partnerships with community-based organizations, educational service districts, and other local agencies to deliver academic and nonacademic supports to participating students who are significantly at risk of not being successful in school to reduce barriers to learning, increase student engagement, and enhance students' readiness to learn. The office of the superintendent of public instruction must approve any community-based organization or local agency before learning assistance funds may be expended; and

(h) Up to two percent of a district's learning assistance program allocation may be used to fund school efforts to address excessive absenteeism and truancy as described in section 3 of this act and RCW 28A.225.025.

(3) In addition to the state menu developed under RCW 28A.655.235, the office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop additional state menus of best practices and strategies for use in the learning assistance program to assist struggling students at all grade levels in English language arts and mathematics and reduce disruptive behaviors in the classroom. The office of the superintendent of public instruction shall publish the state menus by July 1, 2015, and update the state menus by each July 1st thereafter.

(4)(a) Beginning in the 2016-17 school year, except as provided in (b) of this subsection, school districts must use a practice or strategy that is on a state menu developed under subsection (3) of this section or RCW 28A.655.235.

(b) Beginning in the 2016-17 school year, school districts may use a practice or strategy that is not on a state menu developed under subsection (3) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction shall approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to

demonstrate increased improved outcomes for participating students.

(c) Beginning in the 2016-17 school year, school districts may enter cooperative agreements with state agencies, local governments, or school districts for administrative or operational costs needed to provide services in accordance with the state menus developed under this section and RCW 28A.655.235.

(5) School districts are encouraged to implement best practices and strategies from the state menus developed under this section and RCW 28A.655.235 before the use is required.

Sec. 15. RCW 28A.655.235 and 2013 2nd sp.s. c 18 s 106 are each amended to read as follows:

(1)(a) Beginning in the 2015-16 school year, except as otherwise provided in this subsection (1), for any student who received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, the school district must implement an intensive reading and literacy improvement strategy from a state menu of best practices established in accordance with subsection (3) of this section or an alternative strategy in accordance with subsection (4) of this section.

(b) A community truancy board or other coordinated means of intervention as provided in section 6 of this act is considered a best practice under this section.

(c) Reading and literacy improvement strategies for students with disabilities whose individualized education program includes specially designed instruction in reading or English language arts shall be as provided in the individualized education program.

(2)(a) Also beginning in the 2015-16 school year, in any school where more than forty percent of the tested students received a score of basic or below basic on the third grade statewide student assessment in English language arts in the previous school year, as calculated under this subsection (2), the school district must implement an intensive reading and literacy improvement strategy from a state menu of best practices established in accordance with subsection (3) of this section or an alternative strategy in accordance with subsection (4) of this section for all students in grades kindergarten through four at the school.

(b) For the purposes of this subsection (2), the office of the superintendent of public instruction shall exclude the following from the calculation of a school's percentage of tested students receiving a score of basic or below basic on the third grade statewide student assessment:

(i) Students enrolled in the transitional bilingual instruction program unless the student has participated in the transitional bilingual instruction program for three school years;

(ii) Students with disabilities whose individualized education program specifies a different standard to measure reading performance than is required for the statewide student assessment; and

(iii) Schools with fewer than ten students in third grade.

(3) The office of the superintendent of public instruction shall convene a panel of experts, including the Washington state institute for public policy, to develop a state menu of best practices and strategies for intensive reading and literacy improvement designed to assist struggling students

in reaching grade level in reading by the end of fourth grade. The state menu must also include best practices and strategies to improve the reading and literacy of students who are English language learners and for system improvements that schools and school districts can implement to improve reading instruction for all students. The office of the superintendent of public instruction shall publish the state menu by July 1, 2014, and update the state menu by each July 1st thereafter.

(4) School districts may use an alternative practice or strategy that is not on a state menu developed under subsection (3) of this section for two school years initially. If the district is able to demonstrate improved outcomes for participating students over the previous two school years at a level commensurate with the best practices and strategies on the state menu, the office of the superintendent of public instruction must approve use of the alternative practice or strategy by the district for one additional school year. Subsequent annual approval by the superintendent of public instruction to use the alternative practice or strategy is dependent on the district continuing to demonstrate an increase in improved outcomes for participating students.

NEW SECTION. Sec. 16. The office of the superintendent of public instruction shall develop recommendations as to how mandatory school attendance and truancy amelioration provisions under chapter 28A.225 RCW should be applied to online schools and report back to the relevant committees of the legislature by November 1, 2016.

NEW SECTION. Sec. 17. A new section is added to chapter 43.330 RCW to read as follows:

(1) By requiring an initial stay of truancy petitions for diversion to community truancy boards, the legislature intends to achieve the following outcomes:

(a) Increased access to community truancy boards and other truancy early intervention programs for parents and children throughout the state;

(b) Increased quantity and quality of truancy intervention and prevention efforts in the community;

(c) A reduction in the number of truancy petitions that result in further proceedings by juvenile courts, other than dismissal of the petition, after the initial stay and diversion to a community truancy board;

(d) A reduction in the number of truancy petitions that result in a civil contempt proceeding or detention order; and

(e) Increased school attendance.

(2) No later than January 1, 2021, the Washington state institute for public policy is directed to evaluate the effectiveness of chapter . . . , Laws of 2016 (this act). An initial report scoping of the methodology to be used to review chapter . . . , Laws of 2016 (this act) shall be submitted to the fiscal committees of the legislature by January 1, 2018. The initial report must identify any data gaps that could hinder the ability of the institute to conduct its review.

NEW SECTION. Sec. 18. (1) The educational opportunity gap oversight and accountability committee shall conduct a review and make recommendations to the appropriate committees of the legislature with respect to:

(a) The cultural competence training that community truancy board members, as well as others involved in the truancy process, should receive;

(b) Best practices for supporting and facilitating parent and community involvement and outreach; and

(c) The cultural relevance of the assessments employed to identify barriers to attendance and the treatments and tools provided to children and their families.

(2) By June 30, 2017, a preliminary review shall be completed and preliminary recommendations provided. The review shall be completed, and a report and final recommendations provided, by December 1, 2017.

(3) For the purposes of this section, "cultural competence" includes knowledge of children's cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction and treatment to children's experiences and identifying cultural contexts for individual children.

(4) This section expires July 1, 2018.

**NEW SECTION. Sec. 19.** A new section is added to chapter 2.56 RCW to read as follows:

(1)(a) To accurately track the extent to which courts order youth into a secure detention facility in Washington state for the violation of a court order related to a truancy, at-risk youth, or a child in need of services petition, all juvenile courts shall transmit youth-level secure detention data to the administrative office of the courts.

(b) Data may either be entered into the statewide management information system for juvenile courts or securely transmitted to the administrative office of the courts at least monthly. Juvenile courts shall provide, at a minimum, the name and date of birth for the youth, the court case number assigned to the petition, the reasons for admission to the juvenile detention facility, the date of admission, the date of exit, and the time the youth spent in secure confinement.

(c) Courts are also encouraged to report individual-level data reflecting whether a detention alternative, such as electronic monitoring, was used, and the time spent in detention alternatives.

(d) The administrative office of the courts and the juvenile court administrators must work to develop uniform data standards for detention.

(2) The administrative office of the courts shall deliver an annual statewide report to the legislature that details the number of Washington youth who are placed into detention facilities during the preceding calendar year. The first report shall be delivered by March 1, 2017, and shall detail the most serious reason for detention and youth gender, race, and ethnicity. The report must have a specific emphasis on youth who are detained for reasons relating to a truancy, at-risk youth, or a child in need of services petition.

**NEW SECTION. Sec. 20.** A new section is added to chapter 28A.225 RCW to read as follows:

(1) Subject to funds appropriated for this purpose, the office of the superintendent of public instruction shall allocate to community truancy boards grant funds that may be used to supplement existing funds in order to pay for training for board members or the provision of services and treatment to children and their families.

(2) The superintendent of public instruction must select grant recipients based on the criteria in this section. This is a competitive grant process. A prerequisite to applying for

either or both grants is a memoranda of understanding, between a school district and a court, to institute a new or maintain an existing community truancy board that meets the requirements of RCW 28A.225.025.

(3) Successful applicants for an award of grant funds to supplement existing funds to pay for the training of community truancy board members must commit to the provision of training to board members regarding the identification of barriers to school attendance, the use of the Washington assessment of the risks and needs of students (WARNS) or other assessment tools to identify the specific needs of individual children, trauma-informed approaches to discipline, research about adverse childhood experiences, evidence-based treatments and culturally appropriate promising practices, as well as the specific academic and community services and treatments available in the school, court, community, and elsewhere. This training may be provided by educational service districts.

(4) Successful applicants for an award of grant funds to supplement existing funds to pay for services and treatments provided to children and their families must commit to the provision of academic services such as tutoring, credit retrieval and school reengagement supports, community services, and evidence-based treatments that have been found to be effective in supporting at-risk youth and their families, such as functional family therapy, or those that have been shown to be culturally appropriate promising practices.

**NEW SECTION. Sec. 21.** Sections 13 through 15 of this act take effect September 1, 2016."

and the same is herewith transmitted.

Pablo G. Campos, Deputy Secretary

#### **SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2449 and advanced the bill as amended by the Senate to final passage.

#### **FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED**

Representatives Orwall, Magendanz, Walsh and Kilduff spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2449, as amended by the Senate.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2449, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen,

Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Condotta, McCaslin, Shea and Taylor.

SECOND SUBSTITUTE HOUSE BILL NO. 2449, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 10, 2016

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2985 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 35.** RCW 28A.525.055 and 2006 c 263 s 304 are each amended to read as follows:

(1) The rules adopted by the superintendent of public instruction for determining eligibility for state assistance for new construction shall exclude from the inventory of available educational space those spaces that have been:

(a) Constructed for educational and community activities from grants received from other public or private entities; or

(b) Vacated by new construction in lieu of modernization; and

(i) Used for purposes of supporting state-funded all-day kindergarten or class size reduction in kindergarten through third grade, if the lack of district facilities warrants such a use; or

(ii) The district is experiencing a short-term special school housing burden due to enrollment growth and failed school construction bond elections within the prior five years.

(2) The exclusion in subsection (1)(b) of this section applies for state assistance for new construction awarded from July 1, 2016, through June 30, 2021.

(3) Educational spaces with classrooms occupied by students specified in subsection (1)(b) of this section must meet the safety standards for public school facilities.

(4) For the purposes of this section, "school housing burden" means the current instructional facility inventory does not provide the classroom capacity needed for the current or projected enrollment of the school district, as determined by the office of the superintendent of

public instruction. The office shall give consideration to available instructional facility inventory or capacity of the neighboring school district."

On page 1, line 3 of the title, after "construction;" strike the remainder of the title and insert "and amending RCW 28A.525.055."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2985 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Riccelli and Short spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2985, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2985, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler and Taylor.

SUBSTITUTE HOUSE BILL NO. 2985, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGES FROM THE SENATE

March 10, 2016

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 2839,

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

March 10, 2016

Mr. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 6274,  
SUBSTITUTE SENATE BILL NO. 6327,  
SUBSTITUTE SENATE BILL NO. 6523,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 10, 2016

Mr. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6455

And the same is herewith transmitted.

Hunter G. Goodman, Secretary

March 10, 2016

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6194,

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

March 10, 2016

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1130,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.

1351,

THIRD SUBSTITUTE HOUSE BILL NO. 1682,  
ENGROSSED SECOND SUBSTITUTE HOUSE

BILL NO. 1763,

ENGROSSED HOUSE BILL NO. 2362,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.

2511,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2524,  
SECOND SUBSTITUTE HOUSE BILL NO. 2530,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2545,

HOUSE BILL NO. 2637,

SUBSTITUTE HOUSE BILL NO. 2644,

SECOND SUBSTITUTE HOUSE BILL NO. 2681,

SUBSTITUTE HOUSE BILL NO. 2711,

SECOND SUBSTITUTE HOUSE BILL NO. 2791,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2793,

SUBSTITUTE HOUSE BILL NO. 2831,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.

2847,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2872,

SECOND SUBSTITUTE HOUSE BILL NO. 2877,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.

2906,

ENGROSSED HOUSE BILL NO. 2959,

HOUSE JOINT MEMORIAL NO. 4010,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

### THIRD READING

#### MESSAGE FROM THE SENATE

March 10, 2016

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2439 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature understands that adverse childhood experiences, such as family mental health issues, substance abuse, serious economic hardship, and domestic violence, all increase the likelihood of developmental delays and later health and mental health problems. The legislature further understands that early intervention services for children and families at high risk for adverse childhood experience help build secure parent-child attachment and bonding, which allows young children to thrive and form strong relationships in the future. The legislature finds that early identification and intervention are critical for children exhibiting aggressive or depressive behaviors indicative of early mental health problems. The legislature intends to improve access to adequate, appropriate, and culturally responsive mental health services for children and youth. The legislature further intends to encourage the use of behavioral health therapies and other therapies that are empirically supported or evidence-based and only prescribe medications for children and youth as a last resort.

(2) The legislature finds that nearly half of Washington's children are enrolled in medicaid and have a higher incidence of serious health problems compared to children who have commercial insurance. The legislature recognizes that disparities also exist in the diagnosis and initiation of treatment services for children of color, with studies demonstrating that children of color are diagnosed and begin receiving early interventions at a later age. The legislature finds that within the current system of care, families face barriers to receiving a full range of services for children experiencing behavioral health problems. The legislature intends to identify what network adequacy requirements, if strengthened, would increase access, continuity, and

coordination of behavioral health services for children and families. The legislature further intends to encourage managed care plans and behavioral health organizations to contract with the same providers that serve children so families are not required to duplicate mental health screenings, and to recommend provider rates for mental health services to children and youth which will ensure an adequate network and access to quality based care.

(3) The legislature recognizes that early and accurate recognition of behavioral health issues coupled with appropriate and timely intervention enhances health outcomes while minimizing overall expenditures. The legislature intends to assure that annual depression screenings are done consistently with the highly vulnerable medicaid population and that children and families benefit from earlier access to services.

NEW SECTION. Sec. 2. (1) The children's mental health work group is established to identify barriers to accessing mental health services for children and families, and to advise the legislature on statewide mental health services for this population.

(2)(a) The work group shall include diverse, statewide representation from the public and nonprofit and for-profit entities. Its membership shall reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(b) The work group shall consist of not more than twenty-five members, as follows:

(i) The president of the senate shall appoint one member and one alternative member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member and one alternative member from each of the two largest caucuses in the house of representatives.

(iii) The governor shall appoint at least one representative from each of the following: The department of early learning, the department of social and health services, the health care authority, the department of health, and a representative of the governor.

(iv) The superintendent of public instruction shall appoint one representative from the office of the superintendent of public instruction.

(v) The governor shall request participation by a representative of tribal governments.

(vi) The governor shall appoint one representative from each of the following: Behavioral health organizations, community mental health agencies, medicaid managed care organizations, pediatricians or primary care providers, providers that specialize in early childhood mental health, child health advocacy groups, early learning and child care providers, the managed health care plan for foster children, the evidence-based practice institute, parents or caregivers who have been a recipient of early childhood mental health services, and foster parents.

(c) The work group shall seek input and participation from stakeholders interested in the improvement of statewide mental health services for children and families.

(d) The work group shall choose two cochairs, one from among its legislative membership and one representative of a state agency. The representative from the health care authority shall convene the initial meeting of the work group.

(3) The children's mental health work group shall review the barriers that exist to identifying and treating mental health issues in children with a particular focus on birth to five and report to the appropriate committees of the legislature. At a minimum the work group must:

(a) Review and recommend developmentally, culturally, and linguistically appropriate assessment tools and diagnostic approaches that managed care plans and behavioral health organizations should use as the mechanism to establish eligibility for services;

(b) Identify and review billing issues related to serving the parent or caregiver in a treatment dyad and the billing issues related to services that are appropriate for serving children, including children birth to five;

(c) Evaluate and identify barriers to billing and payment for behavioral health services provided within primary care settings in an effort to promote and increase the use of behavioral health professionals within primary care settings;

(d) Review workforce issues related to serving children and families, including issues specifically related to birth to five;

(e) Recommend strategies for increasing workforce diversity and the number of professionals qualified to provide children's mental health services;

(f) Review and make recommendations on the development and adoption of standards for training and endorsement of professionals to become qualified to provide mental health services to children birth to five and their parents or caregivers;

(g) Analyze, in consultation with the department of early learning, the health care authority, and the department of social and health services, existing and potential mental health supports for child care providers to reduce expulsions of children in child care and preschool; and

(h) Identify outreach strategies that will successfully disseminate information to parents, providers, schools, and other individuals who work with children and youth on the mental health services offered through the health care plans, including referrals to parenting programs, community providers, and behavioral health organizations.

(4) Legislative members of the work group are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(5) The expenses of the work group must be paid jointly by the senate and the house of representatives. Work group expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(6) The work group shall report its findings and recommendations to the appropriate committees of the legislature by December 1, 2016.

(7) Staff support for the committee must be provided by the house of representatives office of program research, the senate committee services, and the office of financial management.

(8) This section expires December 1, 2017.

NEW SECTION. Sec. 3. A new section is added to chapter 74.09 RCW to read as follows:

To better assure and understand issues related to network adequacy and access to services, the authority and the department shall report to the appropriate committees of the legislature by December 1, 2017, and annually thereafter, on the status of access to behavioral health services for children birth through age seventeen using data collected pursuant to RCW 70.320.050. At a minimum, the report must include the following components broken down by age, gender, and race and ethnicity:

(1) The percentage of discharges for patients ages six through seventeen who had a visit to the emergency room with a primary diagnosis of mental health or alcohol or other drug dependence during the measuring year and who had a follow-up visit with any provider with a corresponding primary diagnosis of mental health or alcohol or other drug dependence within thirty days of discharge;

(2) The percentage of health plan members with an identified mental health need who received mental health services during the reporting period; and

(3) The percentage of children served by behavioral health organizations, including the types of services provided.

**NEW SECTION. Sec. 4.** (1) The joint legislative audit and review committee shall conduct an inventory of the mental health service models available to students in schools, school districts, and educational service districts and report its findings by October 31, 2016. The report must be submitted to the appropriate committees of the house of representatives and the senate, in accordance with RCW 43.01.036.

(2) The committee must perform the inventory using data that is already collected by schools, school districts, and educational service districts. The committee must not collect or review student-level data and must not include student-level data in the report.

(3) The inventory and report must include information on the following:

(a) How many students are served by mental health services funded with nonbasic education appropriations in each school, school district, or educational service district;

(b) How many of these students are participating in medicaid programs;

(c) How the mental health services are funded, including federal, state, local, and private sources;

(d) Information on who provides the mental health services, including district employees and contractors; and

(e) Any other available information related to student access and outcomes.

(4) The duties of this section must be carried out within existing appropriations.

(5) This section expires July 1, 2017.

**Sec. 5.** RCW 28A.310.500 and 2013 c 197 s 6 are each amended to read as follows:

(1) Each educational service district shall develop and maintain the capacity to offer training for educators and other school district staff on youth suicide screening and referral, and on recognition, initial screening, and response to emotional or behavioral distress in students, including but not limited to indicators of possible substance abuse, violence, and youth suicide. An educational service district may demonstrate capacity by employing staff with sufficient expertise to offer the training or by contracting with

individuals or organizations to offer the training. Training may be offered on a fee-for-service basis, or at no cost to school districts or educators if funds are appropriated specifically for this purpose or made available through grants or other sources.

(2)(a) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington shall convene a one-day in-person training of student support staff from the educational service districts to deepen the staff's capacity to assist schools in their districts in responding to concerns about suicide. Educational service districts shall send staff members to the one-day in-person training within existing resources.

(b) Subject to the availability of amounts appropriated for this specific purpose, after establishing these relationships with the educational service districts, Forefront at the University of Washington must continue to meet with the educational service districts via videoconference on a monthly basis to answer questions that arise for the educational service districts, and to assess the feasibility of collaborating with the educational service districts to develop a multiyear, statewide rollout of a comprehensive school suicide prevention model involving regional trainings, on-site coaching, and cohorts of participating schools in each educational service district.

(c) Subject to the availability of amounts appropriated for this specific purpose, Forefront at the University of Washington must work to develop public-private partnerships to support the rollout of a comprehensive school suicide prevention model across Washington's middle and high schools.

(d) The comprehensive school suicide prevention model must consist of:

(i) School-specific revisions to safe school plans required under RCW 28A.320.125, to include procedures for suicide prevention, intervention, assessment, referral, reentry, and intervention and recovery after a suicide attempt or death;

(ii) Developing, within the school, capacity to train staff, teachers, parents, and students in how to recognize and support a student who may be struggling with behavioral health issues;

(iii) Improved identification such as screening, and response systems such as family counseling, to support students who are at risk;

(iv) Enhanced community-based linkages of support; and

(v) School selection of appropriate curricula and programs to enhance student awareness of behavioral health issues to reduce stigma, and to promote resilience and coping skills.

(e) Subject to the availability of amounts appropriated for this specific purpose, and by December 15, 2017, Forefront at the University of Washington shall report to the appropriate committees of the legislature, in accordance with RCW 43.01.036, with the outcomes of the educational service district trainings, any public-private partnership developments, and recommendations on ways to work with the educational service districts or others to implement suicide prevention.

**NEW SECTION. Sec. 6.** If specific funding for the purposes of this act, with the exception of sections 1, 2, and

3 of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act, except for sections 1, 2, and 3 of this act, is null and void."

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

#### SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2439 and advanced the bill as amended by the Senate to final passage.

#### FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi, Walsh and Senn spoke in favor of the passage of the bill.

#### MOTION

On motion of Representative Van De Wege, Representative Ortiz-Self was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2439, as amended by the Senate.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2439, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Clibborn, Cody, DeBolt, Dent, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Hargrove, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Hurst, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Moscoso, Muri, Nealey, Orcutt, Ormsby, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Dye, Kretz, McCaslin, Schmick, Scott, Shea, Short, Taylor and Young.

Excused: Representative Ortiz-Self.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2439, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 10, 2016

Mr. Speaker

:

The President has signed:

SENATE BILL NO. 6274,  
SUBSTITUTE SENATE BILL NO. 6327,  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6455, ,  
SUBSTITUTE SENATE BILL NO. 6523,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

The Speaker assumed the chair.

#### SIGNED BY THE SPEAKER

The Speaker signed the following bills:

SENATE BILL NO. 6274  
SUBSTITUTE SENATE BILL NO. 6327  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6455  
SUBSTITUTE SENATE BILL NO. 6523  
FOURTH SUBSTITUTE HOUSE BILL NO. 1541  
SUBSTITUTE HOUSE BILL NO. 2427  
SUBSTITUTE HOUSE BILL NO. 2440  
SECOND SUBSTITUTE HOUSE BILL NO. 2449  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2667  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2700  
SECOND SUBSTITUTE HOUSE BILL NO. 2839  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2908  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2928  
SUBSTITUTE HOUSE BILL NO. 2985  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2439  
ENGROSSED SECOND SUBSTITUTE SENATE  
BILL NO. 6194

The Speaker called upon Representative Moeller to preside.

#### RESOLUTION

#### HOUSE RESOLUTION NO. 2016-4682, by Representatives Sullivan and Kretz

WHEREAS, It is necessary to provide for the continuation of the work of the House of Representatives after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee is hereby created by this resolution and shall consist of three members of the majority caucus and two members of the minority caucus, to be named by the Speaker of the House of Representatives and Minority Leader respectively; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee may assign subject matters, bills, memorials, and resolutions to authorized committees

of the House of Representatives for study during the interim, and the Speaker of the House of Representatives may create special and select committees as may be necessary to carry out the functions, including interim studies, of the House of Representatives in an orderly manner and shall appoint members to such committees with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That, during the interim, the schedules of and locations for all meetings of any committee or subcommittee shall be approved by the Executive Rules Committee, and those committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That, during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the 2016 Regular Session of the Sixty-Fourth Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may approve vouchers of the members of the House of Representatives, covering expenses incurred during the interim for official business of the Legislature in accordance with policies set by the Executive Rules Committee, at the per diem rate provided by law and established by the Executive Rules Committee, for each day or major portion of a day, plus mileage at the rate provided by law and established by the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall, during the interim, and as authorized by the Speaker of the House of Representatives, retain or hire any necessary employees and order necessary supplies, equipment, and printing to enable the House of Representatives to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House of Representatives and by Joint Rules of the Legislature; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall have authority to carry out the directions of the Executive Rules Committee regarding the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of House of Representatives appropriations; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall execute the necessary vouchers upon which warrants are drawn for all legislative expenses and expenditures of the House of Representatives; and

BE IT FURTHER RESOLVED, That members and employees of the Legislature be reimbursed for expenses incurred in attending authorized conferences and meetings at the rate provided by law and established by the Executive Rules Committee, plus mileage to and from the conferences and meetings at the rate provided by law and established by the Executive Rules Committee, which reimbursement shall be paid on vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That, during the interim, the use of the House of Representatives Chamber, any of its committee rooms, or any of the furniture or furnishings in them is permitted upon such terms and conditions as the Chief Clerk of the House of Representatives shall deem appropriate; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may express the sympathy of the House of Representatives by sending flowers and correspondence when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the interim between sessions of the Sixty-Fourth Legislature, as well as any committee assembly.

The Speaker (Representative Moeller presiding) stated the question before the House to be adoption of House Resolution No. 4682.

HOUSE RESOLUTION NO. 4682 was adopted.

### THIRD READING

#### **HOUSE CONCURRENT RESOLUTION NO. 4416, by Representatives Sullivan and Kretz**

##### **Returning bills to their house of origin.**

The concurrent resolution was read the third time.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of House Concurrent Resolution No. 4416.

HOUSE CONCURRENT RESOLUTION NO. 4416 was adopted.

#### **HOUSE CONCURRENT RESOLUTION NO. 4417, by Representatives Sullivan and Kretz**

##### **Adjourning the 2016 Regular Session of the Sixty-fourth Legislature SINE DIE.**

The concurrent resolution was read the third time.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of House Concurrent Resolution No. 4417.

HOUSE CONCURRENT RESOLUTION NO. 4417 was adopted.

**MESSAGES FROM THE SENATE**

March 10, 2016

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4416,  
HOUSE CONCURRENT RESOLUTION NO. 4417,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 10, 2016

Mr. Speaker:

The President has signed:

FOURTH SUBSTITUTE HOUSE BILL NO. 1541,  
SUBSTITUTE HOUSE BILL NO. 2427,  
SUBSTITUTE HOUSE BILL NO. 2440,  
SECOND SUBSTITUTE HOUSE BILL NO. 2449,  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2667,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2700,  
SECOND SUBSTITUTE HOUSE BILL NO. 2839,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2908,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2928,  
SUBSTITUTE HOUSE BILL NO. 2985,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 10, 2016

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2439,  
and the same is herewith transmitted.

Hunter G. Goodman, Secretary

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

HOUSE CONCURRENT RESOLUTION NO. 4416  
HOUSE CONCURRENT RESOLUTION NO. 4417

The Speaker called upon Representative Moeller to  
preside.

**MESSAGES FROM THE SENATE**

March 10, 2016

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4416,  
HOUSE CONCURRENT RESOLUTION NO. 4417,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 10, 2016

MR. SPEAKER:

The President has signed:

SENATE BILL NO. 6274,  
SUBSTITUTE SENATE BILL NO. 6327,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
6455,  
SUBSTITUTE SENATE BILL NO. 6523,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 10, 2016

Mr. Speaker:

Under the provisions of HOUSE CONCURRENT  
RESOLUTION NO. 4416, the following House Bills were  
returned to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1067,  
SECOND ENGROSSED SUBSTITUTE HOUSE  
BILL NO. 1100,  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 1390,  
ENGROSSED HOUSE BILL NO. 1465,  
THIRD SUBSTITUTE HOUSE BILL NO. 1499,  
HOUSE BILL NO. 1560,  
HOUSE BILL NO. 1561,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1581,  
SUBSTITUTE HOUSE BILL NO. 1632,  
SECOND SUBSTITUTE HOUSE BILL NO. 1651,  
HOUSE BILL NO. 1659,  
THIRD SUBSTITUTE HOUSE BILL NO. 1713,  
SECOND SUBSTITUTE HOUSE BILL NO. 1725,  
SECOND SUBSTITUTE HOUSE BILL NO. 1737,  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 1745,  
SUBSTITUTE HOUSE BILL NO. 1790,  
HOUSE BILL NO. 1804,  
SUBSTITUTE HOUSE BILL NO. 1867,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
1875,  
SUBSTITUTE HOUSE BILL NO. 2287,  
SUBSTITUTE HOUSE BILL NO. 2300,  
HOUSE BILL NO. 2315,  
HOUSE BILL NO. 2321,  
HOUSE BILL NO. 2331,  
SUBSTITUTE HOUSE BILL NO. 2334,  
ENGROSSED SUBSTITUTE HOUSE BILL NO.  
2355,  
HOUSE BILL NO. 2388,  
HOUSE BILL NO. 2390,  
SUBSTITUTE HOUSE BILL NO. 2417,  
SUBSTITUTE HOUSE BILL NO. 2435,  
SUBSTITUTE HOUSE BILL NO. 2452,  
SUBSTITUTE HOUSE BILL NO. 2465,

HOUSE BILL NO. 2493,  
 SUBSTITUTE HOUSE BILL NO. 2496,  
 SUBSTITUTE HOUSE BILL NO. 2501,  
 SUBSTITUTE HOUSE BILL NO. 2503,  
 HOUSE BILL NO. 2507,  
 HOUSE BILL NO. 2512,  
 HOUSE BILL NO. 2543,  
 ENGROSSED SECOND SUBSTITUTE HOUSE  
 BILL NO. 2573,  
 HOUSE BILL NO. 2578,  
 SUBSTITUTE HOUSE BILL NO. 2585,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2604,  
 SUBSTITUTE HOUSE BILL NO. 2632,  
 HOUSE BILL NO. 2639,  
 HOUSE BILL NO. 2648,  
 HOUSE BILL NO. 2675,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2708,  
 SUBSTITUTE HOUSE BILL NO. 2725,  
 SUBSTITUTE HOUSE BILL NO. 2767,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2783,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2825,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 2834,  
 HOUSE BILL NO. 2845,  
 SUBSTITUTE HOUSE BILL NO. 2851,  
 SUBSTITUTE HOUSE BILL NO. 2895,  
 HOUSE BILL NO. 2929,  
 HOUSE BILL NO. 2970,  
 HOUSE CONCURRENT RESOLUTION NO. 4401,  
 and the same are herewith transmitted.

Pablo G. Campos, Deputy Secretary

March 10, 2016

MR. SPEAKER:

Under the provisions of HOUSE CONCURRENT  
 RESOLUTION NO. 4416, the following House Bills were  
 returned to the House of Representatives:

SECOND SUBSTITUTE HOUSE BILL NO. 1037,  
 SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.  
 1094,  
 HOUSE BILL NO. 1231,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1236,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248,  
 SUBSTITUTE HOUSE BILL NO. 1290,  
 HOUSE BILL NO. 1294,  
 ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO.  
 1295,  
 HOUSE BILL NO. 1322,  
 SUBSTITUTE HOUSE BILL NO. 1428,  
 HOUSE BILL NO. 1512,  
 HOUSE BILL NO. 1565,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571,  
 ENGROSSED HOUSE BILL NO. 1590,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1605,  
 SUBSTITUTE HOUSE BILL NO. 1631,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1645,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1646,

SUBSTITUTE HOUSE BILL NO. 1718,  
 ENGROSSED HOUSE BILL NO. 1770,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1808,  
 SUBSTITUTE HOUSE BILL NO. 1855,  
 SUBSTITUTE HOUSE BILL NO. 1874,  
 SECOND SUBSTITUTE HOUSE BILL NO. 1900,  
 SUBSTITUTE HOUSE BILL NO. 1915,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1949,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 1983,  
 ENGROSSED HOUSE BILL NO. 2033,  
 SECOND ENGROSSED HOUSE BILL NO. 2086,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2148,  
 SUBSTITUTE HOUSE BILL NO. 2214,  
 SUBSTITUTE HOUSE BILL NO. 2296,  
 HOUSE BILL NO. 2298,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2307,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2340,  
 SUBSTITUTE HOUSE BILL NO. 2342,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2346,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2366,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376,  
 SUBSTITUTE HOUSE BILL NO. 2381,  
 SUBSTITUTE HOUSE BILL NO. 2396,  
 HOUSE BILL NO. 2399,  
 SUBSTITUTE HOUSE BILL NO. 2429,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2430,  
 SUBSTITUTE HOUSE BILL NO. 2441,  
 SUBSTITUTE HOUSE BILL NO. 2450,  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.  
 2453,  
 HOUSE BILL NO. 2462,  
 SUBSTITUTE HOUSE BILL NO. 2483,  
 HOUSE BILL NO. 2494,  
 SUBSTITUTE HOUSE BILL NO. 2500,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2518,  
 HOUSE BILL NO. 2522,  
 HOUSE BILL NO. 2526,  
 ENGROSSED HOUSE BILL NO. 2534,  
 SUBSTITUTE HOUSE BILL NO. 2575,  
 SUBSTITUTE HOUSE BILL NO. 2583,  
 ENGROSSED HOUSE BILL NO. 2610,  
 SUBSTITUTE HOUSE BILL NO. 2615,  
 HOUSE BILL NO. 2619,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2621,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2647,  
 ENGROSSED HOUSE BILL NO. 2659,  
 SUBSTITUTE HOUSE BILL NO. 2674,  
 HOUSE BILL NO. 2679,  
 SUBSTITUTE HOUSE BILL NO. 2682,  
 ENGROSSED HOUSE BILL NO. 2698,  
 SUBSTITUTE HOUSE BILL NO. 2705,  
 SUBSTITUTE HOUSE BILL NO. 2716,  
 SUBSTITUTE HOUSE BILL NO. 2743,  
 HOUSE BILL NO. 2764,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2769,  
 ENGROSSED HOUSE BILL NO. 2775,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2778,  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2804,  
 SUBSTITUTE HOUSE BILL NO. 2805,  
 HOUSE BILL NO. 2806,  
 HOUSE BILL NO. 2844,  
 SUBSTITUTE HOUSE BILL NO. 2849,  
 SUBSTITUTE HOUSE BILL NO. 2871,  
 HOUSE BILL NO. 2888,  
 HOUSE BILL NO. 2930,  
 SECOND SUBSTITUTE HOUSE BILL NO. 2933,  
 SUBSTITUTE HOUSE BILL NO. 2936,

SUBSTITUTE HOUSE BILL NO. 2964,  
 SUBSTITUTE HOUSE BILL NO. 2973,  
 HOUSE JOINT MEMORIAL NO. 4000,  
 and the same are herewith transmitted.

Pablo G. Campos, Deputy Secretary

March 10, 2016

Mr. President:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4416, the following Senate bills are returned to the Senate:

ENGROSSED SUBSTITUTE SENATE BILL NO.  
 5561  
 SENATE BILL NO. 6147  
 SENATE BILL NO. 6151  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6201  
 SUBSTITUTE SENATE BILL NO. 6267  
 SUBSTITUTE SENATE BILL NO. 6285  
 SENATE BILL NO. 6343  
 ENGROSSED SUBSTITUTE SENATE BILL NO.  
 6525  
 SENATE BILL NO. 6626

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

March 10, 2016

MR. PRESIDENT:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4416, the following Senate bills are returned to the Senate:

SENATE BILL NO. 5094  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5105  
 SENATE BILL NO. 5205  
 SUBSTITUTE SENATE BILL NO. 5221  
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.  
 5243  
 SENATE BILL NO. 5271  
 SENATE BILL NO. 5277  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5343  
 SENATE BILL NO. 5363  
 SECOND ENGROSSED SUBSTITUTE SENATE BILL NO.  
 5575  
 SUBSTITUTE SENATE BILL NO. 5583  
 SECOND ENGROSSED SUBSTITUTE SENATE BILL NO.  
 5623  
 SECOND ENGROSSED SENATE BILL NO. 5624  
 SUBSTITUTE SENATE BILL NO. 5640  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5694  
 SENATE BILL NO. 5779  
 SENATE BILL NO. 5894  
 SECOND ENGROSSED SUBSTITUTE SENATE BILL NO.  
 5915  
 SENATE BILL NO. 5937  
 SUBSTITUTE SENATE BILL NO. 6007

SUBSTITUTE SENATE BILL NO. 6019  
 SENATE BILL NO. 6150  
 SENATE BILL NO. 6155  
 SENATE BILL NO. 6169  
 SENATE BILL NO. 6178  
 SECOND SUBSTITUTE SENATE BILL NO. 6187  
 SENATE BILL NO. 6199  
 ENGROSSED SENATE BILL NO. 6207  
 SUBSTITUTE SENATE BILL NO. 6210  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6215  
 SECOND SUBSTITUTE SENATE BILL NO. 6239  
 SECOND SUBSTITUTE SENATE BILL NO. 6243  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6246  
 SENATE BILL NO. 6262  
 SUBSTITUTE SENATE BILL NO. 6265  
 SUBSTITUTE SENATE BILL NO. 6268  
 SUBSTITUTE SENATE BILL NO. 6289  
 SENATE BILL NO. 6291  
 SENATE BILL NO. 6292  
 SECOND SUBSTITUTE SENATE BILL NO. 6297  
 SUBSTITUTE SENATE BILL NO. 6301  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6317  
 ENGROSSED SENATE BILL NO. 6321  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6334  
 SENATE BILL NO. 6350  
 SENATE BILL NO. 6396  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6406  
 SECOND SUBSTITUTE SENATE BILL NO. 6408  
 SUBSTITUTE SENATE BILL NO. 6409  
 SUBSTITUTE SENATE BILL NO. 6411  
 SENATE BILL NO. 6414  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6426  
 SUBSTITUTE SENATE BILL NO. 6439  
 SUBSTITUTE SENATE BILL NO. 6464  
 SUBSTITUTE SENATE BILL NO. 6483  
 SENATE BILL NO. 6488  
 SECOND SUBSTITUTE SENATE BILL NO. 6497  
 SENATE BILL NO. 6538  
 SENATE BILL NO. 6545  
 SUBSTITUTE SENATE BILL NO. 6583  
 ENGROSSED SENATE BILL NO. 6617  
 ENGROSSED SENATE BILL NO. 6631  
 SECOND ENGROSSED SENATE JOINT RESOLUTION  
 NO. 8204

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

### MOTIONS

On motion of Representative Hudgins, the reading of the Journal of the 60th Day of the 2016 Regular Session of the 64th Legislature was dispensed with and ordered to stand approved.

On motion of Representative Hudgins, the 2016 Regular Session of the 64th Legislature was adjourned SINE DIE.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - FIRST SPECIAL SESSION****FIRST DAY**

House Chamber, Olympia, Thursday, March 10, 2016

The House was called to order at 9:30 p.m. by the Speaker (Representative Ormsby presiding).

**MESSAGE FROM THE GOVERNOR****PROCLAMATION BY THE GOVERNOR 16-03**

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2016 regular session on March 10, 2016, the 60th day of the session; and

WHEREAS, work remains to be done with respect to the 2016 supplemental biennial operating budget and bills necessary to implement that budget; and

WHEREAS, the Speaker of the House, House Minority Leader, Senate Republican Leader, and Senate Democratic Leader, working together with the Governor may agree upon additional matters that are necessary for the Legislature to address;

NOW, THEREFORE, I, Jay Inslee, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III,

Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on Thursday, March 10, 2016, at 9:30 p.m. for the purpose of enacting legislation as described above.

Signed and sealed with the official seal of the state of Washington this 10th day of March, A.D. Two- thousand and Sixteen at Olympia, Washington.

Jay Inslee  
Governor

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 11, 2016, the 2nd Day of the First Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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**SECOND DAY**


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House Chamber, Olympia, Friday, March 11, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Moeller presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

March 10, 2016

MR. SPEAKER:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8407,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**SCR 8407 by Senators Schoesler and Nelson

Specifying the status of bills, memorials, and resolutions for the 2016 regular and first special sessions of the Sixty-fourth Legislature.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8407 was placed on the third reading calendar.

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

**SENATE CONCURRENT RESOLUTION NO. 8407, by Senators Schoesler and Nelson**

**Specifying the status of bills, memorials, and resolutions for the 2016 regular and first special sessions of the Sixty-fourth Legislature.**

The resolution was read the third time.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8407.

SENATE CONCURRENT RESOLUTION NO. 8407, was adopted.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 14, 2016, the 5th Day of the 1<sup>st</sup> Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - FIRST SPECIAL SESSION**

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**FIFTH DAY**

---

House Chamber, Olympia, Monday, March 14, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Ormsby presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 15, 2016, the 6th Day of the First Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - FIRST SPECIAL SESSION**

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**SIXTH DAY**

---

House Chamber, Olympia, Tuesday, March 15, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Ormsby presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 16, 2016, the 7th Day of the First Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - FIRST SPECIAL SESSION**

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**SEVENTH DAY**

---

House Chamber, Olympia, Wednesday, March 16, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Ormsby presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 17, 2016, the 8th Day of the First Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - FIRST SPECIAL SESSION**

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**EIGHTH DAY**

---

House Chamber, Olympia, Thursday, March 17, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Ormsby presiding).

The Speaker signed the following bills:

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

SENATE CONCURRENT RESOLUTION NO. 8407

**MESSAGE FROM THE SENATE**

The Speaker called upon Representative Ormsby to preside.

March 16, 2016

There being no objection, the House advanced to the eleventh order of business.

MR. SPEAKER:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8407, and the same are herewith transmitted.

There being no objection, the House adjourned until 9:55 a.m., March 18, 2016, the 9th Day of the Regular Session.

Hunter G. Goodman, Secretary

FRANK CHOPP, Speaker

The Speaker assumed the chair.

BARBARA BAKER, Chief Clerk

**SIGNED BY THE SPEAKER**

**SIXTY FOURTH LEGISLATURE - FIRST SPECIAL SESSION**

---

**NINTH DAY**

---

House Chamber, Olympia, Friday, March 18, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Ormsby presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 21, 2016, the 12th Day of the First Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - FIRST SPECIAL SESSION**

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**TWELFTH DAY**

---

House Chamber, Olympia, Monday, March 21, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Ormsby presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 22, 2016, the 13th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - FIRST SPECIAL SESSION**

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**THIRTEENTH DAY**

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House Chamber, Olympia, Tuesday, March 22, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Moeller presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 23, 2016, the 14th Day of the First Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - FIRST SPECIAL SESSION**

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**FOURTEENTH DAY**

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House Chamber, Olympia, Wednesday, March 23, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Ormsby presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 24, 2016, the 15th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - FIRST SPECIAL SESSION****FIFTEENTH DAY**

The House was called to order at 9:55 a.m. by the Speaker (Representative Ormsby presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

**INTRODUCTION & FIRST READING**

HB 3009 by Representatives Hudgins, Magendanz, Wylie, Walkinshaw, Appleton, S. Hunt, Fitzgibbon, Ryu, Kuderer, Stanford, Gregerson, Bergquist, Young, Haler, Goodman, Sawyer, Peterson and Farrell

AN ACT Relating to making the period of time that students are provided access to morning foods part of instructional hours if students are provided the opportunity to engage in educational activity

House Chamber, Olympia, Thursday, March 24, 2016

concurrently with the consumption of morning foods; and amending RCW 28A.150.205.

Referred to Committee on Appropriations.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 25, 2016, the 16th Day of the First Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - FIRST SPECIAL SESSION**

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**SIXTEENTH DAY**

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House Chamber, Olympia, Friday, March 25, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Ormsby presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 28, 2016, the 19th Day of the First Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - FIRST SPECIAL SESSION****NINETEENTH DAY**

House Chamber, Olympia, Monday, March 28, 2016

The House was called to order at 9:55 a.m. by the Speaker (Representative Ormsby presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 2380 and the bill was placed on the second reading calendar.

There being no objection, the Committee on Judiciary was relieved of HOUSE BILL NO. 2915 and the bill was placed on the second reading calendar.

There being no objection, the Committee on Appropriations was relieved of HOUSE BILL NO. 3009 and the bill was placed on the second reading calendar.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the third reading calendar:

ENGROSSED HOUSE BILL NO. 1465  
THIRD SUBSTITUTE HOUSE BILL NO. 1713  
SECOND SUBSTITUTE HOUSE BILL NO. 1725  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2346  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376  
ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 2453  
HOUSE BILL NO. 2988

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:30 a.m., March 29, 2016, the 20th Day of the First Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

**SIXTY FOURTH LEGISLATURE - FIRST SPECIAL SESSION**

**TWENTIETH DAY**

House Chamber, Olympia, Tuesday, March 29, 2016

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Susan Frans and Lynn Rostvold. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Jean McBride, 48<sup>th</sup>, District Washington.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

**MESSAGE FROM THE SENATE**

March 28, 2016

MR. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5105,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5127,

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5575,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6328,  
SUBSTITUTE SENATE BILL NO. 6531,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of ENGROSSED SUBSTITUTE HOUSE BILL NO. 2450 and the bill was placed on the third reading calendar:

There being no objection, the House reverted to the fourth order of business.

**INTRODUCTION & FIRST READING**

HCR 4418 by Representatives Sullivan and Kretz

Returning bills to their house of origin.

HCR 4419 by Representatives Sullivan and Kretz

Adjourning SINE DIE.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4416 and HOUSE CONCURRENT RESOLUTION NO. 4417 were read the first time, and under

suspension of the rules was placed on the third reading calendar.

**FIRST SUPPLEMENTAL INTRODUCTIONS AND FIRST READING**

E2SSB 5105 by Senate Committee on Ways & Means (originally sponsored by Senators Padden, Frockt, O'Ban, Fain, Fraser, Pearson, Roach and Darneille)

AN ACT Relating to making a fourth driving under the influence offense a felony; amending RCW 46.61.502, 46.61.504, 46.61.5055, and 46.61.5054; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Public Safety.

E2SSB 5127 by Senate Committee on Ways & Means (originally sponsored by Senators Angel, Roach and O'Ban)

AN ACT Relating to revising a property tax exemption for veterans with total disability ratings and their surviving spouses or domestic partners; amending RCW 84.36.381; and creating new sections.

Referred to Committee on Finance.

2ESSB 5575 by Senate Committee on Ways & Means (originally sponsored by Senators Braun, Honeyford and Hatfield)

AN ACT Relating to providing sales and use tax exemptions, in the form of a remittance of tax paid, to encourage coal-fired electric generation plants or biomass energy facilities to convert to natural gas-fired plants; amending RCW 82.14.050 and 82.14.060; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

ESSB 6328 by Senate Committee on Health Care (originally sponsored by Senators Dammeier, Hasegawa, Conway, O'Ban, Becker and Carlyle)

AN ACT Relating to vapor products in respect to youth substance use prevention associated with vapor products, amending and renaming the youth tobacco prevention account, provisions concerning certain child-resistant packaging, definitions related to "vapor

product," signage requirements prohibiting vapor product sales to minors, prohibition of the sale of cannabinoids by vapor product retailers, prohibition of the purchase and possession of vapor products by minors, the liquor and cannabis board's enforcement authority over vapor products, preemption of certain local regulation of vapor products, labeling and advertisement requirements, and a requirement for vendor-assisted sales of vapor products in retail establishments; amending RCW 26.28.080, 70.155.120, and 70.155.130; adding a new chapter to Title 70 RCW; prescribing penalties; providing a contingent effective date; and providing contingent expiration dates.

Referred to Committee on Ways & Means.

**SSB 6531** by Senate Committee on Law & Justice (originally sponsored by Senator Hargrove)

AN ACT Relating to changing who the department of corrections is required to supervise based on the current offense as defined in RCW 9.94A.501(4)(e)(ii) and the maximum duration of community custody as defined in RCW 9.94A.501(8); and reenacting and amending RCW 9.94A.501.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 6328 and SUBSTITUTE SENATE BILL NO. 6531 which were read the first time, and under suspension of the rules, were placed on the second reading calendar.

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

**SECOND READING**

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376, by House Committee on Appropriations (originally sponsored by Representatives Dunshee and Chandler)**

**Making 2016 supplemental operating appropriations.**

The bill was read the second time.

Representative Dunshee moved the adoption of amendment (978):

Strike everything after the enacting clause and insert the following:

**"PART I  
GENERAL GOVERNMENT**

**Sec. 101.** 2015 3rd sp.s. c 4 s 101 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General Fund—State Appropriation (FY 2016) .....	(\$33,485,000)	
		<u>\$33,859,000</u>
General Fund—State Appropriation (FY 2017) .....	(\$34,953,000)	
		<u>\$35,287,000</u>
Motor Vehicle Account—State Appropriation .....	(\$1,918,000)	
		<u>\$1,917,000</u>
TOTAL		
APPROPRIATION .....	\$70,356,000	
		<u>\$71,063,000</u>

~~((The appropriations in this section are subject to the following conditions and limitations: The joint select task force on nuclear energy created in chapter 221, Laws of 2014 is extended until December 1, 2017.))~~

**Sec. 102.** 2015 3rd sp.s. c 4 s 102 (uncodified) is amended to read as follows:

**FOR THE SENATE**

General Fund—State Appropriation (FY 2016) .....	(\$22,997,000)	
		<u>\$23,538,000</u>
General Fund—State Appropriation (FY 2017) .....	(\$25,771,000)	
		<u>\$26,360,000</u>
Motor Vehicle Account—State Appropriation .....	\$1,748,000	
TOTAL		
APPROPRIATION .....	\$50,516,000	
		<u>\$51,646,000</u>

~~((The appropriations in this section are subject to the following conditions and limitations: The joint select task force on nuclear energy created in chapter 221, Laws of 2014 is extended until December 1, 2017.))~~

**Sec. 103.** 2015 3rd sp.s. c 4 s 103 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund—State Appropriation (FY 2016) .....	\$45,000	
General Fund—State Appropriation (FY 2017) .....	\$83,000	
Performance Audits of Government—State Appropriation .....	(\$6,711,000)	
		<u>\$6,726,000</u>
<u>TOTAL APPROPRIATION \$6,854,000</u>		

The appropriation in this section is subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2015-2017 work plan as necessary to efficiently manage workload.

(2) The committee shall analyze the forest fire protection assessment established in chapter 76.04 RCW. The analysis shall include:

(a) The process the department of natural resources uses to determine the assessments;

(b) The statutory framework for assessing based on parcels and being considered forest land;

(c) The cost efficiency of the administrative processes to collect assessments and issue refunds;

(d) The rates of the assessment for forest fire protection, including the costs of county assessor participation;

(e) The historical relationship between the rates and protection expenditures or anticipated expenditures and eventual suppression expenditures;

(f) How other states assess for protection or suppression;

(g) Parcels assessed as forest lands that have become developed properties and are not covered, serviced, or taxed by a fire protection district;

(h) Identification of parcels within the state that are not subject to the assessment and are not included in a local fire district.

A report on the results of the analysis with any findings and recommendations shall be submitted to the appropriate committees of the legislature by ~~(December 2016)~~ July 2017.

(3) \$30,000 of the general fund—state appropriation for fiscal year 2016 and \$30,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2439 (youth mental health services). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(4) \$15,000 of the general fund—state appropriation for fiscal year 2016 and \$41,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Second Substitute House Bill No. 2791 (WA statewide reentry council). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(5) \$12,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Substitute House Bill No. 2938 (WA trade conventions/taxes). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(6) The committee shall analyze fire suppression funding and costs for the department of natural resources and the state fire marshal. The analysis shall include:

(a) The agencies' estimates of fire suppression costs for individual fires;

(b) Suppression costs for state lands, private lands, and federal lands;

(c) Costs for suppressing fires on undeveloped lands and developed lands;

(d) The source of funds for reimbursement of suppression costs and the process for seeking reimbursement; and

(e) The extent to which suppression activities were related to private properties covered by fire insurance. A report on the results of the analysis with any findings and recommendations shall be submitted to the appropriate committees of the legislature by December 2017.

**Sec. 104.** 2015 3rd sp.s. c 4 s 104 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

Performance Audits of Government—State

Appropriation ..... ~~(\$3,658,000)~~  
\$3,678,000

**Sec. 105.** 2015 3rd sp.s. c 4 s 105 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund—State Appropriation (FY

2016) ..... ~~(\$9,277,000)~~  
\$9,334,000

General Fund—State Appropriation (FY

2017) ..... ~~(\$9,729,000)~~  
\$9,784,000

TOTAL

APPROPRIATION ..... ~~\$19,006,000~~  
\$19,118,000

**Sec. 106.** 2015 3rd sp.s. c 4 s 106 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE STATE ACTUARY**

General Fund—State Appropriation (FY 2016) ..... \$296,000

General Fund—State Appropriation (FY 2017) ..... \$296,000

State Health Care Authority Administrative Account—State

Appropriation ..... \$394,000

Department of Retirement Systems Expense

Account—State Appropriation ..... ~~(\$4,631,000)~~  
\$4,552,000

TOTAL APPROPRIATION ~~\$5,617,000~~

\$5,538,000

The appropriations in this section are subject to the following conditions and limitations: During the 2016 legislative interim, the select committee on pension policy shall study Senate Bill No. 6668 (LEOFF 1 & TRS 1 merger) and report on the tax, legal, fiscal, policy, and administrative implications. In conducting the study, the select committee on pension policy shall also update its 2011 study of law enforcement officers' and firefighters' retirement system plans 1 and 2. In preparing this study, the department of retirement systems, the attorney general's office, the law enforcement officers' and firefighters' retirement system plan 2 board, and the office of the state actuary shall provide the select committee on pension policy with any information or assistance the committee requests. The committee shall also receive stakeholder

input on the bill as part of its deliberation. The select committee on pension policy shall submit this report to the legislature by January 9, 2017.

\$3,175,000

**Sec. 107.** 2015 3rd sp.s. c 4 s 107 (uncodified) is amended to read as follows:  
**FOR THE STATUTE LAW COMMITTEE**  
 General Fund—State Appropriation (FY 2016).....(~~(\$4,160,000)~~)  
\$4,165,000  
 General Fund—State Appropriation (FY 2017).....(~~(\$4,709,000)~~)  
\$4,712,000  
 TOTAL APPROPRIATION ~~\$8,869,000~~  
\$8,877,000

**Sec. 108.** 2015 3rd sp.s. c 4 s 108 (uncodified) is amended to read as follows:  
**FOR THE OFFICE OF LEGISLATIVE SUPPORT SERVICES**  
 General Fund—State Appropriation (FY 2016).....(~~(\$3,835,000)~~)  
\$4,052,000  
 General Fund—State Appropriation (FY 2017).....(~~(\$4,288,000)~~)  
\$4,536,000  
 TOTAL APPROPRIATION ~~\$8,123,000~~  
\$8,588,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund—state appropriation for fiscal year 2016 and \$25,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for expenditure into the legislative oral history account under RCW 44.04.345.

**Sec. 109.** 2015 3rd sp.s. c 4 s 110 (uncodified) is amended to read as follows:  
**FOR THE SUPREME COURT**  
 General Fund—State Appropriation (FY 2016).....(~~(\$7,491,000)~~)  
\$7,573,000  
 General Fund—State Appropriation (FY 2017).....(~~(\$7,594,000)~~)  
\$7,643,000  
 TOTAL APPROPRIATION.....~~\$15,085,000~~  
\$15,216,000

**Sec. 110.** 2015 3rd sp.s. c 4 s 111 (uncodified) is amended to read as follows:  
**FOR THE LAW LIBRARY**  
 General Fund—State Appropriation (FY 2016).....(~~(\$1,570,000)~~)  
\$1,583,000  
 General Fund—State Appropriation (FY 2017).....(~~(\$1,577,000)~~)  
\$1,592,000  
 TOTAL APPROPRIATION ~~\$3,147,000~~

**Sec. 111.** 2015 3rd sp.s. c 4 s 112 (uncodified) is amended to read as follows:  
**FOR THE COMMISSION ON JUDICIAL CONDUCT**  
 General Fund—State Appropriation (FY 2016).....(~~(\$1,134,000)~~)  
\$1,117,000  
 General Fund—State Appropriation (FY 2017).....(~~(\$1,076,000)~~)  
\$1,117,000  
 TOTAL APPROPRIATION ~~\$2,210,000~~  
\$2,234,000

**Sec. 112.** 2015 3rd sp.s. c 4 s 113 (uncodified) is amended to read as follows:  
**FOR THE COURT OF APPEALS**  
 General Fund—State Appropriation (FY 2016).....(~~(\$16,866,000)~~)  
\$17,000,000  
 General Fund—State Appropriation (FY 2017).....(~~(\$17,292,000)~~)  
\$17,311,000  
 TOTAL APPROPRIATION.....~~\$34,158,000~~  
\$34,311,000

**Sec. 113.** 2015 3rd sp.s. c 4 s 114 (uncodified) is amended to read as follows:  
**FOR THE ADMINISTRATOR FOR THE COURTS**  
 General Fund—State Appropriation (FY 2016).....(~~(\$55,930,000)~~)  
\$56,244,000  
 General Fund—State Appropriation (FY 2017).....(~~(\$56,764,000)~~)  
\$56,180,000  
 General Fund—Federal Appropriation.....\$2,154,000  
 General Fund—Private/Local Appropriation.....\$667,000  
 Judicial Information Systems Account—State Appropriation.....(~~(\$56,016,000)~~)  
\$56,772,000  
 Judicial Stabilization Trust Account—State Appropriation.....\$6,691,000  
 TOTAL APPROPRIATION.....~~\$178,222,000~~  
\$178,708,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$878,000 of the general fund—state appropriation for fiscal year 2016, \$878,000 of the general fund—state appropriation for fiscal year 2017, and \$6,784,000 of the judicial information systems account—state appropriation are provided solely for the information network hub project.

(2) \$516,000 of the judicial information systems account—state appropriation is provided solely for replacement of computer equipment, including servers, routers, and storage system upgrades.

(3) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(4) \$1,849,000 of the judicial information systems account—state appropriation is provided solely for replacing computer equipment at state courts and state judicial agencies.

(5) \$1,399,000 of the general fund—state appropriation for fiscal year 2016 and \$1,399,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(6)(a) \$7,313,000 of the general fund—state appropriation for fiscal year 2016 and \$7,313,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2015-2017 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives and senate fiscal committees no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(7) (~~(\$313,000)~~) \$584,000 of the judicial information systems account—state appropriation is provided solely for the content management system for the appellate courts.

(8) \$200,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the office of public guardianship for the purpose of providing guardianship services to low income and indigent alleged or actual incapacitated persons who were receiving services on July 10, 2013.

(9) \$118,000 of the judicial information systems account—state appropriation for fiscal year 2016 is

provided solely for implementation of chapter 287, Laws of 2015 (Engrossed House Bill No. 1943).

(10) \$75,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the planning and design of a dependency court improvement demonstration program. The plan must be developed jointly with the one family one team public private partnership, with a private cash match of \$75,000. If the cash match is not available by August 1, 2015, the administrative office of the courts will not be required to complete the planning and design of a dependency court improvement demonstration program. By January 1, 2016, the public private partnership shall provide to the appropriate committees of the legislature the program design, including ongoing administrative funding, and a statement of the public and private funding required in order to provide demonstration grants to up to four counties.

(11) \$6,080,000 of the judicial information systems account—state appropriation for fiscal year 2016 is provided solely for continued implementation of the superior court case management system project.

(12) (~~(\$6,518,000)~~) \$7,010,000 of the judicial information systems account—state appropriation for fiscal year 2017 is provided solely for continued implementation of the superior court case management system. The steering committee for the superior court case management system, the office of administrator of the courts, and county clerks shall work with the case management system vendor to develop cost estimates for modifications to the superior court case management system to address security and document management concerns raised by county clerks. If the cost estimates are not provided to the fiscal committees of the legislature by January 1, 2016, the amounts provided in this subsection shall lapse. Furthermore, the amounts provided in this subsection shall lapse if the superior court case management system is not live and fully functional in Franklin, Thurston, and Yakima counties by February 1, 2016.

(13) The existing steering committee for the superior court case management system shall continue oversight responsibilities throughout the various phases of the project to include, but not be limited to, vendor management, contract and deliverable management, assuring reasonable satisfaction of the business and technical needs at the local level, receipt of stakeholder feedback, and communication between the various stakeholder groups and the judicial information systems committee. Issues of significant scope, schedule or budget changes, and risk mitigation strategies must be escalated to the judicial information systems committee for consideration. In the event that a majority of the steering committee members cannot reach a decision, the issue must be escalated to the judicial information systems committee for consideration. The superior court case management system project steering committee may solicit input from user groups as deemed appropriate.

(14) The courts of limited jurisdiction case management system (CLJ-CMS) replacement project shall be guided by a project steering committee to provide project oversight throughout the various phases of the project to include, but not be limited to, vendor management, contract and deliverable management,

assuring reasonable satisfaction of the business and technical needs at the local level, receipt of stakeholder feedback, and communication between the various stakeholder groups and the judicial information systems committee. The project steering committee shall be comprised of three members from the administrative office of the courts, two members from the district and municipal court judges association, three members from the district and municipal court management association, and two members from the misdemeanor corrections association. Issues of significant scope, schedule or budget changes, and risk mitigation strategies must be escalated to the judicial information systems committee for consideration. In the event that a majority of the project steering committee members cannot reach a decision, the issue must be escalated to the judicial information systems committee for consideration. The courts of limited jurisdiction case management system replacement project steering committee may solicit input from user groups as deemed appropriate.

(15) \$3,789,000 of the judicial information systems account—state appropriation is provided solely for preparation and procurement activities related to the courts of limited jurisdiction case management system (CLJ-CMS) replacement project. The appropriations are further conditioned that the CLJ-CMS replacement project be funded entirely from judicial information system account funds in future biennia. The amounts provided in this subsection for the CLJ-CMS replacement project shall not be expended prior to January 1, 2016. In addition, if the following activities are not complete by the dates provided, no further funds appropriated in this subsection shall be expended on the CLJ-CMS replacement project.

(a) Beginning April 1, 2016, and each calendar quarter thereafter, quality assurance reports for the CLJ-CMS replacement project shall be provided to the office of chief information officer for review and for posting on its information technology project dashboard.

(b) No later than July 1, 2016, the CLJ-CMS replacement project steering committee shall provide a report to the legislature on the status of the procurement process for a CLJ-CMS replacement project, including an affirmation that the project is designed to meet the business processes and requirements of all thirty-nine counties. In addition, the report shall include a statement from each court of limited jurisdiction of its intended use of the new CLJ-CMS.

(c) No later than January 1, 2017, the judicial information system committee must approve the publication of a request for proposal for the CLJ-CMS replacement project.

(d) Prior to any CLJ-CMS replacement project steering committee recommendation to the judicial information system committee of a preferred vendor and prior to the selection of an apparently successful vendor, the office of chief information officer must be allowed to review vendor submittals in response to the request for proposal. To better inform its selection, the office of chief information officer must provide to the CLJ-CMS replacement project steering committee an evaluation each vendor's proposed technology solution assessing its architecture, security, vendor experience and qualifications,

project risks and risk management, and whether the technology solution represents the best value.

**Sec. 114.** 2015 3rd sp.s. c 4 s 115 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund—State Appropriation (FY 2016) .....	(( <u>\$37,096,000</u> ))
	<u>\$37,558,000</u>
General Fund—State Appropriation (FY 2017) .....	(( <u>\$37,364,000</u> ))
	<u>\$37,809,000</u>
Judicial Stabilization Trust Account—State Appropriation .....	\$3,648,000
<b>TOTAL</b>	
<b>APPROPRIATION</b> .....	<u>\$78,108,000</u>
	<u>\$79,015,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

(2) \$924,000 of the general fund—state appropriation for fiscal year 2016 and \$462,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for parents representation program costs related to increased parental rights termination filings from the department of social and health services permanency initiative.

(3) \$451,000 of the general fund—state appropriation for fiscal year 2016 and \$915,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to increase payments for attorneys who contract with the office for indigent defense representation.

(4) \$900,000 of the general fund—state appropriation for fiscal year 2016 and \$900,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the purpose of improving the quality of trial court public defense services.

(5) \$245,000 of the general fund—state appropriation for fiscal year 2016 and \$320,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to implement chapter 117, Laws of 2015 (Second Substitute Senate Bill No. 5486). Funds must be used to maintain the current programs in Grays Harbor/Pacific, King, Kitsap, Pierce, Snohomish, Spokane, and Thurston/Mason counties; expand services in three of these locations; provide for program administration; and to fund the first stage of an evaluation of the program to determine if the parents for parents program can be considered evidence-based.

**Sec. 115.** 2015 3rd sp.s. c 4 s 116 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF CIVIL LEGAL AID**

General Fund—State Appropriation (FY 2016) .....	(( <u>\$12,560,000</u> ))
	<u>\$12,842,000</u>
General Fund—State Appropriation (FY 2017) .....	(( <u>\$12,818,000</u> ))

	<u>\$13,088,000</u>
General Fund—Private/Local Appropriation.....	\$150,000
Judicial Stabilization Trust Account—State	
Appropriation .....	\$1,463,000
TOTAL	
APPROPRIATION .....	<u>\$26,991,000</u>
	<u>\$27,543,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2016 and an amount not to exceed \$40,000 of the general fund—state appropriation for fiscal year 2017 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) \$498,000 of the general fund—state appropriation for fiscal year 2016 and \$499,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the child legal representation program. To achieve efficiencies and to manage within appropriated amounts, beginning January 1, 2016, the office is directed to implement the child legal representation program for children under RCW 13.34.100 using attorneys under contract directly with the office in a manner similar to the parents representation program at the office of public defense. The office must consult with counties, county courts, and the office of public defense prior to implementing this operational change.

**Sec. 116.** 2015 3rd sp.s. c 4 s 117 (uncodified) is amended to read as follows:  
**FOR THE OFFICE OF THE GOVERNOR**

General Fund—State Appropriation (FY 2016).....	(( <u>\$5,365,000</u> ))
	<u>\$5,393,000</u>
General Fund—State Appropriation (FY 2017).....	(( <u>\$5,448,000</u> ))
	<u>\$5,462,000</u>
Economic Development Strategic Reserve Account—State	
Appropriation .....	\$4,000,000
TOTAL	
APPROPRIATION .....	<u>\$14,813,000</u>
	<u>\$14,855,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,000,000 of the economic development strategic reserve account appropriation is provided solely for efforts to assist with currently active industrial recruitment efforts that will bring new jobs to the state or will retain headquarter locations of major companies currently housed in the state.

(2) \$684,000 of the general fund—state appropriation for fiscal year 2016 and \$684,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the office of the education ombuds.

**Sec. 117.** 2015 3rd sp.s. c 4 s 118 (uncodified) is amended to read as follows:  
**FOR THE LIEUTENANT GOVERNOR**

General Fund—State Appropriation (FY 2016).....	(( <u>\$633,000</u> ))
	<u>\$636,000</u>
General Fund—State Appropriation (FY 2017).....	(( <u>\$637,000</u> ))
	<u>\$656,000</u>
General Fund—Private/Local Appropriation .....	\$90,000
TOTAL APPROPRIATION	<u>\$1,360,000</u>
	<u>\$1,382,000</u>

**Sec. 118.** 2015 3rd sp.s. c 4 s 119 (uncodified) is amended to read as follows:  
**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund—State Appropriation (FY 2016) .....	(( <u>\$2,368,000</u> ))
	<u>\$2,416,000</u>
General Fund—State Appropriation (FY 2017) .....	(( <u>\$2,379,000</u> ))
	<u>\$2,437,000</u>
TOTAL APPROPRIATION	<u>\$4,747,000</u>
	<u>\$4,853,000</u>

**Sec. 119.** 2015 3rd sp.s. c 4 s 120 (uncodified) is amended to read as follows:  
**FOR THE SECRETARY OF STATE**

General Fund—State Appropriation (FY 2016) .....	(( <u>\$25,870,000</u> ))
	<u>\$25,956,000</u>
General Fund—State Appropriation (FY 2017) .....	(( <u>\$12,796,000</u> ))
	<u>\$12,956,000</u>
General Fund—Federal Appropriation.....	(( <u>\$7,577,000</u> ))
	<u>\$7,576,000</u>
Public Records Efficiency, Preservation, and Access	
Account—State Appropriation .....	(( <u>\$8,596,000</u> ))
	<u>\$8,807,000</u>
Charitable Organization Education Account—State	
Appropriation .....	\$671,000
Local Government Archives Account—State	
Appropriation .....	(( <u>\$9,086,000</u> ))
	<u>\$9,147,000</u>
Election Account—Federal Appropriation....	(( <u>\$8,865,000</u> ))
	<u>\$4,387,000</u>
Washington State Heritage Center Account—State	
Appropriation .....	(( <u>\$9,825,000</u> ))
	<u>\$9,823,000</u>
TOTAL	
APPROPRIATION .....	<u>\$83,286,000</u>
	<u>\$79,323,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,301,000 of the general fund—state appropriation for fiscal year 2016 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$2,682,000 of the general fund—state appropriation for fiscal year 2016 and \$2,761,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2015-2017 fiscal biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) Any reductions to funding for the Washington talking book and Braille library may not exceed in proportion any reductions taken to the funding for the library as a whole.

(4) \$11,497,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the 2016 presidential primary election.

(5) \$3,000,000 of the Washington state heritage center account—state appropriation is provided solely for state library programs. If House Bill No. 2195 (auditor's fees) is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse. If the increase in auditor's fees generates less revenue than provided in this subsection, the secretary of state shall reduce expenditures so that amounts provided in this subsection do not exceed revenue generated from the increase in auditor's fees.

(6) \$771,000 of the general fund—state appropriation for fiscal year 2016 and \$772,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the state library to purchase statewide online access to the information technology academy to

allow public access to online courses and learning resources through public libraries.

**Sec. 120.** 2015 3rd sp.s. c 4 s 121 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund—State Appropriation (FY 2016)	<del>(\$264,000)</del>
	<u>\$266,000</u>
General Fund—State Appropriation (FY 2017)	<del>(\$273,000)</del>
	<u>\$274,000</u>
TOTAL APPROPRIATION...	<u>\$537,000</u>
	<u>\$540,000</u>

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of enterprise services on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of enterprise services shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

**Sec. 121.** 2015 3rd sp.s. c 4 s 122 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2016)	<del>(\$222,000)</del>
	<u>\$235,000</u>
General Fund—State Appropriation (FY 2017)	<del>(\$228,000)</del>
	<u>\$231,000</u>
TOTAL APPROPRIATION...	<u>\$450,000</u>
	<u>\$466,000</u>

**Sec. 122.** 2015 3rd sp.s. c 4 s 123 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER**

State Treasurer's Service Account—State Appropriation .....	<del>(\$16,753,000)</del>
	<u>\$16,829,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$125,000 of the state treasurer's service account—state appropriation is provided solely for the implementation of Second Substitute House Bill No. 2063 (better life experience program). If the bill is not enacted by July 10, 2015, the amount provided in this subsection shall lapse.

**Sec. 123.** 2015 3rd sp.s. c 4 s 124 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund—State Appropriation (FY 2016) .....	\$14,000
General Fund—State Appropriation (FY 2017) .	<del>(\$31,000)</del>
	<u>\$633,000</u>

State Auditing Services Revolving Account—State	
Appropriation .....	<u>(\$9,711,000)</u>
	<u>\$9,739,000</u>
Performance Audit of Government Account—State	
Appropriation.....	\$1,531,000
TOTAL	
APPROPRIATION .....	<u>\$11,287,000</u>
	<u>\$11,917,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,531,000 of the performance audit of government account—state appropriation is provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(2) The legislature recognizes that changing technology has resulted in requests for electronic copies of records without corresponding changes in how the public records act allows for agencies to charge for those copies. The legislature recognizes the difficulty individual agencies face in determining the actual cost of providing both paper and electronic copies and finds it would be beneficial to agencies subject to the public records act, as well as requestors, to develop a standard and reasonable cost agencies may charge to provide records in either paper or electronic format. The state auditor shall, in consultation with the state chief information officer and attorney general, develop a methodology and conduct a study to establish an accurate cost estimate for providing paper and electronic copies of records in response to requests under the public records act. The state auditor shall also consult with local government agencies in developing and conducting the study. The state auditor shall report the results of this study to the legislature no later than March 1, 2016.

(3) Within the amounts appropriated in this section, the auditor shall conduct an audit by June 30, 2017:

(a) Of the Washington, Wyoming, Alaska, Montana, and Idaho (WWAMI) medical school located in Spokane to determine the cost per student of medical education and to show the cost per student by fund source;

(b) To determine the cost per student for students from WWAMI partner states other than Washington and whether any Washington state funds or Washington resident student tuition is used to subsidize students from WWAMI partner states; and

(c) To determine the planned per student cost of medical education and to show the cost per student by fund source for the Washington State University medical school program.

(4) Some local governments have combined fees for commercial solid waste collection services with fees for the collection of source-separated recyclable materials from commercial entities, establishing a single bundled rate charged to all ratepayers that purports to provide free recycling collection services to commercial entities. The state auditor is directed to:

(a) Investigate whether such bundled rates result in the imposition of the solid waste collection tax on services related to material collected primarily for recycling and salvage in violation of RCW 82.18.010(3);

(b) Assess (i) whether the bundled rates result in payment of fees by ratepayers for services that they may not receive or need, and (ii) the amount of such excess payments; and

(c) Assess whether ordinances establishing bundled rates result in de facto regulation of commercial source-separated recycling collection services by local governments in violation of state law.

(5) \$600,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a study on the Washington, Wyoming, Alaska, Montana, and Idaho medical school.

**Sec. 124.** 2015 3rd sp.s. c 4 s 126 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund—State Appropriation (FY	
2016) .....	<u>(\$11,408,000)</u>
	<u>\$11,420,000</u>
General Fund—State Appropriation (FY	
2017) .....	<u>(\$11,740,000)</u>
	<u>\$8,417,000</u>
General Fund—Federal Appropriation.....	\$6,930,000
New Motor Vehicle Arbitration Account—State	
Appropriation .....	<u>(\$1,039,000)</u>
	<u>\$1,041,000</u>
Legal Services Revolving Account—State	
Appropriation .....	<u>(\$225,029,000)</u>
	<u>\$227,558,000</u>
Tobacco Prevention and Control Account—State	
Appropriation .....	\$273,000
Medicaid Fraud Penalty Account—State	
Appropriation .....	\$3,065,000
Public Service(§) Revolving Account—State	
Appropriation .....	<u>(\$2,217,000)</u>
	<u>\$2,220,000</u>
Child Rescue Fund—State Appropriation.....	\$500,000
TOTAL	
APPROPRIATION .....	<u>\$262,201,000</u>
	<u>\$261,424,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial

management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) The attorney general shall annually report to the fiscal committees of the legislature all new *cy pres* awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(4) ~~(\$2,228,000)~~ \$2,218,000 of the public service revolving account—state appropriation is provided solely for the work of the public counsel section of the office of the attorney general.

(5) \$353,000 of the general fund—state appropriation for fiscal year 2016 and \$353,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a grant to the Washington coalition of crime victim advocates to provide training, certification, and technical assistance for crime victim service center advocates.

(6) \$1,196,000 of the legal services revolving fund—state appropriation is provided solely for the implementation of chapter 70, Laws of 2015 (Second Substitute Senate Bill No. 5052) (cannabis patient protection).

(7) \$14,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 240, Laws of 2015 (Substitute Senate Bill No. 5740) (extended foster care).

(8) \$182,000 of the legal services revolving account—state appropriation is provided solely for implementation of chapter 274, Laws of 2015 (Engrossed Substitute House Bill No. 1449) (oil transportation safety).

(9) \$71,000 of the legal services revolving account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1472 (chemical action plans), Second Substitute Senate Bill No. 5056 (safer chemicals/action plans), Substitute Senate Bill No. 6131 (safer chemicals), or any of these. If none of these bills are enacted by July 10, 2015, the amount provided in this subsection shall lapse.

(10) Pursuant to chapter 247, Laws of 2015 (Second Substitute House Bill No. 1281) (sexual exploitation of a minor), the office of the attorney general may expend \$500,000 from the child rescue fund—state appropriation, or an amount not to exceed actual revenues into the account.

(11) \$37,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Second Substitute House Bill No. 2726 (retirement communities). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(12) Appropriations in this section include specific funds for the implementation of Substitute Senate Bill No. 6160 (regulating motor vehicle airbags).

(13) \$55,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Substitute Senate Bill No. 6360 (traffic

fining consolidation). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

**Sec. 125.** 2015 3rd sp.s. c 4 s 127 (uncodified) is amended to read as follows:

**FOR THE CASELOAD FORECAST COUNCIL**

General Fund—State Appropriation (FY

2016) ..... ~~(\$1,378,000)~~  
\$1,397,000

General Fund—State Appropriation (FY

2017) ..... ~~(\$1,454,000)~~  
\$1,460,000

TOTAL APPROPRIATION ~~\$2,832,000~~  
\$2,857,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$55,000 of the general fund—state appropriation for fiscal year 2016 and \$55,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for Substitute Senate Bill No. 5999 (caseload forecast council). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse.

(2)(a) The caseload forecast council, in cooperation with the appropriate legislative committees and legislative staff, the office of financial management, the department of corrections, the department of social and health services, the administrative office of the courts, the minority and justice commission, the Washington state institute for public policy, the department of early learning, the student achievement council, the state board of education, the sentencing guidelines commission, and a person from communities at large deemed appropriate must develop recommendations for procedures and tools which will enable them to provide cost-effective racial and ethnic impact statements to legislative bills affecting criminal justice, human services, and education caseloads forecasted by the caseload forecast council. The recommendations for the racial and ethnic impact statements must be able to identify the positive and negative impacts on communities as a result of proposed or adopted legislation.

(b) The caseload forecast council shall submit a report to the governor and appropriate committees of the legislature on or before December 31, 2016, outlining recommendations for procedures and tools necessary to provide racial and ethnic impact statements to criminal justice, human services, and education caseloads, as well as outlining implementation cost estimates and potential funding sources.

(3) In addition to caseload forecasts for common schools as defined in RCW 43.88C.010(7), during the remainder of the 2015-2017 fiscal biennium the council must provide a separate forecast of enrollment for charter schools authorized by chapter 28A.710 RCW as amended by Engrossed Second Substitute Senate Bill No. 6194 (public schools other than common schools).

**Sec. 126.** 2015 3rd sp.s. c 4 s 128 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

General Fund—State Appropriation (FY 2016).....	(\$60,162,000)	
		<u>\$60,049,000</u>
General Fund—State Appropriation (FY 2017).....	(\$61,103,000)	
		<u>\$63,568,000</u>
General Fund—Federal Appropriation .....	(\$264,872,000)	
		<u>\$276,636,000</u>
General Fund—Private/Local Appropriation.....	(\$8,149,000)	
		<u>\$8,162,000</u>
Public Works Assistance Account—State Appropriation .....	(\$7,905,000)	
		<u>\$7,413,000</u>
Drinking Water Assistance Administrative Account—State Appropriation.....	(\$487,000)	
		<u>\$490,000</u>
Lead Paint Account—State Appropriation .....	\$181,000	
Building Code Council Account—State Appropriation.....	\$15,000	
Home Security Fund Account—State Appropriation.....	(\$26,493,000)	
		<u>\$35,023,000</u>
Affordable Housing for All Account—State Appropriation .....	(\$12,023,000)	
		<u>\$13,860,000</u>
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account—State Appropriation .....	\$1,776,000	
Low-Income Weatherization and Structural Rehabilitation Assistance Account—State Appropriation .....	(\$2,149,000)	
		<u>\$2,148,000</u>
Community and Economic Development Fee Account—State Appropriation .....	(\$2,980,000)	
		<u>\$3,193,000</u>
Washington Housing Trust Account—State Appropriation .....	(\$12,692,000)	
		<u>\$12,703,000</u>
Prostitution Prevention and Intervention Account—State Appropriation .....	\$45,000	
Public Facility Construction Loan Revolving Account—State Appropriation.....	(\$791,000)	
		<u>\$794,000</u>
Drinking Water Assistance Account—State Appropriation .....	\$10,000	
Liquor Revolving Account—State Appropriation.....	\$5,607,000	
Energy Freedom Account—State Appropriation ...	\$472,000	
Financial Services Regulation Account—State Appropriation.....	\$468,000	
Liquor Excise Tax Account—State Appropriation	\$643,000	
<u>Recreation Access Pass Account—State Appropriation.....</u>	<u>\$20,000</u>	
Economic Development Strategic Reserve Account—State Appropriation.....	(\$1,650,000)	
		<u>\$2,150,000</u>
TOTAL		
APPROPRIATION.....	\$470,673,000	
		<u>\$495,426,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Repayments of outstanding mortgage and rental assistance program loans administered by the department under RCW 43.63A.640 shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(2) \$945,000 of the general fund—state appropriation for fiscal year 2016, ~~(\$945,000)~~ \$1,955,000 of the general fund—state appropriation for fiscal year 2017, and ~~(\$12,541,000)~~ \$14,493,000 of the home security fund—state appropriation are provided solely for the office of homeless youth prevention and protection programs, pursuant to chapter 69, Laws of 2015 (youth homelessness). Of the amounts provided in this subsection:

(a) \$10,741,000 of the home security fund—state appropriation is provided solely for the department to contract for services pursuant to RCW 13.32A.030 and 74.15.220 as recodified in chapter 69, Laws of 2015 (youth homelessness). The department shall contract and collaborate with service providers in a manner that maintains the availability and geographic representation of secure and semi-secure crisis residential centers and HOPE centers. To achieve efficiencies and increase utilization, the department shall allow the co-location of these centers, except that a youth may not be placed in a secure facility or the secure portion of a co-located facility except as specifically authorized by chapter 13.32A RCW as recodified in chapter 69, Laws of 2015 (youth homelessness);

(b) \$1,800,000 of the home security fund—state appropriation is provided solely for transitional housing assistance or partial payments for rental assistance under the independent youth housing program;

(c) \$512,000 of the general fund—state appropriation for fiscal year 2016 and ~~(\$511,000)~~ \$1,311,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for street youth services. Of the amount appropriated for fiscal year 2017, \$120,000 is provided solely for increasing services in south King county; ~~(and)~~

(d) \$433,000 of the general fund—state appropriation for fiscal year 2016 and \$434,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for administration of the office of homeless youth prevention and protection programs. The office must identify service gaps for youth and young adults who are homeless or at risk of homelessness. The office shall further lead efforts to improve data collection, help ensure services are available statewide, and assure that programs fulfill federal regulations and guidelines for preventing and ending youth homelessness(-);

(e) \$1,028,000 of the home security fund—state appropriation is provided solely for the department to increase the number of contracted HOPE beds;

(f) \$210,000 of the general fund—state appropriation for fiscal year 2017 and \$210,000 of the home security fund—state appropriation are provided solely for the department to contract for services to provide

shelter beds for young adults aged eighteen through twenty-four; and

(g) \$714,000 of the home security fund—state appropriation is provided solely for the implementation of Second Substitute House Bill No. 2449 (truancy reduction) for ten crisis residential center beds as provided in the bill. If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(3) \$500,000 of the general fund—state appropriation for fiscal year 2016 and \$500,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(4) \$306,000 of the general fund—state appropriation for fiscal year 2016 and \$306,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a grant to the retired senior volunteer program.

(5) The department shall administer its growth management act technical assistance and pass-through grants so that smaller cities and counties receive proportionately more assistance than larger cities or counties.

(6) \$375,000 of the general fund—state appropriation for fiscal year 2016 and \$375,000 of the general fund—state appropriation for fiscal year 2017 are provided solely as pass-through funding to Walla Walla Community College for its water and environmental center.

(7) \$396,000 of the general fund—state appropriation for fiscal year 2016 and \$396,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington new Americans program.

(8) \$2,801,000 of the general fund—state appropriation for fiscal year 2016 and \$2,801,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for associate development organizations. During the 2015-2017 fiscal biennium, the department shall consider an associate development organization's total resources when making contracting and fund allocation decisions, in addition to the schedule provided in RCW 43.330.086.

~~(9) (\$234,000 of the general fund—state appropriation for fiscal year 2016 and \$233,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington asset building coalitions.~~

~~(10))~~ \$5,607,000 of the liquor revolving account—state appropriation is provided solely for the department to contract with the municipal research and services center of Washington.

~~((11))~~ (10) \$2,000,000 of the Washington housing trust account—state appropriation and \$1,000,000 of the affordable housing for all account—state appropriation are provided solely for the department of commerce for services to homeless families through the Washington youth and families fund.

~~((12))~~ (11) \$5,000,000 of the home security account—state appropriation is provided solely for the

department of commerce to provide emergency assistance to homeless families in the temporary assistance for needy families program.

~~((13))~~ (12) \$700,000 of the general fund—state appropriation for fiscal year 2016 and \$700,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the department to identify and invest in strategic growth areas, support key sectors, and align existing economic development programs and priorities. The department must consider Washington's position as the most trade dependent state when identifying priority investments. The department must engage states and provinces in the northwest as well as associate development organizations, small business development centers, chambers of commerce, ports, and other partners to leverage the funds provided. For each dollar expended the department must receive a one hundred percent match. The match may be provided by the department through nongeneral fund sources, or any partnering governments or organizations. Sector leads established by the department must include the industries of: (a) Tourism; (b) agriculture, wood products, and other natural resource industries; and (c) clean technology and renewable and nonrenewable energy. The department may establish these sector leads by hiring new staff, expanding the duties of current staff, or working with partner organizations and or other agencies to serve in the role of sector lead.

~~((14))~~ (13) The department is authorized to suspend issuing any nonstatutorily required grants or contracts of an amount less than \$1,000,000 per year.

~~((15))~~ (14) The department is authorized to require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet mandatory conservation targets.

~~((16))~~ (15) Within existing resources, the department shall provide administrative and other indirect support to the developmental disabilities council.

~~((17))~~ (16) \$546,000 of the general fund—state appropriation for fiscal year 2016 and \$512,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 68, Laws of 2015 (agricultural labor skills and safety).

~~((18))~~ (17) \$256,000 of the general fund—state appropriation for fiscal year 2016 and \$268,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 296, Laws of 2015 (small business retirement marketplace).

~~((19))~~ (18) \$1,677,000 of the financial fraud and identity theft crimes investigation and prosecution account—state appropriation is provided solely for implementation of chapter 65, Laws of 2015 (financial fraud and identity theft).

~~((20) Within existing resources, the department of commerce shall examine the effects of incompatible land use surrounding military installations within Washington state and conduct a comparative analysis of best practices from other states to mitigate conflicts between local jurisdictions and neighboring military installations due to incompatible land use. The department shall submit its~~

~~analysis to the governor and the appropriate committees of the legislature by November 1, 2016.)~~

~~(19) \$98,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the department of commerce to examine the effects of incompatible land use surrounding military installations within Washington state, and conduct a comparative analysis of best practices from other states to mitigate conflicts between local jurisdictions and neighboring military installations due to incompatible land use. The department of commerce must submit its analysis to the governor and the appropriate committees of the legislature by December 1, 2016.~~

~~((21)) (20) \$175,000 of the general fund—state appropriation for fiscal year 2016 and \$175,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the expansion of the long-term care ombuds program to meet the immediate needs of individuals by advocating on behalf of and protecting residents of long-term care facilities from abuse, neglect, and exploitation.~~

~~((22)) (21) \$47,000 of the general fund—state appropriation for fiscal year 2016 and \$47,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 273, Laws of 2015 (trafficking of persons).~~

~~((23)) (22) \$41,000 of the general fund—state appropriation for fiscal year 2016 and \$41,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 101, Laws of 2015 (trafficking of persons training).~~

~~((24)) (23) \$468,000 of the financial services regulation account—state appropriation is provided solely for the family prosperity account program.~~

~~((25)) (24) \$472,000 of the energy freedom account—state appropriation is provided solely for the energy office within the department of commerce.~~

~~((26)) (25) \$11,000 of the general fund—state appropriation for fiscal year 2016 and \$11,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 9, Laws of 2015 1st sp. sess. (industrial/manufacturing facilities).~~

~~((27)) (26) Within existing resources, the department of commerce shall consult with key crime victim services stakeholders to inform decisions about the funding distribution for federal fiscal years 2015-2017 victims of crime act victim assistance funding. These stakeholders must include, at a minimum, children's advocacy centers of Washington, Washington association of prosecuting attorneys, Washington association of sheriffs and police chiefs, Washington coalition against domestic violence, Washington coalition of sexual assault programs, Washington coalition of crime victim advocates, at least one representative from a child health coalition, and other organizations as determined by the department. Funding distribution considerations shall include, but are not limited to, geographic distribution of services, underserved populations, age of victims, best practices, and the unique needs of individuals, families, youth, and children who are victims of crime.~~

~~((28)) (27) \$250,000 of the general fund—state appropriation for fiscal year 2016 and \$250,000 of the~~

general fund—state appropriation for fiscal year 2017 are provided solely for grants to local governments, nonprofit organizations, and associate development organizations to assist workers and communities adversely impacted by recent closures of timber mills and forest product manufacturing facilities in Mason county. Funds may be used for workforce and economic development activities, including public infrastructure projects that will increase employment opportunities in the county.

~~((29)) (28) \$643,000 of the liquor excise tax account—state appropriation is provided solely for the department of commerce to provide fiscal note assistance to local governments.~~

~~((30)) (29) \$80,000 of the general fund—state appropriation for fiscal year 2016 and \$80,000 of the general fund—state appropriation for fiscal year 2017 is provided solely as a grant to Klickitat county for a land use planner to process a backlog of permits that have not been processed by the Columbia river gorge commission due to lack of funds.~~

~~((31)) (30) \$50,000 of the general fund—state appropriation for fiscal year 2016 and \$50,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to plan and develop a regional approach in southwest King county to provide day and hygiene shelter services to homeless populations. The plan will identify appropriate partners and a service model to meet regional needs; evaluate the establishment of a facility or facilities to provide day and hygiene services; and within the amounts provided work with existing providers to expand existing services to provide day and hygiene shelter services.~~

~~((32)) (31) \$100,000 of the general fund—state appropriation for fiscal year 2016 and \$100,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for grants to Safe Yakima Valley and ~~(Associated Ministries)~~ Safe Streets of Tacoma to coordinate community efforts for the prevention of alcohol, tobacco, drug use and violence.~~

~~((33)) (32) Within the amounts provided, the public works board may expend up to \$250,000 of the public work assistance account—state appropriation for development of a curriculum and online delivery system in cooperation with the state board for community and technical colleges for public works managers.~~

~~((34)) (33) \$500,000 of the public works assistance account—state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5624 (financing essential public infrastructure). If Engrossed Senate Joint Resolution No. 8204 is not ratified at the November 2015 general election, the amount provided in this subsection shall lapse.~~

~~((35)) (34) The department must convene a work group of interested stakeholders to review the state's deed of trust act contained in Title 61 RCW. The work group should include, but not be limited to, representatives from financial institutions, loan servicing and trustee service companies, and advocacy groups representing homeowners and borrowers. The work group is tasked to review and make recommendations to ensure that the act remains a workable system for financial institutions, loan servicing companies, trustee, homeowners, and borrowers. A report~~

on the review and recommendations is due to the governor and legislature by December 1, 2015. Up to \$20,000 from the foreclosure fairness account may be used to defray the department's costs for convening and providing administrative and technical support to the work group.

~~((36))~~ (35) \$5,000 of the general fund—state appropriation for fiscal year 2016 and \$45,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the department to contract with the University of Washington women's center to conduct a study to research supply chain policies related to labor practices of small, medium, and large businesses. The study shall analyze whether or not there is a correlation between supply chain management practices that protect workers from human trafficking and unsafe working conditions and higher shareholder value and/or market share. The study will examine the impact of corporate sourcing practices in social media feedback and in customer satisfaction. The study shall provide case studies and best practices in ethical sourcing practices that protect workers. The study shall recommend how to evaluate and monitor supply chain management related to labor and vendor management practices of companies without bias. The study shall make recommendations on how the state can design legislation on global ethical sourcing practices that is comprehensive, pragmatic and enforceable. The study shall be presented to the house and senate commerce and labor committees no later than January 31, ~~((2016))~~ 2017.

~~((37))~~ (36) \$300,000 of the general fund—state appropriation for fiscal year 2016 and \$300,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the northwest agriculture business center.

(37) \$572,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Substitute House Bill No. 2323 (achieving a better life experience program). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(38) \$105,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Senate Bill No. 6166 (incremental energy). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(39) \$4,782,000 of the home security fund—state appropriation and \$1,838,000 of the affordable housing for all account—state appropriation are provided solely for the consolidated homeless grant.

(40) \$693,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6564 (protections for persons with developmental disabilities). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(41) \$787,000 of the home security fund—state appropriation is provided solely for the consolidated homeless grant for youth specific programs and services.

(42) \$150,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the regulatory roadmap program for the construction industry.

(43) \$500,000 of the economic development strategic reserve account—state appropriation is provided

solely for the department to provide grants to local governments to assist a county or city east of the Cascades in paying for the cost of preparing an environmental analysis that advances environmental permitting activities in and around current and future large manufacturing sites and other key economic growth centers.

(44) \$20,000 of the recreational access pass account—state appropriation is provided solely as a grant to Skamania county for court costs related to processing discover pass violations. If the rate of discover pass violations dismissed in Skamania county during the 2015-2017 fiscal biennium exceeds twelve percent, the funding in this subsection shall lapse.

(45) \$50,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Engrossed Senate Bill No. 6100 (economic gardening pilot program). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(46) \$1,000,000 of the home security fund—state appropriation is provided solely for implementation of section 3 of Third Substitute House Bill No. 1682 (homeless students). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(47) \$23,000 of the general fund—state appropriation for fiscal year 2017 and \$437,000 of the Washington sexual assault kit account are provided solely for implementation of Second Substitute House Bill No. 2530 (victims of sex crimes). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(48) \$50,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the department of commerce to study, directly or through contract, the retirement preparedness of Washington residents based on region, age, race, type of employment, and income. The report shall include estimates on impact on the state and local communities of any shortfalls in retirement savings or income, including on public budgets from a loss of economic activity by seniors. The report shall be provided to the appropriate committees of the legislature by June 30, 2017.

(49) \$76,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Substitute House Bill No. 2711 (sexual assault nurses). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(50) \$197,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Second Substitute House Bill No. 2791 (WA statewide reentry council). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

Sec. 127. 2015 3rd sp.s. c 4 s 129 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund—State Appropriation (FY 2016)~~((802,000))~~  
\$805,000

General Fund—State Appropriation (FY 2017)~~((870,000))~~

	<u>\$888,000</u>
Lottery Administrative Account—State	
Appropriation.....	\$50,000
TOTAL APPROPRIATION	<u>\$1,722,000</u>
	<u>\$1,743,000</u>
<b>Sec. 128.</b> 2015 3rd sp.s. c 4 s 130 (uncodified) is amended to read as follows:	
<b>FOR THE OFFICE OF FINANCIAL MANAGEMENT</b>	
General Fund—State Appropriation (FY	
2016).....	(( <u>\$19,280,000</u> ))
	<u>\$12,256,000</u>
General Fund—State Appropriation (FY	
2017).....	(( <u>\$19,623,000</u> ))
	<u>\$13,215,000</u>
General Fund—Federal Appropriation .....	
	(( <u>\$38,321,000</u> ))
	<u>\$38,822,000</u>
General Fund—Private/Local Appropriation.....	
Economic Development Strategic Reserve Account—State	\$498,000
Appropriation .....	\$310,000
Personnel Service Fund—State	
Appropriation.....	(( <u>\$8,609,000</u> ))
	<u>\$8,696,000</u>
Higher Education Personnel Services Account—State	
Appropriation .....	\$1,497,000
Performance Audits of Government Account—State	
Appropriation .....	(( <u>\$536,000</u> ))
	<u>\$534,000</u>
Statewide Information Technology System Development	
Revolving Account—State Appropriation .....	\$15,799,000
<u>Office of Financial Management Central</u>	
<u>Service Account—State Appropriation.....</u>	<u>\$14,610,000</u>
TOTAL	
APPROPRIATION .....	<u>\$104,654,000</u>
	<u>\$106,237,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section represent a transfer of expenditure authority of \$2,333,000 of the general fund—federal appropriation for fiscal year 2016 and \$1,782,000 of the general fund—federal appropriation for fiscal year 2017 to the office of financial management to implement Engrossed Substitute Senate Bill No. 5084 (all payer claims database).

(2) \$13,799,000 of the statewide information technology system development revolving account—state appropriation is provided solely for prepayment of the debt service for the time, leave, and attendance system. The enterprise time, leave, and attendance project shall be discontinued, but the office and other state agencies may utilize acquired project assets for other purposes to the extent practicable.

(3) \$50,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for implementation of Engrossed Second Substitute House Bill No. 1491 (early care and education system). If the bill is not enacted by July 10, 2015, the amount provided in this subsection shall lapse.

(4) \$33,000 of the general fund—state appropriation for fiscal year 2017 is provided one time

solely to implement chapter 244, Laws of 2015 (college bound scholarship).

(5) \$168,000 of the general fund—state appropriation for fiscal year 2016 and \$163,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to implement chapter 245, Laws of 2015 (outdoor recreation).

(6)(a) Within funds appropriated in this section, the education data center created in RCW 43.41.400 shall complete an evaluation of the state need grant and submit a report to the appropriate committees of the legislature by December 1, 2016. To the extent it is not duplicative of other studies, the report shall evaluate educational outcomes emphasizing degree completion rates at the postsecondary levels. The report shall study certain aspects of the state need grant program, including but not limited to:

(i) State need grant recipient grade point average and its relationship to positive outcomes, including but not limited to:

(A) Variance between community and technical colleges and the four-year institutions of higher education;

(B) Variance between state need grant recipients and students on the state need grant unserved waiting list; and

(C) Differentials between quarter or semester grade point averages and cumulative grade point averages.

(ii) Possible outcomes of requiring a minimum grade point average, per semester or quarter or cumulatively, for state need grant renewal.

(b) Beginning July 1, 2016, the student achievement council and all institutions of higher education eligible to participate in the state need grant shall ensure that data needed to analyze and evaluate the effectiveness of the state need grant program are promptly transmitted to the education data center so that it is available and easily accessible. The data to be reported must include but not be limited to:

(i) The number of state need grant recipients;

(ii) The number of students on the unserved waiting list of the state need grant;

(iii) Persistence and completion rates of state need grant recipients and students on the state need grant unserved waiting list, disaggregated by institutions of higher education;

(iv) State need grant recipients and students on state need grant unserved waiting list grade point averages; and

(v) State need grant program costs.

(c) The student achievement council shall submit student unit record data for the state need grant program applicants and recipients to the education data center.

(7) \$250,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a contract with a consultant to examine the current configuration and financing of the state hospital system pursuant to Engrossed Second Substitute House Bill No. 2453 (state hospital oversight) or Substitute Senate Bill No. 6656 (state hospital practices).

(8) \$50,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the office of financial management to convene a work group

including local governments, relevant state agencies, and legislators to develop a local government infrastructure investment strategy.

(a) The strategy must:

(i) Identify state policy objectives related to local infrastructure investment;

(ii) Identify existing state, local, and federal sources of funding for local infrastructure systems, including drinking water, wastewater, storm water, and community facilities;

(iii) Identify resource gaps and assess potential new investment and revenue tools to fill those gaps, including, but not limited to: Issuing state bonds, outside the debt limit, for infrastructure loans with debt service repaid by local governments; pooled bonding; public-private partnerships; and investment incentives; and

(iv) Evaluate a mixture of infrastructure investments to be funded at both the state and local levels.

(b) The work group must include representatives of the department of ecology, the department of health, the public works board, the department of commerce, local governments, and the office of the state treasurer. The work group must also include two members of the house of representatives, one from each major caucus, appointed by the speaker of the house of representatives, and two members of the senate, one from each major caucus, appointed by their respective caucus leaders.

(c) A report outlining the local government investment strategy must be submitted to the governor and the appropriate committees of the legislature by October 31, 2016, along with draft legislation and budget proposals for consideration during the 2017 legislative session.

(9) \$150,000 of the general fund—state appropriation for fiscal year 2016 and \$150,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the cost to support the blue ribbon commission on delivery of services to children and families established by the governor's executive order 16-03. The commission shall develop recommendations on whether to create a separate state department of children and families, including a mission and vision for the new department, new organization structures, estimated costs, transition plans, and benchmarks for assessing the improvements in outcomes for children and families expected to result from the reorganization, including the metrics to measure those short and long-term expected outcomes, and the expected impact on total administrative costs among the involved state agencies. The commission shall produce recommendations no later than November 1, 2016.

(10) Within the amounts appropriated in this section, the office of financial management, with the assistance of the department of enterprise services, department of commerce, and office of the state treasurer, shall develop a proposal for the purchase of the Pacific tower from the Pacific hospital preservation and development authority. The proposal must assume the purchase will be financed by state general obligation indebtedness. The office may propose to include other forms of financing if it is determined by the office of the state treasurer that other alternatives are feasible and financially beneficial for the state. The proposal should also quantify the fair market value of the property using

available information on the current condition and value of the building and should quantify the portion of the fair market value attributable to capital improvements to the property paid or to be paid with state funds. The office's facilities oversight program must use the information to perform a life-cycle cost analysis of the building and identify opportunities to locate state agencies with leases within King county in Pacific tower to reduce the state's lease costs. The proposal is due to the governor and the legislative fiscal committees by December 1, 2016, for consideration in the 2017-2019 capital budget process to purchase the Pacific tower.

**Sec. 129.** 2015 3rd sp.s. c 4 s 131 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account—State  
Appropriation ..... ((~~\$38,458,000~~))  
\$38,426,000

**Sec. 130.** 2015 3rd sp.s. c 4 s 132 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account—State  
Appropriation ..... ((~~\$28,427,000~~))  
\$28,797,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$690,000 of the lottery administrative account—state appropriation is provided solely for the replacement of the lottery's gaming systems vendor contract.

(2) No portion of this appropriation may be used for acquisition of gaming system capabilities that violates state law.

(3) Pursuant to RCW 67.70.040, the commission shall take such action necessary to reduce by \$6,000,000 each fiscal year the total amount of compensation paid to licensed lottery sales agents. It is anticipated that the result of this action will reduce retail commissions to an average of 5.1 percent of sales.

**Sec. 131.** 2015 3rd sp.s. c 4 s 133 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund—State Appropriation (FY 2016)((~~\$248,000~~))  
\$260,000  
General Fund—State Appropriation (FY 2017)((~~\$257,000~~))  
\$259,000  
TOTAL APPROPRIATION...\$505,000  
\$519,000

**Sec. 132.** 2015 3rd sp.s. c 4 s 134 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund—State Appropriation (FY 2016)((~~\$250,000~~))

	<u>\$254,000</u>
General Fund—State Appropriation (FY 2017)	( <del>(\$252,000)</del> )
	<u>\$260,000</u>
TOTAL APPROPRIATION ..	<u>\$502,000</u>
	<u>\$514,000</u>

**Sec. 133.** 2015 3rd sp.s. c 4 s 135 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS**

Department of Retirement Systems Expense	
Account—State Appropriation.....	( <del>(\$55,329,000)</del> )
	<u>\$58,790,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$25,000 of the department of retirement systems expense account—state appropriation is provided solely to implement chapter 78, Laws of 2015 (SHB 1194).

(2) \$42,000 of the department of retirement systems expense account—state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5873 (LEOFF 1 survivor option). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(3) \$136,000 of the department of retirement systems expense account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6264 (annuity purchases). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(4) \$7,000 of the department of retirement systems expense account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6523 (emergency medical services). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(5) \$90,000 of the department of retirement systems expense account—state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6455 (substitute teachers). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(6) \$308,000 of the department of retirement systems expense account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5435 (optional salary deferral program). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

**Sec. 134.** 2015 3rd sp.s. c 4 s 136 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund—State Appropriation (FY 2016).....	( <del>(\$119,358,000)</del> )
	<u>\$105,475,000</u>
General Fund—State Appropriation (FY 2017).....	( <del>(\$120,551,000)</del> )
	<u>\$110,470,000</u>
Financial Services Regulation Account—State	

Appropriation .....	( <del>(\$5,000,000)</del> )
	<u>\$10,000,000</u>
Timber Tax Distribution Account—State	
Appropriation .....	( <del>(\$6,556,000)</del> )
	<u>\$6,604,000</u>
Waste Reduction/Recycling/Litter Control—State	
Appropriation .....	\$141,000
State Toxics Control Account—State	
Appropriation .....	\$101,000
Business License Account—State	
Appropriation .....	( <del>(\$24,315,000)</del> )
	<u>\$24,590,000</u>
Performance Audits of Government Account—State	
Appropriation .....	<u>\$10,000,000</u>
TOTAL	
APPROPRIATION .....	<u>\$276,022,000</u>
	<u>\$267,381,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$5,740,000 of the general fund—state appropriation for fiscal year 2016, \$5,741,000)~~) \$5,628,000 of the general fund—state appropriation for fiscal year 2017, and (~~(\$11,481,000)~~) \$7,890,000 of the business license account—state appropriation are provided solely for the taxpayer legacy system replacement project.

(2) \$487,000 of the general fund—state appropriation for fiscal year 2016 and \$582,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Substitute Senate Bill No. 5186 (disabled veterans and seniors). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse.

(3) \$60,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Substitute Senate Bill No. 6211 (nonprofit homeownership development). If the bill is not enacted by June 30, 2016, the amount in this subsection shall lapse.

(4) \$10,000 of the fiscal year 2016 general fund—state appropriation is provided solely for the administrative costs of the department of revenue to exercise its statutory authority under chapter 82.32 RCW to enter into closing agreements with any person to waive unpaid penalties on taxes due under RCW 82.04.2907, for all periods open for assessment under chapter 82.32 RCW beginning on or after June 1, 2010, through June 30, 2016, if paid by October 1, 2016.

(5) \$21,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6328 (vapor products). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

**Sec. 135.** 2015 3rd sp.s. c 4 s 137 (uncodified) is amended to read as follows:

**FOR THE BOARD OF TAX APPEALS**

General Fund—State Appropriation (FY 2016) .....	( <del>(\$1,269,000)</del> )
	<u>\$1,321,000</u>
General Fund—State Appropriation (FY 2017) .....	( <del>(\$1,286,000)</del> )

\$1,303,000  
 TOTAL APPROPRIATION ~~\$2,555,000~~  
\$2,624,000

**Sec. 136.** 2015 3rd sp.s. c 4 s 138 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES**  
 OMWBE Enterprises Account—State  
 Appropriation.....(~~(\$4,730,000)~~)  
\$4,889,000

**Sec. 137.** 2015 3rd sp.s. c 4 s 139 (uncodified) is amended to read as follows:

**FOR THE INSURANCE COMMISSIONER**  
 General Fund—State Appropriation (FY 2016)..... \$300,000  
 General Fund—State Appropriation (FY 2017)..... \$227,000  
 General Fund—Federal Appropriation .....(~~(\$4,572,000)~~)  
\$4,571,000  
 Insurance Commissioners Regulatory Account—State  
 Appropriation .....(~~(\$54,415,000)~~)  
\$55,772,000  
 TOTAL  
 APPROPRIATION..... ~~\$59,514,000~~  
\$60,870,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$168,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of chapter 17, Laws of 2015 (HB 1172).

(2) \$129,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of chapter 63, Laws of 2015 (HB 1077).

(3) \$272,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of chapter 122, Laws of 2015 (SB 5717).

(4) \$25,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of chapter 19, Laws of 2015 (SSB 5023).

(5) \$283,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of House Bill No. 2326 (independent review organizations). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(6) \$143,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Senate Bill No. 5180 (life insurance reserves). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(7) \$797,000 of the insurance commissioners regulatory account—state appropriation is provided solely for the implementation of Fifth Engrossed Substitute Senate Bill No. 5857 (pharmacy benefit managers). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

**Sec. 138.** 2015 3rd sp.s. c 4 s 140 (uncodified) is amended to read as follows:

**FOR THE STATE INVESTMENT BOARD**  
 State Investment Board Expense Account—State  
 Appropriation ..... (~~(\$42,452,000)~~)  
\$42,568,000

**Sec. 139.** 2015 3rd sp.s. c 4 s 141 (uncodified) is amended to read as follows:

**FOR THE LIQUOR AND CANNABIS BOARD**  
 Dedicated Marijuana Fund—State  
 Appropriation (FY 2016)..... (~~(\$7,367,000)~~)  
\$7,736,000  
 Dedicated Marijuana Fund—State  
 Appropriation (FY 2017)..... (~~(\$7,821,000)~~)  
\$8,481,000  
 Liquor Revolving Account—State  
 Appropriation ..... (~~(\$64,008,000)~~)  
\$66,830,000  
 General Fund—Federal Appropriation..... (~~(\$2,822,000)~~)  
\$2,821,000  
General Fund—State Appropriation (FY 2017) ..... \$260,000  
 General Fund—Private/Local Appropriation ..... \$25,000  
 TOTAL  
 APPROPRIATION ..... ~~\$82,043,000~~  
\$86,153,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,183,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and \$2,818,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for implementation of Substitute House Bill No. 2136 (marijuana market reforms) and Second Substitute Senate Bill No. 5052 (cannabis patient protection). If either bill is not enacted by July 10, 2015, the amount provided in this subsection shall lapse.

(2) \$376,000 of the liquor revolving fund—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5280 (beer and cider sales). If the bill is not enacted by July 10, 2015, the amount provided in this subsection shall lapse.

(3) \$2,641,000 of the liquor revolving account—state appropriation is provided solely for additional cigarette and tobacco enforcement. The liquor control board must provide additional cigarette and tobacco enforcement officers and pursue strategies to reduce the amount of smuggled, contraband, and otherwise untaxed cigarette and tobacco products in the state. The liquor control board must report the amount of untaxed cigarette and tobacco taxes recovered in comparison to past years to the appropriate committees of the legislature by January 1, 2016, and January 1, 2017.

(4) \$366,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Substitute House Bill No. 2831 (small business liquor sales). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(5) The appropriations in this section include sufficient funding for the implementation of Engrossed Substitute Senate Bill No. 6470 (wineries).

(6) \$260,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6238 (vapor products). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(7) The liquor and cannabis board may require electronic payment of the marijuana excise tax levied by RCW 69.50.535. The liquor and cannabis board may allow a waiver to the electronic payment requirement for good cause as provided by rule.

**Sec. 140.** 2015 3rd sp.s. c 4 s 142 (uncodified) is amended to read as follows:

**FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

General Fund—State Appropriation (FY 2016).....	\$176,000
General Fund—Private/Local	
Appropriation.....	(((\$11,324,000))
	\$16,326,000
Public Service Revolving Account—State	
Appropriation .....	(((\$39,041,000))
	\$36,724,000
Pipeline Safety Account—State	
Appropriation.....	(((\$2,050,000))
	\$3,286,000
Pipeline Safety Account—Federal	
Appropriation.....	\$2,981,000
<b>TOTAL</b>	
<b>APPROPRIATION</b> .....	<b>\$55,572,000</b>
	<b>\$59,493,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall work with the Idaho public utilities commission and the public utility commission of Oregon to identify common regulatory functions that can be performed jointly, with the goal of formalizing an agreement that protects essential services while increasing regulatory effectiveness and efficiencies through economies of scale. The commission is authorized to enter into an agreement with such other state public utility commissions to work jointly in administering specified respective regulatory functions.

(2) \$2,849,000 of the public service revolving account—state appropriation is provided solely for implementation of chapter 274, Laws of 2015 (Engrossed Substitute House Bill No. 1449) (oil transportation safety).

(3) \$176,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the energy facility site evaluation council to conduct a study on the siting of small modular reactors in Washington.

(a) The study must include the following: (i) Identification of possible locations in the state where small modular reactors could be suitably located; (ii) identification of permits and studies that would need to be conducted in order to facilitate the siting of small modular reactors; and (iii) recommendations on how the siting and permitting process could be streamlined for small modular reactors.

(b) The energy facility site evaluation council shall report its findings and recommendations to the appropriate

committees of the legislature and the governor by December 1, 2015.

(c) The energy facility site evaluation council may contract for services to assist in the study.

(d) For purposes of this subsection, "small modular reactor" means a scalable nuclear power plant using reactors that each have a gross power output no greater than three hundred megawatts electric, and where each reactor is designed for factory manufacturing and ease of transport, such as by truck, rail, or barge.

(4) \$226,000 of the public service revolving account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6248 (transition of coal units). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

**Sec. 141.** 2015 3rd sp.s. c 4 s 143 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund—State Appropriation (FY 2016) ..	\$3,386,000
General Fund—State Appropriation (FY 2017) .....	(((\$3,417,000))
	\$3,654,000
General Fund—Federal Appropriation.....	(((\$136,393,000))
	\$136,380,000
Enhanced 911 Account—State	
Appropriation .....	(((\$57,917,000))
	\$56,594,000
Disaster Response Account—State	
Appropriation .....	(((\$21,749,000))
	\$41,383,000
Disaster Response Account—Federal	
Appropriation .....	(((\$75,870,000))
	\$107,317,000
Military Department Rent and Lease Account—State	
Appropriation .....	\$615,000
Worker and Community Right-to-Know Account—State	
Appropriation .....	(((\$2,886,000))
	\$2,888,000
Oil Spill Prevention Account—State	
Appropriation .....	\$1,000,000
<b>TOTAL</b>	
<b>APPROPRIATION</b> .....	<b>\$303,233,000</b>
	<b>\$353,217,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((Appropriations from the disaster response account—state appropriation and the disaster response account—federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management.))~~ The military department shall submit a report to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2015-2017 biennium based on current revenue and expenditure patterns.

(2) \$60,000,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions: Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee.

(3) \$1,000,000 of the oil spill prevention account—state appropriation is provided solely for implementation of chapter 274, Laws of 2015 (Engrossed Substitute House Bill No. 1449) (oil transportation safety).

(4) \$100,000 of the general fund—state appropriation for fiscal year 2016 and \$100,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the conditional scholarship program pursuant to chapter 28B.103 RCW.

(5) \$5,000,000 of the enhanced 911 account—state appropriation is provided solely for financial assistance to counties to replace analog 911 telephone and network equipment with next generation 911 capable technology.

(6) \$1,850,000 of the disaster response account—state appropriation is provided solely to Okanogan and Ferry counties to address deficiencies within their communications infrastructure for 911 dispatch. Funds will be used to replace failing radio dispatching hardware within 911 dispatch centers; build interoperable communications between each county's dispatch center such that each can serve as a back-up to the other; and build upon the existing wireless microwave network for 911 calls, dispatch centers, and first responder radio operations. Prior to releasing any state funds, the department will consult with the counties to determine if federal funds are available for any proposed expenditure and assist the counties with any application for such funds.

(7) \$130,000 of the enhanced 911 account—state appropriation is provided solely for the department to conduct a pilot program within King county to implement a mobile phone application that notifies persons trained in cardiopulmonary resuscitation of persons nearby who are having a cardiac emergency. The department may partner with the county, a city, a fire district, or a search and rescue organization for purposes of implementing the application and software-as-a-service in an existing computer-aided dispatch system. The department will report the results of the pilot program to the legislature by December 1, 2016.

(8) \$5,679,000 of the enhanced 911 account—state appropriation is provided solely for transitioning to an internet protocol based next generation 911 network and increased network costs during the transition and hardware required for the new system. The department's activities and procurement is a major information technology project subject to oversight and review by the office of the chief information officer.

(9) \$392,000 of the disaster response account—state appropriation is provided solely for fire suppression training and equipment to national guard soldiers and airmen.

Sec. 142. 2015 3rd sp.s. c 4 s 144 (uncodified) is amended to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund—State Appropriation (FY 2016) .....	(\$1,845,000))
	<u>\$1,868,000</u>
General Fund—State Appropriation (FY 2017) .....	(\$1,944,000))
	<u>\$2,025,000</u>
Higher Education Personnel Services Account—State Appropriation .....	(\$1,143,000))
	<u>\$1,209,000</u>
Personnel Service Account—State Appropriation .....	(\$3,577,000))
	<u>\$3,629,000</u>
	<b>TOTAL APPROPRIATION</b>
	<u>\$8,509,000</u>
	<u>\$8,731,000</u>

Sec. 143. 2015 3rd sp.s. c 4 s 145 (uncodified) is amended to read as follows:

**FOR THE BOARD OF ACCOUNTANCY**

Certified Public Accountants' Account—State Appropriation .....	(\$6,095,000))
	<u>\$6,117,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$3,300,000 of the certified public accountants' account—state appropriation is provided solely for deposit into the certified public accounting transfer account to fund Washington-based colleges and universities for students pursuing degrees in accounting or taxation as provided in chapter 215, Laws of 2015 (Substitute Senate Bill No. 5534).

Sec. 144. 2015 3rd sp.s. c 4 s 146 (uncodified) is amended to read as follows:

**FOR THE FORENSIC INVESTIGATION COUNCIL**

Death Investigations Account—State Appropriation .....	(\$500,000))
	<u>\$502,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the death investigations account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

(2) \$210,000 of the death investigations account appropriation is provided solely for providing financial assistance to local jurisdictions in identifying human remains.

Sec. 145. 2015 3rd sp.s. c 4 s 147 (uncodified) is amended to read as follows:

**FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Operating Account—State Appropriation .....	(\$3,654,000))
	<u>\$3,665,000</u>

**Sec. 146.** 2015 3rd sp.s. c 4 s 148 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

General Fund—State Appropriation (FY 2016).....	<del>(\$2,874,000)</del>	<u>\$2,769,000</u>
General Fund—State Appropriation (FY 2017).....	<del>(\$3,585,000)</del>	<u>\$3,466,000</u>
General Fund—Private/Local Appropriation.....	\$102,000	
Building Code Council Account—State Appropriation.....	<del>(\$1,256,000)</del>	<u>\$1,022,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2016).....	\$95,000	
<b>TOTAL APPROPRIATION</b>	<del>\$7,912,000</del>	<u>\$7,454,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$2,537,000)~~ \$2,432,000 of the general fund—state appropriation for fiscal year 2016, ~~(\$3,243,000)~~ \$3,138,000 of the general fund—state appropriation for fiscal year 2017, and \$1,584,000 from the fee charged to master contract vendors are provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, legislative support services, joint legislative systems committee, and office of support services. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall maintain an interagency agreement with these agencies to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The legislative agencies named in this subsection shall continue to enjoy all of the same rights of occupancy and space use on the capitol campus as historically established.

(2) In accordance with RCW 46.08.172 and 43.135.055, the department is authorized to increase parking fees in fiscal years 2016 and 2017 as necessary to meet the actual costs of conducting business.

(3) Before any agency may purchase a passenger motor vehicle as defined in RCW 43.19.560, the agency must have written approval from the director of the department of enterprise services.

(4) From the fee charged to master contract vendors, the department shall transfer to the office of minority and women's business enterprises in equal monthly installments \$893,000 in fiscal year 2016 and \$1,599,000 in fiscal year 2017.

(5) \$95,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2136 (marijuana market reforms). If the bill is not enacted by July 10, 2015, the amount provided in this subsection shall lapse.

(6) \$4,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a student capital

campus improvement competition. To be eligible, a student must be enrolled in a community or technical college. The department shall administer the competition, establish criteria for evaluating student proposals, and provide a grant award to the student that presents the best design for the installation of a functional, accurate, and aesthetic gnomon for the state's capital campus sundial.

**Sec. 147.** 2015 3rd sp.s. c 4 s 149 (uncodified) is amended to read as follows:

**FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS**

Volunteer Firefighters' and Reserve Officers' Administrative Account—State Appropriation .....	<del>(\$1,013,000)</del>	<u>\$1,011,000</u>
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**Sec. 148.** 2015 3rd sp.s. c 4 s 150 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

General Fund—State Appropriation (FY 2016) .....	<del>(\$1,363,000)</del>	<u>\$1,369,000</u>
General Fund—State Appropriation (FY 2017) .....	<del>(\$1,390,000)</del>	<u>\$1,395,000</u>
General Fund—Federal Appropriation.....	\$2,122,000	
General Fund—Private/Local Appropriation .....	\$14,000	
<b>TOTAL APPROPRIATION</b>	<del>\$4,889,000</del>	<u>\$4,900,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$121,000 of the general fund—state appropriation for fiscal year 2016 and \$121,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington main street program.

**Sec. 149.** 2015 3rd sp.s. c 4 s 151 (uncodified) is amended to read as follows:

**FOR THE CONSOLIDATED TECHNOLOGY SERVICES AGENCY**

General Fund—State Appropriation (FY 2016) ..	\$1,000,000	
General Fund—State Appropriation (FY 2017) <del>(\$450,000)</del>		<u>\$428,000</u>
Consolidated Technology Services Revolving Account—State Appropriation .....	<del>(\$7,368,000)</del>	<u>\$7,366,000</u>
<b>TOTAL APPROPRIATION</b>	<del>\$8,818,000</del>	<u>\$8,794,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) In conjunction with the office of the chief information officer's prioritization of proposed information technology expenditures, agency budget requests for proposed information technology expenditures shall include the following: The agency's priority ranking of each information technology request; the estimated cost for

the current biennium; the estimated total cost of the request over all biennia; and the expected timeline to complete the request. The office of the chief information officer and the office of financial management may request agencies to include additional information on proposed information technology expenditure requests.

(2) \$550,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the office of the chief information officer to develop a statewide strategic business and technology architecture plan for time capture, payroll and payment processes, and eligibility and authorization processes for the department of early learning. In collaboration with the department of early learning the plan will identify and recommend whether existing systems, or planned systems, can and should be used to meet the department of early learning's business needs. A child care attendance and billing solution must be designed or modified to align with the statewide enterprise strategy once the strategic architecture is established. The plan shall be completed and delivered to the appropriate committees of the legislature by December 1, 2015.

(3) \$450,000 of the general fund—state appropriation for fiscal year 2016 and ~~(\$450,000)~~ \$428,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to the office of the chief information officer for statewide technical oversight of information technology projects ~~((for time capture, payroll and payment processes, and eligibility and authorization processes. The office of the chief information officer shall identify where existing or proposed technology investments should be consolidated, identify when existing or proposed technology investments can be reused or leveraged to meet multi-agency needs, increase interoperability between agencies, and identify how redundant investments can be reduced overtime.))~~ or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, and eligibility, case management and authorization systems within the department of social and health services, the department of health, the department of early learning, and the health care authority. As part of the technical oversight, the office of the chief information officer shall identify where existing or proposed technology investments should be consolidated, reused, or otherwise leveraged to meet multiagency needs or increase interoperability, increase alignment with statewide policies, standards, strategies, architectures, and reduce redundant investments over time.

(4) ~~(\$7,368,000)~~ \$7,366,000 of the consolidated technology services revolving account—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1391 or Second Substitute Senate Bill No. 5315 (aligning information technology functions). If neither bill is enacted by July 10, 2015, the amount provided in this subsection shall lapse.

## PART II HUMAN SERVICES

**Sec. 201.** 2015 3rd sp.s. c 4 s 201 (uncodified) is amended to read as follows:

### FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(1) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(4) The department shall to the maximum extent practicable use the same system for delivery of spoken-language interpreter services for social services appointments as the one established for medical appointments in the health care authority. When contracting directly with an individual to deliver spoken language interpreter services, the department shall only contract with language access providers who are working at a location in the state and who are state-certified or state-authorized, except that when such a provider is not available, the department may use a language access provider who meets other certifications or standards deemed to meet state standards, including interpreters in other states.

(5) ~~(Information technology projects and proposed projects for time capture, payroll and payment processes, and eligibility and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information~~

~~officer~~) Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of social and health services are subject to technical oversight by the office of the chief information officer.

(6)(a) The department shall facilitate enrollment under the medicaid expansion for clients applying for or receiving state funded services from the department and its contractors. Prior to open enrollment, the department shall coordinate with the health care authority to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

(b) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. No later than October 1, 2015, the department shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for public assistance benefits.

(c) The department, in coordination with the health care authority, shall pursue a federal waiver to use supplemental nutrition assistance program eligibility, aged, blind, or disabled program eligibility, or temporary assistance for needy families eligibility, to enroll eligible persons into medicaid.

(7) In accordance with RCW 71.24.380, the health care authority and the department are authorized to purchase medical and behavioral health services through integrated contracts upon request of all of the county authorities in a regional service area to become an early adopter of fully integrated purchasing of medical and behavioral health services. The department may combine and transfer such amounts appropriated under sections 204, 208, and 213 of this act as may be necessary to fund early adopter contracts. The amount of medicaid funding transferred from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled, times the number of clients enrolled. The amount of non-medicaid funding transferred from sections 204 and 208 may not exceed the amount that would have been contracted with a behavioral health organization if the county authorities had not requested to become an early adopter of fully integrated purchasing. These limits do not apply to the amounts provided in section 204(1)(s) of this act. If any funding that this act provides solely for a specific purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(8) In accordance with RCW 71.24.380, the department is authorized to purchase mental health and substance use disorder services through integrated contracts with behavioral health organizations. The department may combine and transfer such amounts appropriated under sections 204 and 208 of this act as may be necessary to finance these behavioral health organization contracts. If any funding that this act provides solely for a specific

purpose is transferred under this subsection, that funding must be used consistently with the provisions and conditions for which it was provided.

(9)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2016, unless prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2016 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2016 caseload forecasts and utilization assumptions in the long-term care, foster care, adoptions support, medical personal care, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(10) To facilitate the authority provided in subsection (7) and (8) of this section, and to ensure a new accounting structure is in place as of July 1, 2017, the department is authorized to create a new program for accounting purposes only that combines the mental health program and alcohol and substance abuse program allotments and expenditures.

**Sec. 202.** 2015 3rd sp.s. c 4 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund—State Appropriation (FY 2016) .....	(\$329,792,000))
	<u>\$324,746,000</u>
General Fund—State Appropriation (FY 2017) .....	(\$338,161,000))
	<u>\$337,124,000</u>
General Fund—Federal Appropriation.....	(\$518,913,000))
	<u>\$511,676,000</u>
General Fund—Private/Local Appropriation .....	\$1,354,000
Domestic Violence Prevention Account—State	
Appropriation .....	\$1,908,000
Child and Family Reinvestment Account—State	
Appropriation .....	\$6,529,000
	<b>TOTAL</b>
APPROPRIATION .....	<u>\$1,196,657,000</u>

\$1,183,337,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Amounts appropriated in this section include funding for the department to establish basic foster care rates consistent with the settlement agreement in *FPAWS v. Quigley*.

(2) \$668,000 of the general fund—state appropriation for fiscal year 2016 and \$668,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to contract for the operation of one pediatric interim care center. The center shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the center must be in need of special care as a result of substance abuse by their mothers. The center shall also provide on-site training to biological, adoptive, or foster parents. The center shall provide at least three months of consultation and support to the parents accepting placement of children from the center. The center may recruit new and current foster and adoptive parents for infants served by the center. The department shall not require case management as a condition of the contract.

(3) \$253,000 of the general fund—state appropriation for fiscal year 2016 and \$253,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the costs of the eight existing hub home foster families that provide a foster care delivery model that includes a licensed hub home. Use of the hub home model is intended to support foster parent retention, improve child outcomes, and encourage the least restrictive community placements for children in out-of-home care.

(4) \$579,000 of the general fund—state appropriation for fiscal year 2016, \$579,000 of the general fund—state appropriation for fiscal year 2017, and \$109,000 of the general fund—federal appropriation are provided solely for a receiving care center east of the Cascade mountains.

(5) \$990,000 of the general fund—state appropriation for fiscal year 2016 and \$990,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for services provided through children's advocacy centers.

(6) \$1,250,000 of the general fund—state appropriation for fiscal year 2016 ~~(is)~~ and \$1,351,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of performance-based contracts for family support and related services pursuant to RCW 74.13B.020.

(7) ~~(\$5,865,000)~~ \$4,865,000 of the general fund—state appropriation for fiscal year 2016, ~~(\$2,564,000)~~ \$3,564,000 of the general fund—state appropriation for fiscal year 2017, \$6,529,000 of the child and family reinvestment account—state appropriation, and ~~(\$14,958,000)~~ \$15,958,000 of the general fund—federal appropriation, are provided solely ~~(to maintain)~~ for family assessment response ~~(in children's administration field offices that began implementing family assessment response in the 2013-2015 fiscal biennium)~~.

(8) \$94,000 of the general fund—state appropriation for fiscal year 2016 and \$94,000 of the general fund—state appropriation for fiscal year 2017 are

provided solely for a contract with a child advocacy center in Spokane to provide continuum of care services for children who have experienced abuse or neglect and their families.

(9) \$668,000 of the domestic violence prevention account—state appropriation is provided solely for implementation of chapter 275, Laws of 2015 (SSB 5631) (domestic violence victims).

(10) ~~(\$2,996,000)~~ \$1,996,000 of the general fund—state appropriation for fiscal year 2016, \$3,434,000 of the general fund—state appropriation for 2017, and \$844,000 of the general fund—federal appropriation are provided solely for the children's administration to:

(a) Reduce the caseload ratios of social workers serving children in foster care to promote decreased lengths of stay and to make progress towards achievement of the Braam settlement caseload outcome;

(b) Support the closure of child protective services investigations within ninety days of intake, where appropriate; and

(c) Progress towards statewide expansion and support of the child protective services family assessment response pathway.

The children's administration must, in the manner it determines appropriate, balance expenditure of amounts provided in this subsection in a way that makes substantial investments in each of the three purposes in (a) through (c) of this subsection. Of the amounts provided in this subsection, no more than \$1,600,000 may be used for the purpose of (b) of this subsection.

(11) \$819,000 of the general fund—state appropriation for fiscal year 2017 and \$373,000 of the general fund—federal appropriation are provided solely for implementation of chapter 240, Laws of 2015 (SSB 5740) (extended foster care).

(12) \$784,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for early achievers tiered reimbursement for family home and center child care providers consistent with Engrossed Second Substitute House Bill No. 1491 (early care & education system). ~~(If the bill is not enacted by July 10, 2015, the amount provided in this subsection shall lapse.)~~

(13) ~~(a)~~ \$539,000 of the general fund—state appropriation for fiscal year 2016, \$540,000 of the general fund—state appropriation for fiscal year 2017, \$656,000 of the general fund private/local appropriation, and \$253,000 of the general fund—federal appropriation are provided solely for ~~(the children's administration to)~~ a contract with an educational advocacy provider with expertise in foster care educational outreach. The amounts in this subsection are provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems and to assure a focus on education during the department's transition to performance-based contracts. Funding must be prioritized to regions with high numbers of foster care youth, or regions where backlogs of youth that have formerly requested educational outreach services exist. The children's administration is encouraged to use private matching funds to maintain educational advocacy services.

(b) Beginning in fiscal year 2017, the children's administration shall contract with the office of the

superintendent of public instruction, which in turn shall contract with a nongovernmental entity or entities to provide educational advocacy services pursuant to Fourth Substitute House Bill No. 1999 (foster youth edu. outcomes). If the bill is not enacted by June 30, 2016, language in this subsection shall lapse.

(14) The children's administration shall adopt policies to reduce the percentage of parents requiring supervised visitation, including clarification of the threshold for transition from supervised to unsupervised visitation prior to reunification. The children's administration shall submit the revised visitation policy to the appropriate policy and fiscal committees of the legislature by December 1, 2015.

(15) \$446,000 of the general fund—state appropriation for fiscal year 2016 (~~and \$1,461,000 of the general fund—state appropriation for fiscal year 2017 are~~) is provided solely for a contract with a nongovernmental entity or entities for the demonstration ((sites)) site to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW(~~(-~~

~~(a) Of the amounts provided in this subsection, \$446,000 of the general fund—state appropriation for fiscal year 2016 and \$446,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the demonstration site)) that was established pursuant to the 2013-2015 omnibus appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.~~

~~((b) Of the amounts provided in this subsection, \$1,015,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a second demonstration site. The children's administration, in collaboration with the office of the superintendent of public instruction and the contracted nongovernmental entity or entities, shall select a second demonstration site that includes a school district or school districts with a significant number of dependent students. The second site must be implemented no earlier than July 1, 2016.~~

~~(e)) (a) The demonstration ((sites)) site in this subsection must facilitate the educational progress and graduation of dependent youth by providing individualized education services and monitoring and supporting dependent youths' remediation needs, special education needs, and completion of education milestones. The contract((s)) must be performance-based with a stated goal of improving the graduation rates of foster youth by two percent per year over five school year periods. The baseline for measurement for the existing site was established in the 2013-14 school year and remains applicable through the 2017-18 school year. ((The baseline for measurement for the site established in section 202(15)(b) must be established in the 2016-17 school year and remains applicable through the 2020-21 school year.~~

~~(d)) (b) The demonstration ((sites)) site must develop and provide services aimed at improving the educational outcomes of foster youth. These services must include:~~

- (i) Direct advocacy for foster youth to eliminate barriers to educational access and success;
- (ii) Consultation with children's administration case workers to develop educational plans for and with participating youth;

(iii) Monitoring educational progress of participating youth;

(iv) Providing participating youth with school and local resources that may assist in educational access and success; and

(v) Coaching youth, caregivers, and social workers to advocate for dependent youth in the educational system.

~~((f)) (c) The contractor must report demonstration site outcomes to the department of social and health services and the office of the superintendent of public instruction by September 30, 2015, for the 2014-15 school year and by September 30, 2016, for the 2015-16 school year.~~

~~((g)) (d) The children's administration shall proactively refer all eligible students thirteen years or older within the demonstration site ((areas)) area to the contractor for educational services.~~

~~((h)) (e) The contractor shall report to the legislature by September 30, 2015, for the 2014-15 school year and by September 30, 2016, for the 2015-16 school year on the number of eligible youth referred by the children's administration, the number of youth served, and the effectiveness of the demonstration site ((or sites)) in increasing graduation rates for dependent youth.~~

(16) The children's administration, office of the superintendent of public instruction, and student achievement council shall collaborate with the office of the attorney general, other governmental agencies, advocacy organizations, and others as needed to report to the legislature by December 1, 2015, on strategies to permit supplemental education transition planning for dependent youth to be administered by the student achievement council and the demonstration sites to be administered by the office of the superintendent of public instruction no later than June 30, 2016. The report shall assess the feasibility of transitioning the programs and recommend strategies to resolve data and information sharing barriers through legislative policy and professional practice.

(17) \$334,000 of the general fund—state appropriation for fiscal year 2016, \$548,000 of the general fund—state appropriation for fiscal year 2017, and \$249,000 of the general fund—federal appropriation are provided solely for extended foster care services for eligible youth engaged in employment for eighty hours or more per month, pursuant to chapter 122, Laws of 2014.

(18) The children's administration is encouraged to control exceptional reimbursement decisions so that the child's needs are met without excessive costs.

(19) \$841,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a base rate increase and an increase in tiered reimbursement rates, levels three through five, for licensed family child care providers. This funding is for the supplemental agreement to the 2015-2017 collective bargaining agreement covering family child care providers as set forth in section 905 of this act.

(20)(a) The children's administration shall develop a plan, in consultation with providers, to improve placement stability and promote a continuum of care for children and youth who have experienced abuse and neglect and require long-term placement with behavioral

supports. The plan shall include the following in regards to these children and youth:

(i) Analysis of the cost-effectiveness and outcomes of existing placement options;

(ii) Development of common and consistent assessment criteria for determining the necessary level of care;

(iii) Delineation of a continuity of care continuum;

(iv) Identification of gaps in services with recommended strategies and costs for addressing those gaps, and;

(v) Development of models for stabilizing funding, including forecasting models, for all components of the service continuum.

(b) The children's administration shall submit the plan to the appropriate legislative committees by December 1, 2016.

Sec. 203. 2015 3rd sp.s. c 4 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2016).....	<del>(\$92,849,000)</del>
	\$92,347,000
General Fund—State Appropriation (FY 2017).....	<del>(\$90,583,000)</del>
	\$90,892,000
General Fund—Federal Appropriation .....	\$3,464,000
General Fund—Private/Local Appropriation.....	\$1,985,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation .....	\$196,000
Juvenile Accountability Incentive Account—Federal	
Appropriation .....	\$2,801,000
TOTAL	
APPROPRIATION.....	<del>\$191,878,000</del>
	\$191,685,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$331,000 of the general fund—state appropriation for fiscal year 2016 and \$331,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$6,198,000 of the general fund—state appropriation for fiscal year 2016 and \$6,198,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(3) \$1,130,000 of the general fund—state appropriation for fiscal year 2016 is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. Funding for this purpose in fiscal year 2017 is provided through a memorandum of understanding with the department of social and health services alcohol and substance abuse program. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(4) \$3,123,000 of the general fund—state appropriation for fiscal year 2016 and \$2,841,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for grants to county juvenile courts for the following juvenile justice programs identified by the Washington state institute for public policy (institute) in its ~~((October 2006 report: "Evidence Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or other programs with a positive benefit cost finding in the institute's))~~ report~~(-)~~: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." Additional funding for this purpose in fiscal year 2017 is provided through a memorandum of understanding with the department of social and health services alcohol and substance abuse program. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(5) \$1,537,000 of the general fund—state appropriation for fiscal year 2016 and \$1,537,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for expansion of the following juvenile justice treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its ~~((October 2006 report: "Evidence Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training, or other programs with a positive benefit cost finding in the institute's))~~ report~~(-)~~: "Inventory of Evidence-based, Research-based, and Promising Practices for Prevention and Intervention Services for Children and Juveniles in the Child Welfare, Juvenile Justice, and Mental Health Systems." The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(6)(a) The juvenile rehabilitation administration shall administer a block grant~~(, rather than categorical~~

~~funding of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the mental health disposition alternative, and the sentencing disposition alternative~~) to county juvenile courts for the purpose of serving youth adjudicated in the county juvenile justice system. (~~in making the block grant~~) Funds dedicated to the block grant include: Consolidated juvenile service (CJS) funds, community juvenile accountability act (CJAA) grants, chemical dependency/mental health disposition alternative (CDDA), and suspended disposition alternative (SDA). The juvenile rehabilitation administration shall follow the following formula and will prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for moderate and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency disposition alternative; and (vi) two percent for the mental health and sentencing dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

(b) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be cochaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. Initial members will include one juvenile court representative from the finance committee, the community juvenile accountability act committee, the risk assessment quality assurance committee, the executive board of the Washington association of juvenile court administrators, the Washington state center for court research, and a representative of the superior court judges association; two representatives from the juvenile rehabilitation administration headquarters program oversight staff, two representatives of the juvenile rehabilitation administration regional office staff, one representative of the juvenile rehabilitation administration fiscal staff and a juvenile rehabilitation administration division director. The committee may make changes to the formula categories other than the evidence-based program and disposition alternative categories if it is determined the changes will

increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost benefit savings to the state. Long-term cost benefit must be considered. Percentage changes may occur in the evidence-based program or disposition alternative categories of the formula should it be determined the changes will increase evidence-based program or disposition alternative delivery and increase the cost benefit to the state. These outcomes will also be considered in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

(c) The juvenile courts and administrative office of the courts shall be responsible for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts will work collaboratively to develop program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(7) The juvenile courts and administrative office of the courts shall collect and distribute information related to program outcome and provide access to these data systems to the juvenile rehabilitation administration and Washington state institute for public policy. The agreements between administrative office of the courts, the juvenile courts, and the juvenile rehabilitation administration shall be executed to ensure that the juvenile rehabilitation administration receives the data that the juvenile rehabilitation administration identifies as needed to comply with this subsection. This includes, but is not limited to, information by program at the statewide aggregate level, individual court level, and individual client level for the purpose of the juvenile rehabilitation administration providing quality assurance and oversight for the locally committed youth block grant and associated funds and at times as specified by the juvenile rehabilitation administration as necessary to carry out these functions. The data shall be provided in a manner that reflects the collaborative work the juvenile rehabilitation administration and juvenile courts have developed regarding program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

(8) \$445,000 of the general fund—state appropriation for fiscal year 2016 and \$445,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for funding of the teamchild project.

(9) \$178,000 of the general fund—state appropriation for fiscal year 2016 and \$178,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the juvenile detention alternatives initiative.

(10) \$500,000 of the general fund—state appropriation for fiscal year 2016 and \$500,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a grant program focused on criminal street gang prevention and intervention. The juvenile rehabilitation administration may award grants under this subsection. The juvenile rehabilitation administration shall

give priority to applicants who have demonstrated the greatest problems with criminal street gangs. Applicants composed of, at a minimum, one or more local governmental entities and one or more nonprofit, nongovernmental organizations that have a documented history of creating and administering effective criminal street gang prevention and intervention programs may apply for funding under this subsection. Each entity receiving funds must report to the juvenile rehabilitation administration on the number and types of youth served, the services provided, and the impact of those services on the youth and the community.

(11) The juvenile rehabilitation institutions may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(12) \$250,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Engrossed Substitute House Bill No. 2746 (juvenile offender treatment). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

**Sec. 204.** 2015 3rd sp.s. c 4 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

<b>(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS</b>	
General Fund—State Appropriation (FY 2016).....	<del>(\$339,344,000)</del> \$310,977,000
General Fund—State Appropriation (FY 2017).....	<del>(\$353,115,000)</del> \$355,262,000
General Fund—Federal Appropriation .....	<del>(\$962,163,000)</del> \$1,011,270,000
General Fund—Private/Local Appropriation....	\$17,864,000
Dedicated Marijuana Account—State Appropriation (FY 2016) .....	\$2,778,000
Dedicated Marijuana Account—State Appropriation (FY 2017) .....	\$3,684,000
<b>TOTAL</b>	
APPROPRIATION .....	\$1,678,948,000 <u>\$1,701,835,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) For the purposes of this subsection, the term "regional support networks," includes, effective April 1, 2016, behavioral health organizations which assume the duties of regional support networks pursuant to chapter 225, Laws of 2014 (2SSB 6312).

(b) ~~(\$16,631,000)~~ \$12,204,000 of the general fund—state appropriation for fiscal year 2016, \$13,761,000 of the general fund—state appropriation for fiscal year 2017, and \$17,918,000 of the general fund—federal appropriation are provided solely to reimburse regional support networks for increased utilization costs, as compared to utilization costs in fiscal year 2014, that are incurred in order to meet statutory obligations to provide

individualized mental health treatment in appropriate settings to individuals who are detained or committed under the involuntary treatment act. Prior to distributing funds to a regional support network requesting reimbursement for costs relative to increased utilization, the department must receive adequate documentation of such increased utilization and costs. Regional support networks receiving funds for community hospitals or evaluation and treatment center beds under (p) of this subsection are only eligible for reimbursement that exceeds the total of their utilization costs in fiscal year 2014 and the costs of services provided with additional funds received under (p) of this subsection.

(c) \$2,452,000 of the general fund—state appropriation for fiscal year 2016, \$2,264,000 of the general fund—state appropriation for fiscal year 2017, and \$2,653,000 of the general fund—federal appropriation are provided solely for implementation of chapter 258, Laws of 2015 (E2SSB 5269) (involuntary treatment act). Regional support networks must use these amounts for involuntary treatment costs associated with implementation of this bill.

(d) \$3,776,000 of the general fund—state appropriation for fiscal year 2016, \$5,780,000 of the general fund—state appropriation for fiscal year 2017, and \$6,054,000 of the general fund—federal appropriation are provided solely for implementation of chapter 250, Laws of 2015 (E2SHB 1450) (involuntary outpatient treatment). Regional support networks must use these amounts for increases in community mental health treatment associated with implementation of this bill.

(e) \$81,180,000 of the general fund—state appropriation for fiscal year 2016 and \$81,180,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for persons and services not covered by the medicaid program. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: Crisis and commitment services; community inpatient services; and residential care services, including personal care and emergency housing assistance. These amounts includes a reduction of \$4,715,000 for fiscal year 2016 and \$4,715,000 for fiscal year 2017 associated with a funding shift that allows for increased federal participation for community inpatient stays that were previously ineligible for federal matching funds. This reduction will be distributed to regional support networks based on the same proportions that were added to regional support network capitation ranges specific to the waiver that allowed for federal funds to be used for community inpatient stays that were previously ineligible for federal matching funds. The department must allow regional support networks to use medicaid capitation payments to provide services to medicaid enrollees that are in addition to those covered under the state plan in accordance with the conditions established under federal regulations governing medicaid managed care contracts and subject to federal approval by the center for medicaid and medicare services.

(f) \$6,590,000 of the general fund—state appropriation for fiscal year 2016, \$6,590,000 of the general fund—state appropriation for fiscal year 2017, and \$7,620,000 of the general fund—federal appropriation are provided solely for the department and regional support networks to continue to contract for implementation of

high-intensity programs for assertive community treatment (PACT) teams. In determining the proportion of medicaid and nonmedicaid funding provided to regional support networks with PACT teams, the department shall consider the differences between regional support networks in the percentages of services and other costs associated with the teams that are not reimbursable under medicaid. The department may allow regional support networks which have nonmedicaid reimbursable costs that are higher than the nonmedicaid allocation they receive under this section to supplement these funds with local dollars or funds received under section 204(1)(e) of this act. The department and regional support networks shall maintain consistency with all essential elements of the PACT evidence-based practice model in programs funded under this section.

(g) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 587 per day in fiscal year 2016. Pursuant to Engrossed Second Substitute House Bill No. 2453 (state hospital oversight) or Substitute Senate Bill No. 6656 (state hospital practices), the department must transition and divert enough patients with long term care needs from western state hospital by January 1, 2017, to reduce the capacity needed for this population by 30 beds and the department must reduce the number of nonforensic beds allocated for use by regional support networks at western state hospital to 557. The department may contract through a regional support network for up to 30 local community hospital beds to provide treatment to individuals on a 90 day involuntary commitment order and must lower that regional support network's allocation of beds by the number of contracted beds.

(h) From the general fund—state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund—state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(i) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(j) \$750,000 of the general fund—state appropriation for fiscal year 2016 and \$750,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(k) \$1,125,000 of the general fund—state appropriation for fiscal year 2016 and \$1,125,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Spokane regional support network

to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(l) \$1,204,000 of the general fund—state appropriation for fiscal year 2016 and \$1,204,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(m) Regional support networks may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, regional support networks may use a portion of the state funds allocated in accordance with (e) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(n) \$2,291,000 of the general fund—state appropriation for fiscal year 2016 and \$2,291,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement.

(o) Within the amounts appropriated in this section, funding is provided for the department to develop and phase in intensive mental health services for high needs youth consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(p) (~~(\$11,405,000)~~) \$9,184,000 of the general fund—state appropriation for fiscal year 2016, \$11,405,000 of the general fund—state appropriation for fiscal year 2017, and \$17,680,000 of the general fund—federal appropriation are provided solely for enhancement of community mental health services. The department must contract these funds for the operation of community programs in which the department determines there is a need for capacity that allows individuals to be diverted or transitioned from the state hospitals including but not limited to: (i) Community hospital or free standing evaluation and treatment services providing short-term detention and commitment services under the involuntary

treatment act to be located in the geographic areas of the King regional support network, the Spokane regional support network outside of Spokane county, and the Thurston Mason regional support network; (ii) one new full program of an assertive community treatment team in the King regional support network and two new half programs of assertive community treatment teams in the Spokane regional support network and the Pierce regional support network; and (iii) three new recovery support services programs in the Grays Harbor regional support network, the greater Columbia regional support network, and the north sound regional support network. In contracting for community evaluation and treatment services, the department may not use these resources in facilities that meet the criteria to be classified under federal law as institutions for mental diseases. If the department is unable to come to a contract agreement with a designated regional support network for any of the services identified above, it may consider contracting for that service in another regional support network that has the need for such service.

(q) The appropriations in this section include a reduction of \$16,462,000 in general fund—state and \$16,468,000 of general fund—federal expenditure authority. This reduction must be achieved by reducing regional support network medicaid rates for disabled adults, nondisabled adults, disabled children, and nondisabled children. No regional support network rate may be lowered below the low end of the rate range that is certified as actuarially sound. The department must work to develop updated minimum and maximum reserve levels that reflect the changes in the number of medicaid eligible individuals since reserve levels were originally set as well as the integration of substance use disorder services into managed care contracts funded within the amounts appropriated in this section. The department must submit a report to the office of financial management and the appropriate fiscal committees of the legislature by December 1, 2015, that includes the revised minimum and maximum reserve levels for medicaid and nonmedicaid behavioral health organization contracts.

(r) (~~(\$1,394,000)~~) \$300,000 of the general fund—state appropriation for fiscal year 2016, \$1,394,000 of the general fund—state appropriation for fiscal year 2017, and \$2,020,000 of the general fund—federal appropriation are provided solely for implementation of chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency evaluation and restoration services). Regional support networks must use the amounts for outpatient mental health treatment costs associated with implementation of the bill.

(s) \$1,500,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to support the southwest Washington region in transitioning to become an early adopter for full integration of physical and behavioral health care. These amounts must be used to provide a reserve for nonmedicaid services in the region and to stabilize the new crisis services system. The department and the health care authority must develop a memorandum of understanding on the use of these funds.

(t) By April 1, 2016, the department must establish minimum and maximum funding levels for all reserves allowed under behavioral health organization contracts and

insert contract language that clearly states the requirements and limitations. The department must monitor and ensure that behavioral health organization reserves do not exceed maximum levels. The department must monitor behavioral health organization revenue and expenditure reports and must require a behavioral health organization to submit a corrective action plan on how it will spend its excess reserves within a reasonable period of time, when its reported reserves exceed maximum levels established under the contract. The department must review and approve such plans and monitor to ensure compliance. If the department determines that a behavioral health organization has failed to provide an adequate excess reserve corrective action plan or is not complying with an approved plan, the department must reduce payments to the behavioral health organization in accordance with remedial actions provisions included in the contract. These reductions in payments must continue until the department determines that the behavioral health organization has come into substantial compliance with an approved excess reserve corrective action plan.

(u) \$2,000,000 of the general fund—state appropriation for fiscal year 2017 and \$762,000 of the general fund—federal appropriation for fiscal year 2017 are provided solely for four housing support and step down services teams.

(v) \$1,760,000 of the general fund—federal appropriation is provided solely for a pilot project to put peer bridging staff into each regional support network as part of the state psychiatric liaison teams to promote continuity of service as individuals return to their communities. The department must collect and make available data on the impact of peer staff on state hospital discharges and community placements.

(w) \$417,000 of the general fund—state appropriation for fiscal year 2017 and \$179,000 of the general fund—federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1448 (suicide threat response). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2016) .....	(( <del>\$170,364,000</del> )) \$178,731,000
General Fund—State Appropriation (FY 2017) .....	(( <del>\$181,757,000</del> )) \$196,851,000
General Fund—Federal Appropriation.....	(( <del>\$162,866,000</del> )) \$165,365,000
General Fund—Private/Local Appropriation .....	(( <del>\$56,669,000</del> )) \$49,742,000
Governor's Behavioral Health Innovation Fund—State Appropriation .....	\$6,777,000
TOTAL	
APPROPRIATION .....	\$571,656,000 \$597,466,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and

supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$231,000 of the general fund—state appropriation for fiscal year 2016 and \$231,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2016 and \$45,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$9,571,000 of the general fund—state appropriation for fiscal year 2016 and \$17,287,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of efforts to improve the timeliness of competency restoration services pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used to increase the number of forensic beds at western state hospital to three hundred thirty and the number of forensic beds at eastern state hospital to one hundred twenty-five by June 30, 2017. Pursuant to chapter 7, Laws of 2015 1st sp. sess. (2E2SSB 5177) (timeliness of competency treatment and evaluation services), the department may contract some of these amounts for services at alternative locations if the secretary determines that there is a need.

(e) \$2,349,000 of the general fund—state appropriation for fiscal year 2016 and \$2,318,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of efforts to improve the timeliness of competency evaluation services for individuals who are in local jails pursuant to chapter 5, Laws of 2015 (SSB 5889) (timeliness of competency treatment and evaluation services). This funding must be used solely to increase the number of staff providing competency evaluation services.

(f) \$135,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the department to hire an on-site safety compliance officer, stationed at Western State Hospital, to provide oversight and accountability of the hospital's response to safety concerns regarding the hospital's work environment.

(g) \$600,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the department to contract with the University of Washington department of psychiatry and behavioral sciences. The University of Washington shall conduct an analysis and develop a plan to create a high quality forensic teaching unit in collaboration with Western State Hospital. The plan shall include an appraisal of risks, barriers, and benefits to implementation as well as an implementation timeline. The University of Washington shall report to the department, the office of financial management, and relevant policy and

fiscal committees of the legislature on findings and recommendations by November 1, 2017.

(h) \$6,777,000 of the governor's behavioral health innovation fund appropriation is provided solely to improve the quality of care, patient and staff safety, and the efficiency of operations at the state hospitals pursuant to Engrossed Second Substitute House Bill No. 2453 (state hospital oversight) or Substitute Senate Bill No. 6656 (state hospital practices). In accordance with Engrossed Second Substitute House Bill No. 2453 or Substitute Senate Bill No. 6656, the department must apply to and receive approval from the office of financial management prior to expending appropriations from this account. If neither bill is enacted by June 30, 2016, the amounts provided in this subsection shall lapse. It is the intent of the legislature that the ongoing costs of services that are implemented through these amounts be considered as maintenance level in the fiscal year 2017-2019 operating budget.

(i) \$510,000 of the general fund—state appropriation for fiscal year 2016 and \$6,256,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to increase the number of funded registered nurses at western state hospital by 51 positions by July 1, 2016. If the department is unable to fill these positions by July 1, 2016, the department may develop an alternative plan for spending the amount proportional to the positions that are not filled. This plan must be submitted to the office of financial management following the same process established in Engrossed Second Substitute House Bill No. 2453 (state hospital oversight) or Substitute Senate Bill No. 6656 (state hospital practices) for applying for funds in the Governor's behavioral health innovation fund. The office of financial management may, after receiving input from the select committee created in Engrossed Second Substitute House Bill No. 2453 or Substitute Senate Bill No. 6656, approve that an amount proportional to the positions that are not filled be spent on the department's alternative plan.

(j) \$791,000 of the general fund—state appropriation for fiscal year 2016, \$1,456,000 of the general fund—state appropriation for fiscal year 2017, and \$199,000 of the general fund—federal appropriation are provided solely for the unilateral implementation of targeted job classification compensation increases as set forth in section 903 of this act, effective December 1, 2015, at eastern and western state hospitals. The legislature recognizes that the compensation increases were necessitated by an emergency and an imminent jeopardy determination by the centers for medicare and medicaid services that relates to the safety and health of clients and employees.

(k) \$611,000 of the general fund—state appropriation for fiscal year 2016, \$2,264,000 of the general fund—state appropriation for fiscal year 2017, and \$250,000 of the general fund—federal appropriation are provided solely for the implementation of a memorandum of understanding between the governor and the service employees international union healthcare 1199nw amending the collective bargaining agreement under chapter 41.80 RCW for the 2015-2017 fiscal biennium as set forth in section 902 of this act, effective December 1, 2015, at eastern and western state hospitals and the child study treatment center. The legislature recognizes that the

memorandum of understanding was necessitated by an emergency and an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees.

(l) \$3,789,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to improve western state hospital patient and employee safety by opening a civil ward in order to reduce the patients per ward.

(m) \$224,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the department to hire two staff for western state hospital dedicated to discharge planning and coordination efforts between other parts of the department and with the regional support networks to more efficiently and properly discharge patients determined ready to go back to their communities.

(n) \$1,900,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the fifteen percent assignment pay increase for psychiatrist classifications at eastern and western state hospital granted during fiscal year 2015.

(o) \$891,000 of the general fund—state appropriation for fiscal year 2016, \$1,600,000 of the general fund—state appropriation for fiscal year 2017, and \$211,000 of the general fund—federal appropriation are provided solely for implementation of a new memorandum of understanding between the state and the union of physicians of Washington to increase compensation for physician and psychiatrist classifications under chapter 41.80 RCW for the 2015-2017 fiscal biennium pursuant to section 901 of this act. The memorandum of understanding reached between the state and the union of physicians of Washington effective December 1, 2015, is not approved. The amounts provided in this subsection are contingent on the state and the union of physicians of Washington reaching an agreement by June 30, 2016, that allows psychiatric advanced registered nurse practitioners and physician assistants to perform work and tasks that are currently or have been historically performed by physicians and psychiatrists at the state hospitals.

(p) \$19,000 of the general fund—state appropriation for fiscal year 2017 and \$1,000 of the general fund—federal appropriation are provided solely for nonrepresented state employees in targeted state employee job classifications as set forth in section 906 of this act.

(3) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2016).....	\$477,000
General Fund—State Appropriation (FY 2017).....	\$490,000
General Fund—Federal Appropriation .....	<del>(\$6,291,000)</del>
	<u>\$7,391,000</u>
TOTAL APPROPRIATION	<u>\$7,258,000</u>
	<u>\$8,358,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$446,000 of the general fund—state appropriation for fiscal year 2016, \$446,000 of the general fund—state appropriation for fiscal year 2017, and \$178,000 of the general fund—federal appropriation are provided solely for the University of Washington's evidence-based practice institute which supports the identification, evaluation, and implementation

of evidence-based or promising practices. The institute must work with the department to develop a plan to seek private, federal, or other grant funding in order to reduce the need for state general funds.

(4) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2016) .....	<del>(\$9,033,000)</del>
	<u>\$9,779,000</u>
General Fund—State Appropriation (FY 2017) .....	<del>(\$8,767,000)</del>
	<u>\$9,120,000</u>
General Fund—Federal Appropriation.....	<del>(\$11,472,000)</del>
	<u>\$12,025,000</u>
General Fund—Private/Local Appropriation .....	\$502,000
TOTAL	
APPROPRIATION .....	<u>\$29,774,000</u>
	<u>\$31,426,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) In accordance with RCW 43.20B.110, 43.135.055, and 71.24.035, the department is authorized to adopt license and certification fees in fiscal years 2016 and 2017 to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower costs of licensing for these programs than for other organizations which are not accredited.

(b) In developing the new medicaid managed care rates under which the public mental health managed care system will operate, the department must seek to estimate the reasonable and necessary cost of efficiently and effectively providing a comparable set of medically necessary mental health benefits to persons of different acuity levels regardless of where in the state they live. The department must report to the office of financial management and to the relevant fiscal and policy committees of the legislature on its proposed new mental health managed care rate-setting approach by August 1, 2015, and again at least sixty days prior to implementation of new capitation rates.

(c) Within the amounts appropriated in this section, funding is provided for the department to continue to develop the child adolescent needs and strengths assessment tool and build workforce capacity to provide evidence based wraparound services for children, consistent with the settlement agreement in *T.R. v. Dreyfus and Porter*.

(d) Pursuant to Engrossed Second Substitute House Bill No. 2453 (state hospital oversight) or Substitute Senate Bill No. 6656 (state hospital practices), \$260,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the department to contract with an external consultant to examine the clinical role of staffing

at the state hospitals. The consultant shall report to the department, the office of financial management, and relevant legislative policy and fiscal committees on the consultant's findings and recommendations in accordance with the timelines established in Engrossed Second Substitute House Bill No. 2453 or Substitute Senate Bill No. 6656.

**Sec. 205.** 2015 3rd sp.s. c 4 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2016).....	(\$507,106,000)	
		<u>\$515,567,000</u>
General Fund—State Appropriation (FY 2017).....	(\$551,660,000)	
		<u>\$575,185,000</u>
General Fund—Federal Appropriation ...	(\$1,067,621,000)	
		<u>\$1,098,035,000</u>
General Fund—Private/Local Appropriation.....	\$534,000	
TOTAL		
APPROPRIATION.....	\$2,126,921,000	
		<u>\$2,189,321,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(i) The current annual renewal license fee for adult family homes shall be \$225 per bed beginning in fiscal year 2016 and \$225 per bed beginning in fiscal year 2017. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(ii) The current annual renewal license fee for assisted living facilities shall be \$106 per bed beginning in fiscal year 2016 and \$106 per bed beginning in fiscal year 2017.

(iii) The current annual renewal license fee for nursing facilities shall be \$359 per bed beginning in fiscal year 2016 and \$359 per bed beginning in fiscal year 2017.

(c) \$8,571,000 of the general fund—state appropriation for fiscal year 2016, \$18,181,000 of the general fund—state appropriation for fiscal year 2017, and \$33,427,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement

reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2015-2017 fiscal biennium.

(d) The department shall reimburse with the exceptional care rate adult family homes that provided care solely to clients with HIV/AIDS on or before January 1, 2000, and continue to provide care solely to clients with HIV/AIDS. The department shall not reduce the exceptional care rate from the rate paid on October 1, 2013.

(e) \$774,000 of the general fund—state appropriation for fiscal year 2016, \$1,547,000 of the general fund—state appropriation for fiscal year 2017, and \$7,185,000 of the general fund—federal appropriation are provided solely for a payment system that satisfies medicaid requirements regarding time reporting for W-2 providers. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(f) \$1,184,000 of the general fund—state appropriation for fiscal year 2016, \$2,483,000 of the general fund—state appropriation for fiscal year 2017, and \$4,638,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

(g) The department is authorized to establish limited exemption criteria in rule to address RCW 74.39A.325 when a landline phone is not available to the employee.

(h) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

(i) The department of social and health services shall increase the benchmark rates for community residential service businesses providing supported living, group home, and licensed staff residential services for people with developmental disabilities by sixty cents starting July 1, 2015, and by an additional sixty cents starting July 1, 2016.

(j) The department of social and health services shall standardize the administrative rate for community residential service businesses providing supported living, group home, and licensed staff residential services for people with developmental disabilities starting July 1, 2015.

(k) Community residential cost reports that are submitted by or on behalf of contracted agency providers are required to include information about agency staffing including health insurance, wages, number of positions, and turnover.

(l) Within the amounts provided in this subsection, the developmental disabilities administration must prepare a report that describes options for modifying the current system of pre-vocational services for individuals with developmental disabilities. The developmental disabilities administration must not transition clients receiving pre-vocational services into integrated settings until the conclusion of the 2016 legislative session, unless there is a group supported employment, individual employment, or community access opportunity that is supported by the client and his or her legal representative. If a client transitions out of a congregate setting prior to December 1, 2016, then for each client, during the period before and after leaving the congregate setting, the report must describe the hours of service, hours worked, hourly wage, monthly earnings, authorized waiver services, and per capita expenditures. The report must be submitted to the appropriate fiscal and policy committees of the legislature by January 1, 2016. At a minimum, the report must describe the following options:

(i) Modify the current system to ensure compliance with rules established by the centers for medicare and medicaid services;

(ii) Continue the current system without federal matching funds; and

(iii) Transition clients out of congregate settings and into integrated settings. Under this option, the report must describe an anticipated phase-out schedule and medicaid waiver services that could be authorized to mitigate the impact for transitioning clients.

(m) The department shall establish new rules and standards to ensure that adult family homes are monitored and licensed to meet the needs of young adults with a developmental disability. These adult family homes may require a package of services including specialized care assessment and planning, personal care, specialized environmental features, and accommodations.

(n) \$650,000 of the general fund—state appropriation for fiscal year 2016, \$650,000 of the general fund—state appropriation for fiscal year 2017, and \$800,000 of the general fund—federal appropriation are provided solely for the development and implementation of eight enhanced respite beds across the state for children. These services are intended to provide families and caregivers with a break in caregiving, the opportunity for behavioral stabilization of the child, and the ability to partner with the state in the development of an individualized service plan that allows the child to remain in his or her family home. The department must provide the legislature with a respite utilization report by January 2, 2016, and each year thereafter that provides information about the number of children who have used enhanced respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(o) \$550,000 of the general fund—state appropriation for fiscal year 2016, \$550,000 of the general fund—state appropriation for fiscal year 2017, and \$700,000 of the general fund—federal appropriation are provided solely for the development and implementation of eight community respite beds across the state for adults. These services are intended to provide families and

caregivers with a break in caregiving and the opportunity for stabilization of the individual in a community-based setting as an alternative to using a residential habilitation center to provide planned or emergent respite. The department must provide the legislature with a respite utilization report by January 2, 2016, and each year thereafter that provides information about the number of individuals who have used community respite in the preceding year, as well as the location and number of days per month that each respite bed was occupied.

(p) \$46,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of either Substitute Senate Bill No. 6329 (parent-to-parent) or House Bill No. 2394 (parent-to-parent program). If neither bill is enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(q) \$901,000 of the general fund—state appropriation for fiscal year 2017 and \$601,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6564 (providing protections for persons with developmental disabilities). If this bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2016) .....	(( <del>\$95,196,000</del> ))
	<u>\$94,973,000</u>
General Fund—State Appropriation (FY 2017) .....	(( <del>\$97,134,000</del> ))
	<u>\$98,257,000</u>
General Fund—Federal Appropriation.....	(( <del>\$180,106,000</del> ))
	<u>\$180,543,000</u>
General Fund—Private/Local Appropriation ....	\$23,041,000
TOTAL	
APPROPRIATION .....	\$395,477,000
	<u>\$396,814,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) \$721,000 of the general fund—state appropriation for fiscal year 2016 and \$721,000 of the general fund—state appropriation for fiscal year 2017 are for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(c) \$558,000 of the general fund—state appropriation for fiscal year 2016, \$558,000 of the general fund—state appropriation for fiscal year 2017, and \$1,074,000 of the general fund—federal appropriation are for specialized services required by the centers for medicare and medicaid services as a result of preadmission screening and resident review assessments.

(d) \$2,978,000 of the general fund—state appropriation for fiscal year 2016, \$2,978,000 of the general fund—state appropriation for fiscal year 2017, and \$5,956,000 of the general fund—federal appropriation are for additional staff to ensure compliance with centers for medicare and medicaid services requirements for habilitation, nursing care, staff safety, and client safety at the residential habilitation centers.

(e) The residential habilitation centers may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(f) \$100,000 of the general fund—state appropriation for fiscal year 2016, \$100,000 of the general fund—state appropriation for fiscal year 2017, and \$200,000 of the general fund—federal appropriation are provided solely for respite services in an existing eight-bed cottage at Yakima valley school for individuals who are developmentally disabled and in need of crisis stabilization support.

(g) \$834,000 of the general fund—state appropriation for fiscal year 2017 and \$833,000 of the general fund—federal appropriation are provided solely for an additional eight planned respite beds at Yakima valley school.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2016).....	(( <del>\$3,031,000</del> ))
	<u>\$2,604,000</u>
General Fund—State Appropriation (FY 2017).....	(( <del>\$2,824,000</del> ))
	<u>\$2,422,000</u>
General Fund—Federal Appropriation .....	(( <del>\$3,462,000</del> ))
	<u>\$3,164,000</u>
TOTAL APPROPRIATION	<del>\$9,317,000</del>
	<u>\$8,190,000</u>

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2016).....	(( <del>\$1,403,000</del> ))
	<u>\$92,000</u>
General Fund—State Appropriation (FY 2017).....	(( <del>\$1,403,000</del> ))
	<u>\$55,000</u>
General Fund—Federal Appropriation .....	(( <del>\$1,206,000</del> ))
	<u>\$1,103,000</u>
TOTAL APPROPRIATION	<del>\$4,012,000</del>
	<u>\$1,250,000</u>

**Sec. 206.** 2015 3rd sp.s. c 4 s 206 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2016).....	(( <del>\$923,349,000</del> ))
	<u>\$909,817,000</u>
General Fund—State Appropriation (FY 2017).....	(( <del>\$1,005,649,000</del> ))
	<u>\$1,030,159,000</u>
General Fund—Federal Appropriation ...	(( <del>\$2,376,289,000</del> ))

	<u>\$2,385,151,000</u>
General Fund—Private/Local Appropriation .....	(( <del>\$33,990,000</del> ))
	<u>\$33,797,000</u>
Traumatic Brain Injury Account—State Appropriation .....	(( <del>\$3,396,000</del> ))
	<u>\$3,968,000</u>
<u>Assisted Living Facility Temporary Management Account—Federal Appropriation .....</u>	<u>\$500,000</u>
<u>Adult Family Home Account—Federal Appropriation .....</u>	<u>\$500,000</u>
Skilled Nursing Facility Safety Net Trust Account— State Appropriation.....	\$133,360,000
TOTAL	
APPROPRIATION .....	<u>\$4,476,033,000</u>
	<u>\$4,497,252,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$178.87 for fiscal year 2016 and shall not exceed ((~~\$191.87~~) \$197.33 for fiscal year 2017(~~(including the rate add-ons described in (a), (b), and (c) of this subsection~~)). There will be no adjustments for economic trends and conditions in fiscal years 2016 and 2017. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(a) For fiscal year 2016 within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. For fiscal year 2016 within funds provided, the department shall provide an additional add-on per medicaid resident day per facility not to exceed the industry weighted average rate of \$2.44. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$17 in calendar year 2012, according to cost report data. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection.

(b) The department shall do a comparative analysis of the facility-based payment rates calculated on July 1, 2015, using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the low wage worker add-on found in (a) of this subsection, the rate add-ons for direct care, support services, and therapy care found in (g) of this subsection, the comparative add-on, acuity add-on, and safety net reimbursement, to the facility-based payment rates in effect June 30, 2010. For fiscal year 2016, if the facility-based payment rate calculated on July 1, 2015, is smaller than the facility-based payment rate on June 30, 2010, then the difference shall be provided to the individual nursing facilities as an add-on payment per medicaid resident day.

(c) During the comparative analysis performed in subsection (b) of this section, for fiscal year 2016, if it is found that the direct care rate for any facility calculated using the payment methodology defined in chapter 74.46 RCW and as funded in the omnibus appropriations act, excluding the low wage worker add-on found in (a) of this subsection, the rate add-ons for direct care, support services, and therapy care found in (g) of this subsection, the comparative add-on, acuity add-on, and safety net reimbursement, is greater than the direct care rate in effect on June 30, 2010, then the facility shall receive a ten percent direct care rate add-on to compensate that facility for taking on more acute clients than they have in the past.

(d) The department shall provide a medicaid rate add-on to reimburse the medicaid share of the skilled nursing facility safety net assessment as a medicaid allowable cost. The nursing facility safety net rate add-on may not be included in the calculation of the annual statewide weighted average nursing facility payment rate.

(e) The rate add-on provided in (c) of this subsection is subject to the reconciliation and settlement process provided in RCW 74.46.022(6).

(f) If the waiver requested from the federal centers for medicare and medicaid services in relation to the safety net assessment is for any reason disapproved, (b), (c), (d), (g), and the fiscal year 2016 additional add-on in (a) of this subsection do not apply.

(g) For fiscal year 2016, the department shall provide the following rate add-ons per medicaid resident day:

- (i) A direct care rate add-on of \$3.63 per medicaid resident day;
- (ii) A support services rate add-on of \$1.12 per medicaid resident day; and
- (iii) A therapy care rate add-on of \$0.05 per patient day.

This subsection (1)(g) is subject to the reconciliation and settlement process provided in RCW 74.46.022(6).

(h) Beginning July 1, 2016, a nursing home provider's direct care rate shall be set so that it does not exceed one hundred and eighteen percent of its base year's direct care allowable costs except if the provider is below the minimum staffing standard established in RCW 74.42.360(2).

(2) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2016 and no new certificates of

capital authorization for fiscal year 2017 and shall grant no rate add-ons to payment rates for capital improvements not requiring a certificate of need and a certificate of capital authorization for fiscal years 2016 and 2017.

(3) In accordance with RCW 18.51.050, 18.20.050, 70.128.060, and 43.135.055, the department is authorized to increase nursing facility, assisted living facility, and adult family home fees as necessary to fully support the actual costs of conducting the licensure, inspection, and regulatory programs. The license fees may not exceed the department's annual licensing and oversight activity costs and shall include the department's cost of paying providers for the amount of the license fee attributed to medicaid clients.

(a) The current annual renewal license fee for adult family homes shall be \$225 per bed beginning in fiscal year 2016 and \$225 per bed beginning in fiscal year 2017. A processing fee of \$2,750 shall be charged to each adult family home when the home is initially licensed. This fee is nonrefundable.

(b) \$193,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to the department to implement a new processing fee of \$700 when adult family home providers file a change of ownership application.

(c) The current annual renewal license fee for assisted living facilities shall be \$106 per bed beginning in fiscal year 2016 and \$106 per bed beginning in fiscal year 2017.

~~((c))~~ (d) The current annual renewal license fee for nursing facilities shall be \$359 per bed beginning in fiscal year 2016 and \$359 per bed beginning in fiscal year 2017.

(4) The department is authorized to place long-term care clients residing in nursing homes and paid for with state only funds into less restrictive community care settings while continuing to meet the client's care needs.

(5) \$3,095,000 of the general fund—state appropriation for fiscal year 2017 and \$3,095,000 of the general fund—federal appropriation are provided within existing appropriations solely to exempt the five highest acuity resource utilization group categories (beginning with PC2 through PE2) from the adjustment to case mix index per RCW 74.46.485. Nursing homes shall be required to notify the department's identified home and community services division contact within 30 days of a medicaid resident being identified in one of the five lowest resource utilization group categories (beginning with PA1 through PC1). The department shall complete an assessment of those residents who desire to transition into a community setting. The department shall identify within 30 days whether an alternate setting of the client's choosing is available to meet the resident's needs. Nursing homes shall work collaboratively with the department to transition into the community at least ninety-six residents, assessed in the five lowest acuity resource utilization group categories (PA1 through PC1). For the first two quarters of fiscal year 2017, the downward adjustment shall be no greater than thirteen percent. If, after the first two quarters of fiscal year 2017, the department determines the nursing homes are not making sufficient progress towards moving ninety-six residents from the five lowest resource utilization group

categories (PA1 through PC1) into the community, the department is authorized to increase the downward adjustment to no greater than twenty percent for the lowest four resource utilization group categories (PA1 through PB2).

~~(6)~~ (7) \$19,747,000 of the general fund—state appropriation for fiscal year 2016, \$41,807,000 of the general fund—state appropriation for fiscal year 2017, and \$76,770,000 of the general fund—federal appropriation are provided solely for the implementation of the agreement reached between the governor and the service employees international union healthcare 775nw under the provisions of chapters 74.39A and 41.56 RCW for the 2015-2017 fiscal biennium.

~~((6))~~ (7) \$1,840,000 of the general fund—state appropriation for fiscal year 2016 and \$1,877,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for operation of the volunteer services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

~~((7))~~ (8) \$2,447,000 of the general fund—state appropriation for fiscal year 2016, \$4,894,000 of the general fund—state appropriation for fiscal year 2017, and \$22,725,000 of the general fund—federal appropriation are provided solely for a payment system that satisfies medicaid requirements regarding time reporting for W-2 providers. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

~~((8))~~ (9) The department is authorized to establish limited exemption criteria in rule to address RCW 74.39A.325 when a landline phone is not available to the employee.

~~((9))~~ (10) \$7,552,000 of the general fund—state appropriation for fiscal year 2016, \$15,974,000 of the general fund—state appropriation for fiscal year 2017, and \$29,742,000 of the general fund—federal appropriation are provided solely for the homecare agency parity impacts of the agreement between the governor and the service employees international union healthcare 775nw.

~~((10))~~ (11) Within the amounts appropriated in this section of the general fund—state appropriation for fiscal years 2016 and 2017, the department shall assist the legislature to continue the work of the joint legislative executive committee on planning for aging and disability issues that is established by this subsection.

(a) A joint legislative executive committee on aging and disability is continued, with members as provided in this subsection.

(i) Four members of the senate, with the leaders of the two largest caucuses each appointing two members. Four members of the house of representatives, with the leaders of the two largest caucuses each appointing two members;

(ii) A member from the office of the governor, appointed by the governor;

(iii) The secretary of the department of social and health services or his or her designee;

(iv) The director of the health care authority or his or her designee;

(v) A member from disability rights Washington and a member from the long-term care ombuds;

(vi) The insurance commissioner or his or her designee, who shall serve as an ex officio member; and

(vii) Other agency directors or designees as

necessary.

(b) The committee must make recommendations and continue to identify key strategic actions to prepare for the aging of the population in Washington, including state budget and policy options, by conducting at least, but not limited to, the following tasks:

(i) Identify strategies to better serve the health care needs of an aging population and people with disabilities to promote healthy living and palliative care planning;

(ii) Identify policy options to create financing mechanisms for long-term service and supports that allow individuals and families to meet their needs for service;

(iii) Identify policies to promote financial security in retirement, support people who wish to stay in the workplace longer, and expand the availability of workplace retirement savings plans;

(iv) Identify implementation strategies for the Bree collaborative palliative care and related guidelines;

(v) Review the regulation of continuing care retirement communities and ways to protect those who reside in them, including the consideration of effective disclosures to residents;

(vi) Identify the needs of older people and people with disabilities for high quality public and private guardianship services and information about assisted decision-making options;

(vii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(viii) Identify other policy options and recommendations to help communities adapt to the aging demographic in planning for housing, land use, and transportation.

(c) Staff support for the committee shall be provided by the office of program research, senate committee services, the office of financial management, and the department of social and health services.

(d) Within existing appropriations, the cost of meetings must be paid jointly by the senate, house of representatives, and the office of financial management. Joint committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees. The joint committee members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060, and chapter 44.04 RCW as appropriate. Advisory committee members may not receive compensation or reimbursement for travel and expenses.

(e) At least one committee meeting must be devoted to a discussion of strategies to improve the quality of care, client safety and well-being, and staff safety within all community and institutional settings. During the meeting, committee members must receive a comprehensive review of findings since fiscal year 2010 by the centers for medicare and medicaid services, and residential care services, in community settings, nursing

homes, and each of the residential habilitation centers, with an emphasis on medical errors, inconsistencies between service plans and services provided, the use of restraints, and existence of hazardous environmental conditions.

(f) The committee shall issue an addendum report to the legislature by December 10, 2015, and issue final recommendations to the governor and relevant standing committees of the legislature by December 10, 2016. The addendum report to the legislature must include the following:

(i) A description of the oversight role for residential care services, the long-term care ombuds, the centers for medicare and medicaid services, and disability rights Washington;

(ii) From the provider perspective, and the perspective of a state agency, an overview of the process for reviewing and responding to findings by residential care services and the centers for medicare and medicaid services;

(iii) A description of the process for notifying the office of the governor and the legislature when problems with quality of care, client safety and well-being, or staff safety arise within community or institutional settings;

(iv) A compilation of findings since fiscal year 2010 by the centers for medicare and medicaid services, and residential care services, at the residential habilitation centers, nursing facilities, supported living, assisted living, group homes, companion homes, adult family homes, and all other community based providers;

(v) An annotated and detailed list of all responses to findings by the centers for medicare and medicaid services, and residential care services, specific to audits of the nursing facility at lakeland village since fiscal year 2010;

(vi) Review the regulation of continuing care retirement communities and ways to protect those who reside in them, including the consideration of effective disclosures to residents;

(vii) Identify the needs of older people and people with disabilities for high quality public and private guardianship services and information about assisted decision-making options;

(viii) Identify options for promoting client safety through residential care services and consider methods of protecting older people and people with disabilities from physical abuse and financial exploitation; and

(ix) A description of the method in place to ascertain the outcome of responses to findings.

~~((11))~~ (12) \$5,094,000 of the general fund—state appropriation for fiscal year 2016 and \$5,094,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for services and support to individuals who are deaf, hard of hearing, or deaf-blind.

~~((12))~~ (13) The department may authorize a one-time waiver of all or any portion of the licensing and processing fees required under RCW 70.128.060 in any case in which the department determines that an adult family home is being relicensed because of exceptional circumstances, such as death or incapacity of a provider, and that to require the full payment of the licensing and processing fees would present a hardship to the applicant. In these situations the department is also granted the

authority to waive the required residential administrator training for a period of 120 days if necessary to ensure continuity of care during the relicensing process.

~~((13))~~ (14) The department shall reimburse with the exceptional care rate adult family homes that provided care solely to clients with HIV/AIDS on or before January 1, 2000, and continue to provide care solely to clients with HIV/AIDS. The department shall not reduce the exceptional care rate from the rate paid on October 1, 2013.

~~((14))~~ (15)(a) \$100,000 of the general fund—state appropriation for fiscal year 2016, \$100,000 of the general fund—private/local appropriation, and \$200,000 of the general fund—federal appropriation are provided solely for the department of social and health services to contract for an independent feasibility study and actuarial modeling of public and private options for leveraging private resources to help individuals prepare for long-term services and supports needs. The study must model two options: (i) A public long-term care benefit for workers, funded through a payroll deduction that would provide a time-limited long-term care insurance benefit; and (ii) a public-private reinsurance or risk-sharing model, with the purpose of providing a stable and ongoing source of reimbursement to insurers for a portion of their catastrophic long-term services and supports losses in order to provide additional insurance capacity for the state.

(b) The report must include input from the joint committee on aging and disability and other interested stakeholders. The report must also include an analysis of each option based on: (i) The expected costs and benefits for participants; (ii) the total anticipated number of participants; (iii) the projected savings to the state medicaid program, if any; and (iv) legal and financial risks to the state.

(c) The department must provide status updates to the joint legislative executive committee on aging and disability. The feasibility study and actuarial analysis shall be completed and submitted to the department of social and health services by December 20, 2016. The department shall submit a report, including the director's findings and recommendations based on the feasibility study and actuarial analysis, to the governor and the legislature by January 1, 2017.

~~((15))~~ (16) \$6,195,000 of the general fund—state appropriation for fiscal year 2016, \$13,195,000 of the general fund—state appropriation for fiscal year 2017, and \$20,288,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 1274 (nursing home payment rates). ~~((If the bill is not enacted by July 10, 2015, the amounts in this subsection shall lapse.))~~

~~((16))~~ (17) Within available funds, the aging and long term support administration must create a unit within adult protective services that specializes in the investigation of financial abuse allegations and self-neglect allegations.

~~((17))~~ (18) \$58,000 of the general fund—state appropriation for fiscal year 2016, \$58,000 of the general fund—state appropriation for fiscal year 2017, and \$114,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 5877 (due process for adult family homes).

(19) \$468,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to

expand the kinship navigator program to the Colville Indian reservation, Yakama Nation, and other tribal areas currently without kinship navigator services.

(20) \$37,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to implement Second Substitute House Bill No. 2726 (retirement communities). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(21) The department shall provide the legislature an analysis of expenditures for medicaid clients served in adult family homes and assisted living facilities by acuity level. The analysis shall include all services provided to medicaid clients in each care setting, including all services covered by the daily rate, and services provided in addition to the daily rate. The department shall submit the report to the legislature by November 15, 2016.

(22) \$308,000 of the general fund—state appropriation for fiscal year 2017 and \$77,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6564 (providing protections for persons with developmental disabilities). If this bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(23) \$537,000 of the general fund—state appropriation for fiscal year 2017 and \$538,000 of the general fund—federal appropriation are provided solely for implementation of Substitute Senate Bill No. 6656 (state hospital practices) or Engrossed Second Substitute House Bill No. 2453 (state hospital oversight). The department shall contract with a nursing home facility with an enhanced staffing model able to care for patients coming out of western state hospital. The department must identify and must discharge at least thirty patients from a geriatric ward at western state hospital to alternative settings by January 1, 2017, by utilizing enhanced services facilities and enhanced community services plus nursing home beds. If neither bill is enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

**Sec. 207.** 2015 3rd sp.s. c 4 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM**

General Fund—State Appropriation (FY 2016).....	<del>(\$408,958,000)</del>	\$396,066,000
General Fund—State Appropriation (FY 2017).....	<del>(\$445,239,000)</del>	\$418,020,000
General Fund—Federal Appropriation ...	<del>(\$1,272,294,000)</del>	\$1,301,431,000
General Fund—Private/Local Appropriation.....	\$1,950,000	
<u>Administrative Contingency Account—State Appropriation.....</u>		<u>\$17,000,000</u>
TOTAL		
APPROPRIATION.....	<del>\$2,128,441,000</del>	<u>\$2,134,467,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) ~~(\$168,201,000)~~ \$152,953,000 of the general fund—state appropriation for fiscal year 2016, ~~(\$194,020,000)~~ \$171,299,000 of the general fund—state appropriation for fiscal year 2017, ~~(and \$738,086,000)~~ \$779,366,000 of the general fund—federal appropriation, and the administrative contingency account—state appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. The department must create a WorkFirst budget structure that allows for transparent tracking of budget units and subunits of expenditures where these units and subunits are mutually exclusive from other department budget units. The budget structure must include budget units for the following: Cash assistance, child care, WorkFirst activities, and administration of the program. Within these budget units, the department must develop program index codes for specific activities and develop allotments and track expenditures using these codes. The department shall report to the office of financial management and the relevant fiscal and policy committees of the legislature prior to adopting the new structure and no later than December 2015.

(b) ~~(\$316,849,000)~~ \$316,460,000 of the amounts in (a) of this subsection are provided solely for assistance to clients, including grants, diversion cash assistance, and additional diversion emergency assistance including but not limited to assistance authorized under RCW 74.08A.210. The department may use state funds to provide support to working families that are eligible for temporary assistance for needy families but otherwise not receiving cash assistance.

(c) ~~(\$170,923,000)~~ \$163,200,000 of the amounts in (a) of this subsection are provided solely for WorkFirst job search, education and training activities, barrier removal services, limited English proficiency services, and tribal assistance under RCW 74.08A.040. The department must allocate this funding based on client outcomes and cost effectiveness measures.

(d) ~~(\$426,750,000)~~ \$477,029,000 of the amounts in (a) of this subsection are provided solely for the working connections child care program under RCW 43.215.135. Of the amounts provided in this subsection (1)(d), \$22,040,000 of the appropriation for fiscal year 2017 is provided solely for implementation of chapter 7, Laws of 2015 3rd sp. sess. (early care and education system). Of the amounts provided in this subsection (1)(d), \$8,048,000 of the appropriation for fiscal year 2017 is provided solely for a base rate increase. This funding is for the supplemental agreement to the 2015-2017 collective bargaining agreement covering family child care providers as set forth in section 905 of this act. The amounts provided in this subsection (d) are provided conditioned on the department of social and health services and the department of early learning taking additional actions to identify and reduce the backlog of overpayment cases related to public assistance programs, including the working connections child care program. The departments shall collaborate and create a plan to triage overpayment cases in a manner that identifies and

prioritizes cases with large overpayments and likelihood of fraudulent activity. The departments shall provide a quarterly report to the appropriate policy and fiscal committees of the legislature detailing the specific actions taken as a result of this subsection (d).

~~(e) (\$163,558,000)~~ \$163,928,000 of the amounts in (a) of this subsection are provided solely for WorkFirst and working connections child care administration and overhead. Of amounts provided in this subsection (1)(e), \$41,000 of the appropriation for fiscal year 2016 is provided solely for implementation of chapter 7, Laws of 2015 3rd sp. sess. (early care and education system).

~~((f) \$41,000,000 of the general fund—state appropriation for fiscal year 2016 and \$22,040,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1491 (early care and education system). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection (1)(f) shall lapse.~~

~~(g))~~ (f) The amounts in (b) through (d) of this subsection shall be expended for the programs and in the amounts specified. However, the department may transfer up to 10 percent of funding between (b) through (d) of this subsection. The department shall provide notification prior to any transfer to the office of financial management and to the appropriate legislative committees and the legislative-executive WorkFirst oversight task force. The approval of the director of financial management is required prior to any transfer under this subsection.

(g) Beginning July 1, 2016, and each calendar quarter thereafter, the department shall provide a maintenance of effort and participation rate tracking report for temporary assistance for needy families to the office of financial management, the appropriate policy and fiscal committees of the legislature, and the legislative-executive WorkFirst oversight task force. The report must detail the following information for temporary assistance for needy families:

(i) An overview of federal rules related to maintenance of effort, excess maintenance of effort, participation rates for temporary assistance for needy families, and the child care development fund as it pertains to maintenance of effort and participation rates;

(ii) Countable maintenance of effort and excess maintenance of effort, by source, provided for the previous federal fiscal year;

(iii) Countable maintenance of effort and excess maintenance of effort, by source, for the current fiscal year, including changes in countable maintenance of effort from the previous year;

(iv) The status of reportable federal participation rate requirements, including any impact of excess maintenance of effort on participation targets;

(v) Potential new sources of maintenance of effort and progress to obtain additional maintenance of effort; and

(vi) A two-year projection for meeting federal block grant and contingency fund maintenance of effort, participation targets, and future reportable federal participation rate requirements.

(h) In the 2017-2019 fiscal biennium, it is the intent of the legislature to provide appropriations from the state general fund for the purposes of (b) through (e) of this

subsection if the department does not receive additional federal temporary assistance for needy families contingency funds in each fiscal year as assumed in the budget outlook.

(2) \$1,657,000 of the general fund—state appropriation for fiscal year 2016 and \$1,657,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for naturalization services.

(3) \$2,366,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services; and \$2,366,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for employment services for refugees and immigrants, of which \$1,774,000 is provided solely for the department to pass through to statewide refugee and immigrant assistance organizations for limited English proficiency pathway services.

(4) On December 1, 2015, and annually thereafter, the department must report to the legislature on all sources of funding available for both refugee and immigrant services and naturalization services during the current fiscal year and the amounts expended to date by service type and funding source. The report must also include the number of clients served and outcome data for the clients.

(5) To ensure expenditures remain within available funds appropriated in this section, the legislature establishes the benefit under the state food assistance program, pursuant to RCW 74.08A.120, to be one hundred percent of the federal supplemental nutrition assistance program benefit amount.

(6) The department shall review clients receiving services through the aged, blind, or disabled assistance program, to determine whether they would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department.

(7) The department shall continue the interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veterans' services. This agreement must include out-stationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services.

(8) \$300,000 of the general fund—federal appropriation is provided solely for implementation of Second Substitute House Bill No. 2877 (SNAP benefit distribution dates), provided that the department confirms receipt of SNAP Bonus payments sufficient for the cost of implementing the bill. If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(9) \$16,000 of the general fund—state appropriation for fiscal year 2017 and \$29,000 of the general fund—federal appropriation are provided solely for implementation of Senate Bill No. 6499 (child support/electronic). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

**Sec. 208.** 2015 3rd sp.s. c 4 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund—State Appropriation (FY 2016).....	(\$64,766,000)	
		<u>\$64,261,000</u>
General Fund—State Appropriation (FY 2017).....	(\$64,894,000)	
		<u>\$66,185,000</u>
General Fund—Federal Appropriation .....	(\$432,441,000)	
		<u>\$519,951,000</u>
General Fund—Private/Local Appropriation....	\$20,211,000	
Criminal Justice Treatment Account—State Appropriation .....	(\$11,978,000)	
		<u>\$12,478,000</u>
Problem Gambling Account—State Appropriation.....	\$1,453,000	
Dedicated Marijuana Account—State Appropriation (FY 2016).....	\$10,736,000	
Dedicated Marijuana Account—State Appropriation (FY 2017).....	\$24,802,000	
<b>TOTAL</b>		
<b>APPROPRIATION</b> .....	<u>\$631,281,000</u>	
		<u>\$720,077,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program or other specialized chemical dependency case management providers for pregnant, post-partum, and parenting women. For all contractors: (a) Service and other outcome data must be provided to the department by request; and (b) indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) In accordance with RCW 70.96A.090 and 43.135.055, the department is authorized to adopt fees for the review and approval of treatment programs in fiscal years 2016 and 2017 as necessary to support the costs of the regulatory program. The department's fee schedule shall have differential rates for providers with proof of accreditation from organizations that the department has determined to have substantially equivalent standards to those of the department, including but not limited to the joint commission on accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, and the council on accreditation. To reflect the reduced costs associated with regulation of accredited programs, the department's fees for organizations with such proof of accreditation must reflect the lower cost of licensing for these programs than for other organizations which are not accredited.

(3) \$3,500,000 of the general fund—federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

(4) \$421,000 of the general fund—state appropriation for fiscal year 2016, \$873,000 of the general

fund—state appropriation for fiscal year 2017, and \$1,787,000 of the general fund—federal appropriation are provided solely for implementation of chapter 50, Laws of 2015 (E2SHB 1450) (involuntary outpatient treatment). The department must use these amounts for increases in alcohol and substance abuse treatment associated with implementation of the bill.

(5) \$200,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and \$200,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for a contract with the Washington state institute for public policy to conduct cost-benefit evaluations of the implementation of chapter 3, Laws of 2013 (Initiative Measure No. 502).

(6) \$500,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and \$500,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely to design and administer the Washington state healthy youth survey and the Washington state young adult behavioral health survey.

(7) \$395,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and \$396,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for increasing services to pregnant and parenting women provided through the parent child assistance program.

(8) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for a grant to the office of superintendent of public instruction to provide life skills training to children and youth in schools that are in high needs communities.

(9) \$386,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and \$386,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely to increase prevention and treatment services provided by tribes to children and youth.

(10) \$683,000 of the dedicated marijuana account—state appropriation for fiscal year 2016, \$2,684,000 of the dedicated marijuana account—state appropriation for fiscal year 2017, and \$1,900,000 of the general fund—federal appropriation are provided solely to increase residential treatment services for children and youth.

(11) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for training and technical assistance for the implementation of evidence based, research based, and promising programs which prevent or reduce substance use disorders.

(12) \$1,000,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and \$2,434,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for expenditure into the home visiting services account.

(13) \$3,278,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 is provided solely for a memorandum of understanding with the department of social and health services juvenile rehabilitation administration to provide substance abuse

treatment programs for juvenile offenders. Of the amounts provided in this subsection:

(a) \$1,130,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 is provided solely for alcohol and substance abuse treatment programs for locally-committed offenders. The juvenile rehabilitation administration shall award these funds as described in section 203(3) of this act.

(b) \$282,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 is provided solely for the expansion of evidence-based treatments and therapies as described in section 203(4) of this act.

(14) \$2,500,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and \$2,500,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for grants to community-based programs that provide prevention services or activities to youth, including programs for school-based resource officers. These funds must be utilized in accordance with RCW 69.50.540.

(15) (~~(\$54,000 of the general fund—state appropriation for fiscal year 2016, \$252,000 of the general fund—state appropriation for fiscal year 2017, and \$2,232,000 of the general fund—federal appropriation are provided for)~~) Within the amounts provided in this section, regional support networks ((~~to~~) must provide outpatient chemical dependency treatment for offenders enrolled in the medicaid program who are supervised by the department of corrections pursuant to a term of community supervision beginning in April 2016. Effective April 1, 2016, contracts with regional support networks must require that regional support networks include in their provider network specialized expertise in the provision of manualized, evidence-based chemical dependency treatment services for offenders. The department of corrections and the department of social and health services must develop a memorandum of understanding for department of corrections offenders on active supervision who are medicaid eligible and meet medical necessity for outpatient substance use disorder treatment. The agreement will ensure that treatment services provided are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served. The department of social and health services must provide all necessary data, access, and reports to the department of corrections for all department of corrections offenders that receive medicaid paid services.

(16) During the 2015-2017 fiscal biennium, any amounts provided in this section that are used for case management services for pregnant and parenting women must be contracted directly between the department and providers rather than through contracts with behavioral health organizations. By December 1, 2016, the department must provide a report to the office of financial management and the appropriate committees of the legislature on the readiness for behavioral health organizations to assume the contracts for case management services for pregnant and parenting women.

(17) \$100,000 of the general fund—state appropriation for fiscal year 2016 and \$100,000 of the general fund—state appropriation for fiscal year 2017 are

provided solely for parenting education services focused on pregnant and parenting women.

(18) Within existing appropriations, the department shall prioritize the prevention and treatment of intravenous opiate-based drug use.

(19) (~~(\$1,110,000 of the general fund—federal appropriation is provided solely for a contract with the University of Washington for research on the short and long term effects of marijuana use.~~

~~(20) \$740,000))~~ \$250,000 of the general fund—((federal)) state appropriation for fiscal year 2017 is provided solely for a contract with the Washington State University (for research on the short and long term effects of marijuana use) for the research and development of a marijuana breathalyzer.

(20) \$438,000 of the general fund—state appropriation for fiscal year 2017 and \$185,000 of the general fund—federal appropriation are provided solely for implementation of Third Substitute House Bill No. 1713 (mental health, chemical dependency). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(21) Within the amounts appropriated in this section, the department of social and health services and the health care authority must provide quarterly reports to the chairs of the house of representatives health care and wellness committee, the house of representatives early learning and human services committee, the senate health care committee, and the senate human services, mental health, and housing committee on the integration of mental health and chemical dependency treatment purchasing through behavioral health organizations and the southwest Washington early adopter model. These reports must include, but are not limited to, an update on reimbursement rates and contracts for providing residential chemical dependency treatment; the numbers of referrals and length of stay for patients referred to chemical dependency treatment; the timing of authorization and payment to providers; the compatibility of patient electronic medical record data between behavioral health organizations, managed care organizations in the southwest Washington regional service area, and providers; and the status of contracted providers. Behavioral health organizations and managed care organizations in the southwest Washington regional service area must be required to immediately report when notified that a provider is in jeopardy of closure. The department and the health care authority must immediately assess whether and take actions to ensure that the behavioral health organization or managed care plans impacted by the provider closure have an adequate transition plan to maintain an adequate network and provide access to medically necessary treatment services for enrollees. These reports shall begin April 1, 2016, and end on October 31, 2016.

(22) Within existing appropriations for fiscal year 2017, the department shall conduct a two-part study of substance use provider capacity and substance use provider outcomes in the state. The provider capacity report must provide information about publicly funded providers, including their number, geographical location, populations served, and treatment methodologies employed. The provider outcome report must examine variation in client

outcome for these providers using statistical models to mitigate the impact of case mix. Where possible, outcomes must be aligned with specifications developed as directed by Second Substitute Senate Bill No. 5732, (chapter 338, Laws of 2013) and Engrossed Substitute House Bill No. 1519 (chapter 320, Laws of 2013). The two reports shall be submitted to the governor and appropriate committees of the legislature by June 1, 2017.

(23) \$500,000 of the criminal justice treatment account—state appropriation is provided solely to increase funding for substance abuse treatment and support services for offenders and to support drug courts.

**Sec. 209.** 2015 3rd sp.s. c 4 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2016).....	(\$12,896,000)	
		<u>\$12,866,000</u>
General Fund—State Appropriation (FY 2017).....	(\$13,424,000)	
		<u>\$13,353,000</u>
General Fund—Federal Appropriation .....	(\$99,251,000)	
		<u>\$98,491,000</u>
TOTAL		
APPROPRIATION .....	\$125,571,000	<u>\$124,710,000</u>

**Sec. 210.** 2015 3rd sp.s. c 4 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—SPECIAL COMMITMENT PROGRAM**

General Fund—State Appropriation (FY 2016).....	(\$37,680,000)	
		<u>\$39,490,000</u>
General Fund—State Appropriation (FY 2017).....	(\$37,266,000)	
		<u>\$40,823,000</u>
TOTAL		
APPROPRIATION .....	\$74,946,000	<u>\$80,313,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$78,000 of the general fund—state appropriation for fiscal year 2016 and \$78,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to implement House Bill No. 1059 (sexually violent predators).

(2) The department shall review its current food services for the special commitment center for opportunities to consolidate and centralize, emphasizing opportunities for increased efficiency. The department shall consider consolidating and centralizing the department's institutional food service by examining: (a) Consistent daily meals across institutions; (b) off-site meal preparation and cook-chill meals; and (c) increased use of the department of correction's correctional industries

institutional food service. Any food service improvements must account for special diets and consistency with established dietary intakes of the food and nutrition board of the national research council.

(3) Within the amounts provided in this section, the special commitment center must explore entering into an interagency agreement with the University of Washington. The interagency agreement would allow the department to receive drug pricing under 340B of the public health services act for drug purchases associated with treating patients with hepatitis C or other diseases, whereby the university is acting as the covered entity or safety-net provider. In cooperation with the University of Washington, the special commitment center must provide an estimate of the fiscal impact of a successful agreement of this nature, to be included in the report provided to the legislature under section 606 of this act.

(4) The special commitment center may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(5) \$15,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of a memorandum of understanding between the governor and the service employees international union healthcare 1199nw amending the collective bargaining under chapter 41.80 RCW for the 2015-2017 fiscal biennium as set forth in section 902 of this act. The legislature recognizes that the memorandum of understanding was necessitated by an emergency and an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees.

**Sec. 211.** 2015 3rd sp.s. c 4 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund—State Appropriation (FY 2016) .....	(\$32,668,000)	
		<u>\$34,207,000</u>
General Fund—State Appropriation (FY 2017) .....	(\$33,667,000)	
		<u>\$34,533,000</u>
General Fund—Federal Appropriation.....	(\$38,282,000)	
		<u>\$41,153,000</u>
General Fund—Private/Local Appropriation .....	\$654,000	
TOTAL		
APPROPRIATION .....	\$105,271,000	<u>\$110,547,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the general fund—state appropriation for fiscal year 2016 and \$300,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a Washington state mentoring organization to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

**Sec. 212.** 2015 3rd sp.s. c 4 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2016).....	(\$64,440,000)	
		<u>\$72,717,000</u>
General Fund—State Appropriation (FY 2017).....	(\$61,766,000)	
		<u>\$76,957,000</u>
General Fund—Federal Appropriation .....	(\$53,238,000)	
		<u>\$58,973,000</u>
<b>TOTAL</b>		
APPROPRIATION .....	\$179,444,000	
		<u>\$208,647,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$8,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to implement chapter 240, Laws of 2015 (extended foster care).

**Sec. 213.** 2015 3rd sp.s. c 4 s 213 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

During the 2015-2017 fiscal biennium, the health care authority shall provide support and data as required by the office of the state actuary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority.

~~(Information technology projects and proposed projects for time capture, payroll and payment processes, and eligibility and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.)~~ Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the health care authority are subject to technical oversight by the office of the chief information officer.

The health care authority shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The health care authority may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the health care authority receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that

federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

The appropriations to the health care authority in this act shall be expended for the programs and in the amounts specified in this act. To the extent that appropriations in this section are insufficient to fund actual expenditures in excess of caseload forecasts and utilization assumptions, the authority, after May 1, 2016, may transfer general fund—state appropriations for fiscal year 2016 that are provided solely for a specified purpose. The authority shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(1) MEDICAL ASSISTANCE

General Fund—State Appropriation (FY 2016) .....	(\$1,937,491,000)	
		<u>\$1,950,827,000</u>
General Fund—State Appropriation (FY 2017) .....	(\$1,934,895,000)	
		<u>\$2,054,119,000</u>
General Fund—Federal Appropriation. ((	\$11,559,063,000))	
		<u>\$11,217,550,000</u>
General Fund—Private/Local Appropriation .....	(\$77,619,000)	
		<u>\$70,787,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation.....	\$15,086,000	
Hospital Safety Net Assessment Account—State Appropriation .....	\$689,942,000	
Medicaid Fraud Penalty Account—State Appropriation .....	\$18,491,000	
<del>((State Health Care Authority Administration Account—State Appropriation .....</del>	<del>\$790,000))</del>	
Medical Aid Account—State Appropriation .....	\$528,000	
Dedicated Marijuana Account—State Appropriation (FY 2016).....	(\$5,351,000)	
		<u>\$7,791,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2017).....	(\$12,520,000)	
		<u>\$12,979,000</u>
<u>State Health Care Authority Administration Account—State Appropriation .....</u>	<u>\$106,000</u>	
<b>TOTAL</b>		
APPROPRIATION .....	\$16,251,776,000	
		<u>\$16,038,206,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$35,794,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for

medicaid services based on the February caseload and medicaid forecasts contingent upon: (i) Transfer of the medicaid forecast function to the office of financial management, by July 1, 2016; (ii) the authority executing necessary, timely data sharing agreements with the office of the state actuary; (iii) the authority providing support and data as required by the office of the state actuary necessary in providing the legislature with health care actuarial analysis, including providing any information in the possession of the health care authority or available to the health care authority through contracts with providers, plans, insurers, consultants, or any other entities contracting with the health care authority; (iv) transfer of the administration of the managed care actuarial rate setting contract from the authority to the office of financial management; and (v) the authority consulting with the medical assistance forecast work group prior to accepting the actuarial contractor's managed care rate recommendations.

(b) \$121,599,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for holding medicaid managed care capitation rates flat at calendar year 2016 levels in state fiscal year and calendar year 2017. To achieve this target, the authority shall engage with a group composed of the office of financial management, the medicaid forecast work group, and the managed care plans on a range of strategies developed both by the authority and the group. The authority shall obtain actuarial analysis, support, and recommendations during this process, and the state actuary shall obtain independent actuarial analysis. By August 1, 2016, the authority shall present the progress made on the initiative to the joint select committee on health care, identifying any possible changes in statute needed to achieve the goal and the possible impacts on clients. The authority shall complete the plan and report to the appropriate committees of the legislature by October 1, 2016.

(c) \$1,894,672,000 of the general fund—state appropriation for fiscal year 2016 and \$1,915,233,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for medicaid services and the medicaid program. However, the authority shall not accept or expend any federal funds received under a medicaid transformation demonstration waiver currently being sought under healthier Washington, except as described in (d) through (g) of this subsection, until specifically approved and appropriated by the legislature.

(d) No more than \$127,336,000 of the general fund—federal appropriation may be expended for transformation through accountable communities of health described in initiative 1 of the medicaid transformation demonstration waiver currently being sought under healthier Washington, including preventing youth drug use. The authority shall not increase general fund—state expenditures on this initiative. The authority shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the manner, form, and time requested by the legislative fiscal committees.

(e) No more than \$5,223,000 of the general fund—federal appropriation may be expended for tailored support for older adults and medicaid alternative care described in

initiative 2 of the medicaid transformation demonstration waiver currently being sought under healthier Washington. The authority shall not increase general fund—state expenditures on this initiative. The authority shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the manner, form, and time requested by the legislative fiscal committees.

(f) No more than \$9,425,000 of the general fund—federal appropriation may be expended for supportive housing services described in initiative 3(a) of the medicaid transformation demonstration waiver currently being sought under healthier Washington. The authority shall not increase general fund—state expenditures on this initiative. The authority shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the manner, form, and time requested by the legislative fiscal committees.

(g) No more than \$5,567,000 of the general fund—federal appropriation may be expended for supportive employment services described in initiative 3(b) of the medicaid transformation demonstration waiver currently being sought under healthier Washington. The authority shall not increase general fund—state expenditures on this initiative. The authority shall report to the fiscal committees of the legislature all expenditures under this subsection and shall provide such fiscal data in the manner, form, and time requested by the legislative fiscal committees.

(h) Sufficient amounts are appropriated in this subsection to implement the medicaid expansion as defined in the social security act, section 1902(a)(10)(A)(i)(VIII).

~~((b))~~ (i) The legislature finds that medicaid payment rates, as calculated by the health care authority pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that the cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

~~((e))~~ (j) Based on quarterly expenditure reports and caseload forecasts, if the health care authority estimates that expenditures for the medical assistance program will exceed the appropriations, the health care authority shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

~~((d))~~ (k) In determining financial eligibility for medicaid-funded services, the health care authority is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

~~((e))~~ (l) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

~~((f))~~ (m) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the health care authority shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

~~((g))~~ (n) \$4,261,000 of the general fund—state appropriation for fiscal year 2016, \$4,261,000 of the general fund—state appropriation for fiscal year 2017, and \$8,522,000 of the general fund—federal appropriation are provided solely for low-income disproportionate share hospital payments.

~~((h))~~ (o) Within the amounts appropriated in this section, the health care authority shall provide disproportionate share hospital payments to hospitals that provide services to children in the children's health program who are not eligible for services under Title XIX or XXI of the federal social security act due to their citizenship status.

~~((i))~~ (p) \$6,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the health care authority's discretion. During either the interim cost settlement or the final cost settlement, the health care authority shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The health care authority shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

~~((j))~~ (q) The health care authority shall continue the inpatient hospital certified public expenditures program for the 2015-2017 fiscal biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The health care authority shall submit reports to the governor and legislature by November 1, 2015, and by November 1, 2016, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the health care authority shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2016 and fiscal year 2017, hospitals in the program shall be paid and shall retain one hundred percent of the

federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2015-2017 biennial operating appropriations act and in effect on July 1, 2015, (b) one-half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2015-2017 fiscal biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. ~~(\$16,664,000)~~ \$14,014,000 of the general fund—state appropriation for fiscal year 2016 and ~~(\$8,170,000)~~ \$9,700,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for state grants for the participating hospitals.

~~((k))~~ (r) The health care authority shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

~~((l))~~ (s) The health care authority shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race. The health care authority shall prioritize evidence-based practices for delivery of maternity support services. To the extent practicable, the health care authority shall develop a

mechanism to increase federal funding for maternity support services by leveraging local public funding for those services.

~~((m))~~ (l) Within the amounts appropriated in this section, the authority shall identify strategies to improve patient adherence to treatment plans for diabetes and implement these strategies as a pilot through one health home program to be identified by the authority. The authority shall report to the governor and legislature in December 2015 on patient outcomes and cost savings derived from new adherence strategies in the health home model and make recommendations for improving the strategies.

~~((n))~~ (u) Managed care contracts must incorporate accountability measures that monitor patient health and improved health outcomes, and shall include an expectation that each patient receive a wellness examination that documents the baseline health status and allows for monitoring of health improvements and outcome measures.

~~((o))~~ (v) \$88,000 of the medicaid fraud penalty account—state appropriation and \$567,000 of the general fund—federal appropriation are provided solely to implement the conversion to the tenth version of the world health organization's international classification of diseases.

~~((p))~~ (w) Sufficient amounts are appropriated in this section for the authority to provide an adult dental benefit.

~~((q))~~ (x) The health care authority shall coordinate with the department of social and health services to provide referrals to the Washington health benefit exchange for clients that will be ineligible for medicaid.

~~((r))~~ (y) To facilitate a single point of entry across public and medical assistance programs, and to maximize the use of federal funding, the health care authority, the department of social and health services, and the health benefit exchange will coordinate efforts to expand HealthPlanfinder access to public assistance and medical eligibility staff. No later than October 1, 2015, the health care authority shall complete medicaid applications in the HealthPlanfinder for households receiving or applying for medical assistance benefits.

~~((s))~~ (z) \$90,000 of the general fund—state appropriation for fiscal year 2016, \$90,000 of the general fund—state appropriation for fiscal year 2017, and \$180,000 of the general fund—federal appropriation are provided solely to continue operation by a nonprofit organization of a toll-free hotline that assists families to learn about and enroll in the apple health for kids program.

~~((t))~~ (aa) The appropriations in this section reflect savings and efficiencies by transferring children receiving medical care provided through fee-for-service to medical care provided through managed care.

~~((u))~~ (bb) Within the amounts appropriated in this section, the authority shall reimburse for primary care services provided by naturopathic physicians.

~~((v))~~ (cc) Within the amounts appropriated in this section, the authority shall continue to provide coverage for pregnant teens that qualify under existing pregnancy medical programs, but whose eligibility for pregnancy related services would otherwise end due to the application of the new modified adjusted gross income eligibility standard.

~~((w))~~ (dd) Sufficient amounts are appropriated in this section to remove the mental health visit limit and to provide the shingles vaccine and screening, brief intervention, and referral to treatment benefits that are available in the medicaid alternative benefit plan in the classic medicaid benefit plan.

~~((x))~~ (ee) \$227,000 of the general fund—state appropriation for fiscal year 2016, \$461,000 of the general fund—state appropriation for fiscal year 2017, and \$734,000 of the general fund—federal appropriation are provided solely to implement Substitute Senate Bill No. 5317 (enhanced autism screening - bright futures).

~~((y))~~ (ff) \$4,278,000 of the general fund—private/local appropriation and \$9,835,000 of the general fund—federal appropriation are provided solely to implement House Bill No. 2007 (emergency medical transportation).

~~((z))~~ (gg) Within amounts appropriated in this section, the health care authority shall conduct a review of its adult dental program in cooperation with and utilizing resources from Washington dental services foundation. The authority shall develop a plan to implement an expanded oral health care program for adults with diabetes and pregnant women. A report summarizing the authority's implementation plan and an estimation of cost savings must be submitted to the governor and the appropriate committees of the legislature by December 1, 2015.

~~((aa))~~ (hh) No more than ~~(\$1,175,000)~~ \$452,000 of the general fund—state appropriation for fiscal year 2016 and no more than \$723,000 of the general fund—state appropriation for fiscal year 2017 may be expended for reimbursement for nonhospital based rural health clinics auditing costs to complete annual payment reconciliations for calendar years 2011-2013 as required under 42 U.S.C. Sec. 1396a (bb)(5)(A). The department shall use the agreed-upon procedures to complete the reconciliations. Nonhospital-based clinics shall be reimbursed for the cost of auditing using the agreed-upon procedures for payment reconciliation for this time period only.

~~((bb))~~ (ii) The appropriations in this section represent a transfer of expenditure authority of \$2,333,000 of the general fund—federal appropriation for fiscal year 2016 and \$1,782,000 of the general fund—federal appropriation for fiscal year 2017 to the office of financial management to implement Engrossed Substitute Senate Bill No. 5084 (all payer claims database).

~~((cc))~~ (jj) Pursuant to RCW 41.06.142(3), the authority shall implement a pilot program within existing resources to understand the nature and depth of potential fraud, waste, and abuse and the creation of operational efficiencies within the provider and beneficiary system. The pilot program shall examine streamlining provider enrollment and compliance within the current affordable care act screening requirements and include a post-enrollment review of those currently enrolled in medicaid to determine if there have been changes in demographics, including but not limited to becoming deceased, incarcerated, or residing out of state. The pilot program shall be conducted by the authority in partnership with a third-party vendor that uses national public records data as well as provider-specific data. The authority shall prepare a

report to the governor and legislative fiscal committees by December 15, 2015.

~~((dd))~~ (kk) Within amounts appropriated in this section, the health care authority shall conduct a review of its federally qualified health center encounter rates and rural health center encounter rates in comparison to current uniform medical plan rates for the same or similar services. The authority shall consult with the centers for medicare and medicaid services to determine whether federally qualified encounter rates may be adjusted to uniform medical plan rates as a reasonable proxy to cost. The authority must submit a report to the governor and the appropriate committees of the legislature that includes which encounter rates exceed uniform medical rates, the amount by which the rates are exceeded, and the annual cost of paying above uniform medical rates. The report shall also include the steps the authority has taken with the centers for medicare and medicaid services to ensure that rates bear a reasonable relationship to costs incurred by efficiently and economically operated facilities, including whether uniform medical plan or commercial rates may be considered a reasonable proxy to cost. The report must be submitted by January 1, 2016. By September 15, 2016, the authority is directed to directly consult with the centers for medicaid and medicare services to determine whether federally qualified encounter rates may be adjusted to uniform medical plan rates as a reasonable proxy to cost and resubmit the report to include the results of this consultation.

~~((ee))~~ (ll) \$1,035,000 of the general fund—state appropriation for fiscal year 2016, \$965,000 of the general fund—state appropriation for fiscal year 2017, and \$1,846,000 of the general fund—federal appropriation are provided solely for customer service staff to reduce call wait times and improve the number of calls answered by the authority.

~~((ff))~~ (mm) \$386,000 of the general fund—state appropriation for fiscal year 2016, \$361,000 of the general fund—state appropriation for fiscal year 2017, and \$2,018,000 of the general fund—federal appropriation are provided solely for additional staff to support timely resolution of eligibility-related issues for medicaid clients.

~~((gg))~~ (nn)(i) \$123,000 of the general fund—state appropriation for fiscal year 2016, \$118,000 of the general fund—state appropriation for fiscal year 2017, \$48,000 of the state health care authority administrative account—state appropriation, and \$312,000 of the general fund—federal appropriation are provided solely to establish the bleeding disorder collaborative for care.

(ii) The collaborative must consist of three representatives from the authority, three representatives from the largest organization in Washington representing patients with bleeding disorders, two representatives from state designated bleeding disorder centers of excellence, and two representatives of federally funded hemophilia treatment centers based in Washington. The collaborative may invite the participation of other persons with expertise that may assist the collaborative in its responsibilities. The collaborative shall adopt a transparent process that allows for public comment prior to the final adoption of any evidence-based practice.

(iii) The collaborative shall:

(A) Identify and develop evidence-based practices to improve care to patients with bleeding disorders with specific attention to health care cost reduction. To the extent that evidence-based practices are unavailable, the collaborative shall research and create the practices or compile the necessary information. In the event that research on evidence is incomplete, the collaborative may consider research-based practices or emerging best practices;

(B) Make recommendations regarding the dissemination of the evidence-based practices to relevant health care professionals and support service providers and propose options for incorporating evidence-based practices into their treatment regimens; and

(C) Assist the authority in the development of a cost-benefit analysis regarding the use of evidence-based practices for specific populations in state-purchased health care programs.

(iv) The authority shall report to the governor and the legislature by September 1, 2016, regarding the evidence-based practices that have been developed, the clinical and fiscal implications of their implementation, and a strategy for disseminating the practices and incorporating their use among health care professionals in various state-financed health care programs.

~~((hh))~~ (oo) The authority shall use revenue appropriated from the dedicated marijuana fund for contracts with community health centers under RCW 69.50.540 in lieu of general fund—state payments to community health centers for services provided to medical assistance clients, and it is the intent of the legislature that this policy will be continued in subsequent fiscal biennia.

(pp) In collaboration with the state hospital association, the authority shall develop and implement a process to review hospital cost report information for new, in-state hospital psychiatric inpatient services that have not had provider specific costs and determine the hospital-specific per diem rate as currently defined for existing providers of psychiatric inpatient services. As a result of this action, the authority shall not incur expenditures in the current biennium. The authority shall report to the office of financial management and appropriate committees of the legislature the following information no later than October 1, 2017:

(i) The number of potential new psychiatric beds;

(ii) The number of potential new psychiatric beds that were previously designated as acute beds;

(iii) The total estimated costs for all new potential psychiatric beds;

(iv) The potential savings or expenditures derived from change in bed type usage; and

(v) The state fiscal years in which potential costs and savings are likely to incur.

(qq) To further the goals of better care, better health outcomes, and reduced per capita costs of health care, the authority shall review its reimbursement methods and rates for births performed at birth centers. The authority shall report to the governor and appropriate committees of the legislature by October 15, 2016, with recommendations for adjusting reimbursement methods and levels, improving access to care, improving the

cesarean section rate, and savings options for utilizing birth centers as an alternative to hospitals.

(rr) The authority shall submit reports to the governor and the legislature by September 15, 2016, and by September 15, 2017, that delineate the number of individuals in medicaid managed care, by carrier, age, gender, and eligibility category, receiving preventative services and vaccinations. The reports should include baseline and benchmark information from the previous two fiscal years and should be inclusive of, but not limited to, services recommended under the United States preventative services task force, advisory committee on immunization practices, early and periodic screening, diagnostic, and treatment (EPSDT) guidelines, and other relevant preventative and vaccination medicaid guidelines and requirements.

(ss) Within amounts appropriated in this section, the authority shall implement Substitute Senate Bill No. 6430 (continuity of care) to update the ProviderOne and HealthPlanFinder systems to allow suspension rather than termination of medical assistance benefits for persons who are incarcerated or committed to a state hospital subject to the same conditions, limitations, and review provided in section 705 (3) through (6), chapter 4, Laws of 2015 3rd sp. sess. (Engrossed Substitute Senate Bill No. 6052).

(tt) Within amounts appropriated within this section, the authority is directed to increase reimbursement rates for licensed practical nurses and registered nurses providing skilled nursing services in a home setting by \$10.00 per hour. This increase shall be offset by decreases in inpatient hospitalization. The authority is directed to work in collaboration with the home health association and the Washington state hospital association to develop a plan to show how improved access to home health nursing reduces potentially preventable readmissions, increases access to care, reduces hospital length of stay, and prevents overall hospital admissions for clients receiving private-duty nursing, medically intensive care, or home health benefits. The authority shall submit a report to the governor and appropriate committees of the legislature by December 15, 2016, with details of this plan.

(uu) The appropriations in this section include specific funds for the purpose of implementing Engrossed Second Substitute House Bill No. 2439 (youth mental health).

(vv) Within the amounts appropriated in this section, the health care authority in cooperation with the Washington dental services foundation, the Washington state dental association, and other interested stakeholders shall develop a plan to increase access to care by expanding the medicaid dental network through contracting out the administration of the medicaid dental program. This plan shall include but not be limited to engaging dental expertise in the administration, improving the provider and patient experience, aligning the benefit package with evidence-based care, and beginning to test innovative models of delivery consistent with the goals of the healthier Washington initiative. The authority shall also review options to include contracting with one or more medicaid managed care plans or a third-party administrator. The report summarizing the authority's implementation plan and an estimate of the cost to execute this plan must be

submitted to the governor and the appropriate committees of the legislature by December 1, 2016. The plan shall not be implemented until specifically authorized by the legislature.

(ww) \$608,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to implement the provider access line (PAL) plus pilot program. For purposes of the PAL plus pilot program, the authority shall work in collaboration with faculty from the University of Washington working on the integration of mental health and medical care.

(i) The PAL plus service is targeted to help children and families with medicaid coverage who have mental health concerns not already being served by the regional support network system or other local specialty care providers, and who instead receive treatment from their primary care providers. Services must be offered by regionally based and multipractice shared mental health service providers who deliver in person and over the telephone the following services upon primary care request:

- (A) Evaluation and diagnostic support;
- (B) Individual patient care progress tracking;
- (C) Behavior management coaching; and
- (D) Other evidence supported psychosocial care supports which are delivered as an early and easily accessed intervention for families.

(ii) The PAL team of child psychiatrists and psychologists shall provide mental health service providers with training and support, weekly care plan reviews and support on their caseloads, and direct patient evaluations for selected enhanced assessments, and must utilize a shared electronic reporting and tracking system to ensure that children not improving are identified as such and helped to receive additional services. The PAL team shall promote the appropriate use of cognitive behavioral therapies and other treatments which are empirically supported or evidence-based and encourage providers to use psychotropic medications as a last resort.

(iii) The authority shall monitor PAL plus service outcomes, including, but not limited to:

- (A) Characteristics of the population being served;
- (B) Process measures of service utilization;
- (C) Behavioral health symptom rating scale outcomes of individuals and aggregate rating scale outcomes of populations of children served;
- (D) Claims data comparison of implementation versus non-implementation regions;
- (E) Service referral patterns to local specialty mental health care providers; and
- (F) Family and provider feedback.

(iv) By December 31, 2017, the authority shall make a preliminary evaluation of the viability of a statewide PAL plus service program and report to the appropriate committees of the legislature, with a final evaluation report due by December 31, 2018. The final report must include recommendations on sustainability and leveraging funds through behavioral health and managed care organizations.

(2) PUBLIC EMPLOYEES BENEFITS BOARD  
AND EMPLOYEE BENEFITS PROGRAMS  
State Health Care Authority Administration Account—  
State Appropriation ..... ((\$38,983,000))

\$38,701,000

The appropriation in this subsection is subject to the following conditions and limitations:

(a) \$162,000 of the state health care authority administration account—state appropriation is for the health care authority to work with participating employers to minimize employer penalties that may be incurred by employers not providing health benefit coverage for part-time employees that are defined as full-time employees under the employer shared responsibility provisions of the federal affordable care act.

(b)(i) The state employer contribution for state employee insurance benefits is reduced for fiscal year 2017 from \$894 per month to \$888 per month. Reductions are achieved while maintaining fully funded reserves through the use of accumulated surplus funds due to reduced claims costs, and reduced litigation costs due to the settlement of the litigation in the four Moore, et al. v. Health Care Authority and the state of Washington cases. The authority is required to review the effectiveness of the wellness program known as smarthealth, and report to the appropriate committees of the legislature on the effectiveness of the wellness program on a quarterly basis beginning no later than June 30, 2016. The effectiveness report shall include information on the contractors' communication strategies, rates of employee engagement, and the identification and quarterly measurement of employee wellness outcome criteria, such as the rates of sick leave use and of improvements in chronic medical conditions among wellness plan participants. Prior to procuring contracts for health insurance and services for the 2017 calendar year, the authority shall also present the findings on the effectiveness of the wellness plan, including per plan member and per wellness plan-participant costs of the wellness program at a public meeting of the public employees' benefits board.

(ii) The authority and the public employees' benefits board shall consult with the Washington state institute for public policy on the cost-effectiveness of the wellness plan and any changes to the plan that can be made to increase the health care efficiency of the wellness plan.

(iii) The authority and the public employees' benefits board shall ensure that procurement for employee health benefits during the 2017-2019 fiscal biennium is consistent with the funding limitations provided in sections 908 through 910 of this act.

(3) HEALTH BENEFIT EXCHANGE

General Fund—State Appropriation (FY 2016).....	(\$5,872,000)
	<u>\$5,942,000</u>
General Fund—State Appropriation (FY 2017).....	(\$5,146,000)
	<u>\$5,184,000</u>
General Fund—Federal Appropriation .....	(\$40,427,000)
	<u>\$49,410,000</u>
Health Benefit Exchange Account—State Appropriation.....	(\$58,567,000)
	<u>\$50,503,000</u>
TOTAL	
APPROPRIATION.....	\$110,042,000
	<u>\$111,039,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The receipt and use of medicaid funds provided to the health benefit exchange from the health care authority are subject to compliance with state and federal regulations and policies governing the Washington apple health programs, including timely and proper application, eligibility, and enrollment procedures.

(b) \$4,755,000 of the health benefit exchange account—state appropriation and \$5,069,000 of the general fund—federal appropriation are provided solely for the customer service call center.

(c) \$577,000 of the general fund—state appropriation for fiscal year 2016, \$810,000 of the general fund—state appropriation for fiscal year 2017, \$3,606,000 of the health benefit exchange account—state appropriation, and \$1,389,000 of the general fund—federal appropriation are provided solely for in-person assisters and outreach to help individuals and families complete applications for health coverage.

(d) \$1,417,000 of the health benefit exchange account—state appropriation and \$8,218,000 of the general fund—federal appropriation are provided solely to fund the design, development, implementation, operation, and maintenance of the health benefit exchange's information technology systems.

(e) The authority shall require the exchange to submit to the authority and the appropriate committees of the legislature by September 30, 2015, and September 30, 2016, a detailed report including:

(i) Salaries of all current employees of the exchange, including starting salary, any increases received, and the basis for any increases; and

(ii) Salary, overtime, and compensation policies for staff of the exchange.

(f) The authority shall require the exchange to submit to the authority and the appropriate committees of the legislature on a monthly basis:

(i) A report of all expenses; and

(ii) Beginning and ending fund balances, by fund source; and

(iii) Any contracts or contract amendments signed by the exchange; and

(iv) An accounting of staff required to operate the exchange broken out by full time equivalent positions, contracted employees, temporary staff, and any other relevant designation that indicates the staffing level of the exchange.

(g)(i) By July 31, 2016, the authority shall make a payment of half the general fund—state appropriation for fiscal year 2017 and half the health benefit exchange account—state appropriation to the health benefit exchange. By January 31, 2017, the authority shall make a payment of the remaining half of the general fund—state appropriation for fiscal year 2017 and the remaining half of the health benefit exchange account—state appropriation to the health benefit exchange.

(ii) The exchange shall monitor actual to projected revenues and make necessary adjustments in expenditures or carrier assessments to ensure expenditures do not exceed actual revenues.

(iii) Payments made from general fund—state appropriation and health benefit exchange account—state appropriation shall be available for expenditure for no longer than the period of the appropriation from which it was made. When the actual cost of materials and services have been fully determined, and in no event later than the lapsing of the appropriation, any unexpended balance of the payment shall be returned to the authority for credit to the fund or account from which it was made, and under no condition shall expenditures exceed actual revenue.

(iv) As the state designated medicaid agency, the authority is responsible for maximizing the recovery of federal medicaid dollars and the timely application and follow-up for obtaining federal approval of advanced planning documents (APD). The authority shall work with the exchange to submit an APD that maximizes the recovery of medicaid costs incurred by the exchange, including indirect administrative and operational costs, no later than sixty days after the enactment of the omnibus appropriations act each year.

(h) \$70,000 of the general fund—state appropriation for fiscal year 2016, \$38,000 of the general fund—state appropriation for fiscal year 2017, \$204,000 of the health benefit exchange account—state appropriation, and \$110,000 of the general fund—federal appropriation are provided solely for improvements to the health benefit exchange financial system.

**Sec. 214.** 2015 3rd sp.s. c 4 s 214 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund—State Appropriation (FY 2016).....	<del>(\$2,074,000)</del>	<u>\$2,091,000</u>
General Fund—State Appropriation (FY 2017).....	<del>(\$2,094,000)</del>	<u>\$2,092,000</u>
General Fund—Federal Appropriation .....	<del>(\$2,308,000)</del>	<u>\$2,307,000</u>
<b>TOTAL APPROPRIATION</b>	<del>\$6,476,000</del>	<u>\$6,490,000</u>

**Sec. 215.** 2015 3rd sp.s. c 4 s 215 (uncodified) is amended to read as follows:

**FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right-to-Know Account—State Appropriation .....	\$10,000
Accident Account—State Appropriation .....	<del>(\$20,857,000)</del>
	<u>\$20,864,000</u>
Medical Aid Account—State Appropriation.....	<del>(\$20,857,000)</del>
	<u>\$20,864,000</u>
<b>TOTAL APPROPRIATION</b> .....	<u>\$41,724,000</u>
	<u>\$41,738,000</u>

**Sec. 216.** 2015 3rd sp.s. c 4 s 216 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

General Fund—State Appropriation (FY 2016).....	<del>(\$18,478,000)</del>	<u>\$18,996,000</u>
General Fund—State Appropriation (FY 2017).....	<del>(\$17,392,000)</del>	<u>\$17,543,000</u>
General Fund—Private/Local Appropriation .....	<del>(\$4,391,000)</del>	<u>\$4,745,000</u>
Death Investigations Account—State Appropriation .....	\$148,000	
24/7 Sobriety Account—State Appropriation .....	\$30,000	
Municipal Criminal Justice Assistance Account—State Appropriation.....	\$460,000	
Washington Auto Theft Prevention Authority Account—State Appropriation.....	<del>(\$8,168,000)</del>	<u>\$7,668,000</u>
<b>TOTAL APPROPRIATION</b> .....	<del>\$49,067,000</del>	<u>\$49,590,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,000,000 of the general fund—state appropriation for fiscal year 2016 and \$5,000,000 of the general fund—state appropriation for fiscal year 2017, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130. The association (~~shall~~) may use no more than \$50,000 per fiscal year of the amounts provided on program management activities.

(2) (~~\$558,720~~) \$605,280 of the general fund—local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(3) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(4) \$100,000 of the general fund—state appropriation for fiscal year 2016 and \$100,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a school safety program. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel hired after the effective date of this section.

(5) \$96,000 of the general fund—state appropriation for fiscal year 2016 and \$96,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the school safety center within the commission. The safety center shall act as an information dissemination and resource center when an incident occurs in a school district in Washington or in another state, coordinate activities relating to school safety, and review and approve manuals and curricula used for school safety models and training. Through an interagency agreement, the commission shall provide funding for the office of the superintendent of public instruction to continue to develop

and maintain a school safety information web site. The school safety center advisory committee shall develop and revise the training program, using the best practices in school safety, for all school safety personnel. The commission shall provide research-related programs in school safety and security issues beneficial to both law enforcement and schools.

(6) \$123,000 of the general fund—state appropriation for fiscal year 2016 and \$123,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the costs of providing statewide advanced driving training with the use of a driving simulator.

(7) \$644,000 of the general fund—state appropriation for fiscal year 2016 and \$595,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Second Substitute Senate Bill No. 5311 (crisis intervention training).

(8) \$250,000 of the general fund—state appropriation for fiscal year 2016 and \$250,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the criminal justice training commission to develop and deliver research-based programs to instruct, guide, and support local law enforcement agencies in fostering the "guardian philosophy" of policing, which emphasizes de-escalating conflicts and reducing the use of force.

(9) \$429,000 of the general fund—state appropriation for fiscal year 2016 and \$429,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for deposit into the nonappropriated Washington internet crimes against children account for the implementation of Second Substitute Senate Bill No. 5215 (internet crimes against children).

(10) \$300,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to the Washington association of sheriffs and police chiefs to fund pilot projects for law enforcement agencies in Spokane, Spokane Valley, and Spokane County to set up auto theft task forces in high risk locations and increase the use of teams devoted to combating residential burglary.

(11) \$5,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the purpose of implementing House Bill No. 1448 (suicide threat response).

**Sec. 217.** 2015 3rd sp.s. c 4 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund—State Appropriation (FY 2016).....	(\$16,331,000))
	<u>\$16,307,000</u>
General Fund—State Appropriation (FY 2017).....	(\$17,640,000))
	<u>\$17,611,000</u>
General Fund—Federal Appropriation .....	\$11,876,000
Asbestos Account—State Appropriation .....	\$1,177,000
Electrical License Account—State Appropriation.....	(\$48,147,000))
	<u>\$48,157,000</u>

Farm Labor Contractor Account—State Appropriation.....	\$28,000
Worker and Community Right-to-Know Account—State Appropriation.....	(\$938,000))
	<u>\$972,000</u>
Public Works Administration Account—State Appropriation .....	(\$6,360,000))
	<u>\$7,629,000</u>
Manufactured Home Installation Training Account—State Appropriation.....	\$355,000
Accident Account—State Appropriation...	(\$278,575,000))
	<u>\$281,472,000</u>
Accident Account—Federal Appropriation.....	\$13,626,000
Medical Aid Account—State Appropriation .....	(\$292,095,000))
	<u>\$296,297,000</u>
Medical Aid Account—Federal Appropriation...	\$3,186,000
Plumbing Certificate Account—State Appropriation .....	(\$1,784,000))
	<u>\$1,783,000</u>
Pressure Systems Safety Account—State Appropriation .....	\$4,250,000
	<b>TOTAL</b>
APPROPRIATION .....	<u>\$696,368,000</u>
	<u>\$704,726,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund—state appropriation for fiscal year 2016 and \$250,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 100, Laws of 2015 (Substitute Senate Bill No. 5897).

(2) \$2,300,000 of the medical aid account—state appropriation is provided solely for implementation of chapter 137, Laws of 2015 (Substitute House Bill No. 1496).

(3) \$494,000 of the medical aid account—state appropriation and \$1,580,000 of the accident fund—state appropriation are provided solely for continuation of the logger safety initiative.

(4) \$4,923,000 of the medical aid account—state appropriation and \$4,924,000 of the accident fund—state appropriation are provided solely for the first phase of the department's plan to replace its labor and industries industrial insurance information technology system subject to the same conditions, limitations, and review provided in section 705 (3) through (6) of this act.

(5) \$3,548,000 of the electrical license account—state appropriation is provided solely for the department to develop a modern and mobile information technology system for its electrical inspection program subject to the same conditions, limitations, and review provided in section 705 (3) through (6) of this act.

(6) The department is directed under RCW 39.12.070 to adjust its fee schedule for statements of intent to pay prevailing wages and certification of affidavits of wages paid to remove or lower fees for contractors and subcontractors whose contract amounts are less than seven hundred fifty dollars beginning on January 1, 2016.

(7) \$140,000 of the public works administration account—state appropriation is provided solely for implementation of chapter 40, Laws of 2015 3rd sp. sess. to

create an electronic option for employers to submit prevailing wage surveys.

(8) \$640,000 of the medical aid account—state appropriation is provided solely for a pilot program under which the department partners with an experienced firm or firms to manage care involving catastrophically injured workers.

(a) For each injured worker referred by the department the firm must propose a contract identifying a case outcome, the treatment needed to achieve it, and a fixed price for doing so.

(b) If the department agrees to the contract: (i) The firm must assume responsibility at the fixed price for the medical management and may include all medical costs until the outcome is achieved; (ii) the department retains the authority to approve or deny particular treatments; and (iii) the department retains the responsibility to accept and pay providers' actual bills, and the firm's compensation will be the difference between the fixed price and actual medical costs, if the firm chooses to propose a contract that includes medical costs.

(c) The department must contract with the firm or firms to manage at least twelve catastrophic cases each fiscal year, starting in fiscal year 2017, provided there is at least that many cases where: (i) An injured worker elects to be served by the firm; and (ii) the fixed price proposed by the firm is lower than the amount the department would pay to achieve the identified outcome if it did not contract with the firm.

(d) The department must provide a written report on the pilot program to the appropriate committees of the legislature in December 2016 and annually through December 2019 or the last December following termination of the contracts by the firm or firms or department.

(9) \$1,130,000 of the public works administration account—state appropriation is provided solely for the department's prevailing wage technology project subject to the same conditions, limitations, and review provided in section 705 (3) through (6), chapter 4, Laws of 2015 3rd sp. sess. (Engrossed Substitute Senate Bill No. 6052).

(10) \$738,000 of the medical aid account—state appropriation is provided solely to expand the use of evidence-based best practices to reduce the risk of long-term disabilities among injured workers. By December 1, 2016, the department must report to the appropriate committees of the legislature with performance measures and metrics to be used to evaluate whether the funded activities are improving care and outcomes for injured workers.

**Sec. 218.** 2015 3rd sp.s. c 4 s 218 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

**(1) HEADQUARTERS**

General Fund—State Appropriation (FY 2016).....	(\$1,806,000))	
		<u>\$1,810,000</u>
General Fund—State Appropriation (FY 2017).....	(\$1,835,000))	
		<u>\$2,662,000</u>

Charitable, Educational, Penal, and Reformatory

Institutions Account—State Appropriation	\$10,000
<b>TOTAL APPROPRIATION</b>	<b>\$3,651,000</b>
	<u>\$4,482,000</u>

**(2) FIELD SERVICES**

General Fund—State Appropriation (FY 2016).....	(\$5,449,000))	
		<u>\$5,465,000</u>
General Fund—State Appropriation (FY 2017).....	(\$5,465,000))	
		<u>\$5,526,000</u>
General Fund—Federal Appropriation.....	(\$3,599,000))	
		<u>\$3,628,000</u>
General Fund—Private/Local Appropriation	(\$4,597,000))	
		<u>\$4,622,000</u>
Veteran Estate Management Account—Private/Local Appropriation .....	(\$1,154,000))	
		<u>\$623,000</u>
<b>TOTAL APPROPRIATION</b> .....	<b>\$20,264,000</b>	
		<u>\$19,864,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$300,000 of the general fund—state appropriation for fiscal year 2016 and \$300,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to provide crisis and emergency relief and education, training, and employment assistance to veterans and their families in their communities through the veterans innovation program.

(b) The creation of an automated exchange of information between the federal department of defense, federal veterans administration, and the Washington department of veterans affairs is the sole project for the Washington department of veterans affairs in the information technology pool. Ongoing funding may be provided for staffing, training, and subscription costs associated with a web-based software tool that has been configured to meet the business requirements of the Washington department of veterans affairs. Additional information technology projects, such as the complete automation of the Washington department of veterans affairs business processes through an enterprise case management system, are subject to future funding decisions by the legislature. The conditions and limitations in this subsection apply only if the specified project is funded from the information technology pool.

**(3) INSTITUTIONAL SERVICES**

General Fund—State Appropriation (FY 2016).....	(\$688,000))	
		<u>\$697,000</u>
General Fund—State Appropriation (FY 2017).....	(\$815,000))	
		<u>\$796,000</u>
General Fund—Federal Appropriation.....	(\$79,699,000))	
		<u>\$80,104,000</u>
General Fund—Private/Local Appropriation .....	(\$29,613,000))	
		<u>\$29,781,000</u>
<b>TOTAL APPROPRIATION</b> .....	<b>\$110,815,000</b>	
		<u>\$111,378,000</u>

**Sec. 219.** 2015 3rd sp.s. c 4 s 219 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

General Fund—State Appropriation (FY 2016).....	(( <u>\$57,875,000</u> ))	<u>\$57,958,000</u>
General Fund—State Appropriation (FY 2017).....	(( <u>\$58,931,000</u> ))	<u>\$60,149,000</u>
General Fund—Federal Appropriation .....	(( <u>\$548,374,000</u> ))	<u>\$564,025,000</u>
General Fund—Private/Local Appropriation.....	(( <u>\$151,143,000</u> ))	<u>\$151,242,000</u>
Hospital Data Collection Account—State Appropriation.....	(( <u>\$231,000</u> ))	<u>\$331,000</u>
Health Professions Account—State Appropriation.....	(( <u>\$115,892,000</u> ))	<u>\$120,788,000</u>
Aquatic Lands Enhancement Account—State Appropriation.....	\$615,000	
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation.....	(( <u>\$11,226,000</u> ))	<u>\$9,226,000</u>
Safe Drinking Water Account—State Appropriation.....	(( <u>\$6,930,000</u> ))	<u>\$6,934,000</u>
Drinking Water Assistance Account—Federal Appropriation .....	(( <u>\$15,360,000</u> ))	<u>\$17,364,000</u>
Waterworks Operator Certification—State Appropriation .....	(( <u>\$1,605,000</u> ))	<u>\$1,606,000</u>
Drinking Water Assistance Administrative Account—State Appropriation .....	\$357,000	
Site Closure Account—State Appropriation .....	\$162,000	
Biotoxin Account—State Appropriation.....	\$1,894,000	
State Toxics Control Account—State Appropriation.....	(( <u>\$5,958,000</u> ))	<u>\$4,037,000</u>
Medical Test Site Licensure Account—State Appropriation .....	(( <u>\$2,512,000</u> ))	<u>\$2,516,000</u>
Youth Tobacco Prevention Account—State Appropriation.....	(( <u>\$1,281,000</u> ))	<u>\$2,962,000</u>
Public Health Supplemental Account—Private/Local Appropriation .....	\$3,244,000	
Accident Account—State Appropriation .....	\$324,000	
Medical Aid Account—State Appropriation.....	\$53,000	
Medicaid Fraud Penalty Account—State Appropriation .....	(( <u>\$968,000</u> ))	<u>\$994,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2016) .....	\$7,500,000	
Dedicated Marijuana Account—State Appropriation (FY 2017) .....	\$7,500,000	
TOTAL		
APPROPRIATION .....	<u>\$999,935,000</u>	<u>\$1,021,781,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) \$130,000 of the health professions state account—state appropriation is provided solely for implementation of chapter 118, Laws of 2015 (applied behavior analysis).

(3) \$38,000 of the general fund—state appropriation for fiscal year 2016 and \$38,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the department of health, the department of social and health services, and the health care authority to continue to collaborate to submit a coordinated report on diabetes to the governor and appropriate committees of the legislature by June 30, 2017. The report on diabetes must include the following:

(a) An analysis of the financial impact and reach that diabetes of all types is having on programs administered by each agency and individuals enrolled in those programs, including:

(i) The number of individuals with diabetes that are impacted or covered by these programs;

(ii) The number of family members of individuals with diabetes that are impacted by these programs;

(iii) The financial toll or impact that diabetes and its complications places on these programs, and how the financial toll or impact compares to that of other chronic diseases and conditions;

(b) An assessment of the benefits of programs and activities implemented by the agencies to control and prevent diabetes, including documentation of the amount and source of the agencies' funding for these programs and activities;

(c) A description of the level of coordination existing between the agencies on activities, programmatic activities, and messaging on managing, treating, or preventing all forms of diabetes and its complications;

(d) The development of or revision to each agency's action plan for addressing the impact of diabetes together with a range of actionable items for either each agency or consideration by the legislature, or both. The plans must, at a minimum:

(i) Identify proposed action steps to reduce the impact of diabetes, prediabetes, and related diabetes complications, especially for medicaid populations;

(ii) Identify expected outcomes in subsequent biennia; and

(iii) Establish benchmarks for controlling and preventing relevant forms of diabetes and appropriate measures for success;

(e) An estimate of the costs, return on investment, and resources required to implement the plans identified in subsection (d) of this section.

(4) \$30,000 of the medicaid fraud penalty account—state appropriation is provided solely for implementation of chapter 259, Laws of 2015 (prescription drug monitoring).

(5) \$4,015,000 of the health professions account—state appropriation is provided solely for implementation of chapter 70, Laws of 2015 (cannabis patient protection).

(6) \$7,250,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and \$7,250,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for a marijuana education and public health program and for tobacco prevention activities that target youth and populations with a high incidence of tobacco use.

(7) \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2016 and \$250,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for a contract with the Washington poison center to help maintain national accreditation standards.

(8) \$65,000 of the general fund—state appropriation for fiscal year 2016 and \$65,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the midwifery licensure and regulatory program to supplement revenue from fees. The department shall charge no more than five hundred twenty-five dollars annually for new or renewed licenses for the midwifery program.

(9) During the 2015-2017 fiscal biennium, each person subject to RCW 43.70.110(3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses the person holds.

(10)(a) Within existing resources, the department of health shall compile a report on ambulatory surgical facilities to be submitted to the appropriate committees of the legislature by January 1, 2016. The report shall determine:

(i) How many ambulatory centers are currently functioning in the state;

(ii) How many cases these centers receive annually;

(iii) How many of these centers are medicare certified;

(iv) How many of these centers are not medicare certified; and

(v) How many are also certified by an accrediting organization.

(b) The department shall not increase current annual fees for new or renewed licenses for ambulatory surgical facilities during the 2015-2017 fiscal biennium.

(11)(a) The pharmacy quality assurance commission shall engage in a stakeholder process to develop statutory standards and protocols specific to long-term care pharmacies and shall submit the proposed statute to the senate health care committee and house health care and wellness committee no later than November 15, 2015.

(b) When inspecting and reviewing long-term care pharmacies, the pharmacy quality assurance commission and the department of health shall recognize the applicability of medication orders in long-term care facilities and recognize the essential relationship between the practitioner, the long-term care facility registered nurse, and the pharmacist in conveying chart orders to the long-term care pharmacy.

(12) \$52,000 of the health professions account—state appropriation is provided solely for implementation of chapter 159, Laws of 2015 (victim interviews training).

(13) ~~(Information technology projects and proposed projects for time capture, payroll and payment processes, and eligibility and authorization systems within the department of health are subject to technical oversight by the office of the chief information officer.)~~ Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management, and authorization systems within the department of health are subject to technical oversight by the office of the chief information officer.

(14) \$1,923,000 of the state toxics control account—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1472 (chemical action plans), Second Substitute Senate Bill No. 5056 (safer chemicals/action plans), Substitute Senate Bill No. 6131 (safer chemicals), or any of these. Within the amount provided in this subsection, \$1,554,000 is provided solely for the department to conduct biomonitoring studies. If none of these bills is enacted by July 10, 2015, the amount provided in this subsection shall lapse.

(15) \$123,000 of the general fund—state appropriation for fiscal year 2016 and \$123,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the department of health to support Washington's healthiest next generation efforts by partnering with the office of the superintendent of public instruction, department of early learning, and other public and private partners as appropriate.

(16) \$230,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6534 (maternal mortality review). If this bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(17) Within the amounts appropriated from the health professions account—state appropriation, the department must manage its pending rule-making process related to the educational and training requirements for

chemical dependency professionals to complete the rule-making by June 30, 2016.

(18) Within the amounts appropriated in this section, the department must implement the 2014 Washington state hepatitis strategic plan, including but not limited to the implementation of the centers for disease control and prevention hepatitis C screening guidelines for persons born between 1945-1965 and other high risk groups, hepatitis C prevention, and hepatitis C case management.

(19) The appropriations in this section include sufficient funding for the implementation of Substitute Senate Bill No. 5778 (ambulatory surgical centers).

(20) The appropriations in this section include sufficient funding for the implementation of Senate Bill No. 5689 (diabetes epidemic).

(21) \$26,000 of the medicaid fraud penalty account—state appropriation is provided solely for the implementation of Substitute House Bill No. 2730 (prescription monitoring program). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(22) \$21,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Substitute Senate Bill No. 6421 (epinephrine autoinjectors). If the bill is not enacted by June 30, 2016, the amount in this subsection shall lapse.

(23) \$49,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the department to convene a task force on patient out-of-pocket costs.

(a) By July 1, 2016, the department shall convene the task force, and the department shall coordinate the task force meetings. The task force shall include representatives from all participants with a role in determining prescription drug costs and out-of-pocket costs for patients, such as, but not limited to the following: Patient groups; insurance carriers operating in the state; pharmaceutical companies; prescribers; pharmacists; pharmacy benefit managers; hospitals; the office of the insurance commissioner; the health care authority and other purchasers; the office of financial management; unions; Taft-Hartley trusts; a business association; and biotechnology.

(b) Letters of interest from potential participants shall be submitted to the department, and the secretary, or his or her designee, shall invite representatives of interested groups to participate in the task force.

(c) The task force shall evaluate factors contributing to the out-of-pocket costs for patients, particularly in the first quarter of each year, including but not limited to prescription drug cost trends and plan benefit design.

(d) The task force shall consider patient treatment adherence and the impacts on chronic illness and acute disease, with consideration of the long-term outcomes and costs for the patient. The discussion must also consider the impact when patients cannot maintain access to their prescription drugs and the implications of adverse health impacts including the potential need for more expensive medical interventions or hospitalizations and the impact on the workforce regarding the loss of productivity. The

discussion must also consider the impact of the factors on the affordability of health care coverage.

(e) The task force recommendations, or a summary of the discussions, must be provided to the appropriate committees of the legislature by December 1, 2016.

(24) Recognizing the financial challenges faced by the public health system, which comprises state and local entities, and the impact that those financial challenges have had on the system's ability to deliver essential public health services throughout the state, the legislature directs the department and local public health jurisdictions, within amounts appropriated in this section, to provide a proposal outlining a plan for implementing foundational public health services statewide to modernize, streamline, and fund a twenty-first century public health system in Washington state. Current fees that support the work of public health should be reviewed, and the proposal should identify those fees that are not currently supplying adequate revenue to maintain compliance or enforcement. The first report regarding the proposal is due to the appropriate committees of the legislature no later than December 1, 2016, and subsequent reports shall be submitted biennially, thereafter.

(25) \$1,681,000 of the youth tobacco prevention account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6328 (vapor products). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(26) \$160,000 of the health professions state account—state appropriation is provided solely for the implementation of Substitute Senate Bill No. 6558 (hospital pharmacy license). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(27) \$100,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2793 (suicide education). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

**Sec. 220.** 2015 3rd sp.s. c 4 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2016, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2016 between programs. The department may not transfer funds, and the director of financial management may not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification must include a narrative explanation and justification of the changes, along with expenditures and

allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

<b>(1) ADMINISTRATION AND SUPPORT SERVICES</b>	
General Fund—State Appropriation (FY 2016).....	<del>(\$59,039,000)</del>
	<u>\$59,179,000</u>
General Fund—State Appropriation (FY 2017).....	<del>(\$59,768,000)</del>
	<u>\$59,907,000</u>
<b>TOTAL</b>	
APPROPRIATION.....	<u>\$118,807,000</u>
	<u>\$119,086,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund—state appropriation for fiscal year 2016 and \$35,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

<b>(2) CORRECTIONAL OPERATIONS</b>	
General Fund—State Appropriation (FY 2016).....	<del>(\$608,917,000)</del>
	<u>\$607,084,000</u>
General Fund—State Appropriation (FY 2017).....	<del>(\$629,232,000)</del>
	<u>\$630,422,000</u>
General Fund—Federal Appropriation .....	\$1,892,000
Washington Auto Theft Prevention Authority Account—	
State Appropriation .....	<del>(\$6,701,000)</del>
	<u>\$6,812,000</u>
State Toxics Control Account—State	
Appropriation.....	\$400,000
<b>TOTAL</b>	
APPROPRIATION.....	<u>\$1,247,142,000</u>
	<u>\$1,246,610,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) During the 2015-2017 fiscal biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(b) The department may contract for up to 300 beds statewide to the extent that it is at no net cost to the

department. The department shall calculate and report the average cost per offender per day, inclusive of all services, on an annual basis for a facility that is representative of average medium or lower offender costs. The duration of the contracts may be for up to four years. The department shall not pay a rate greater than \$65 per day per offender for all costs associated with the offender while in the local correctional facility to include programming and health care costs, or the equivalent of \$65 per day per bed including programming and health care costs for full units. The capacity provided at local correctional facilities must be for offenders whom the department of corrections defines as medium or lower security offenders. Programming provided for inmates held in local jurisdictions is included in the rate, and details regarding the type and amount of programming, and any conditions regarding transferring offenders must be negotiated with the department as part of any contract. Local jurisdictions must provide health care to offenders that meet standards set by the department. The local jail must provide all medical care including unexpected emergent care. The department must utilize a screening process to ensure that offenders with existing extraordinary medical/mental health needs are not transferred to local jail facilities. If extraordinary medical conditions develop for an inmate while at a jail facility, the jail may transfer the offender back to the department, subject to terms of the negotiated agreement. Health care costs incurred prior to transfer are the responsibility of the jail.

(c) \$501,000 of the general fund—state appropriation for fiscal year 2016 and \$501,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the department to maintain the facility, property, and assets at the institution formerly known as the maple lane school in Rochester. The department may not house incarcerated offenders at the maple lane site until specifically directed to do so by the legislature.

(d) ~~(\$1,379,000)~~ \$479,000 of the general fund—state appropriation for fiscal year 2016, and \$1,379,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the department to contract with Yakima county for the use of inmate bed capacity in lieu of prison beds operated by the state to meet prison capacity needs.

(e) The department shall review its policies and procedures for overtime usage throughout its prison custody system to identify efficiencies and best practices that will control costs. The department shall provide to the appropriate committees of the legislature by November 15, 2015, a report that makes recommendations to reduce the department's overtime usage and reduces overall costs for prison personnel.

(f) In an effort to reduce its need for medium security beds, the department shall review options to meet capacity needs in the most cost-efficient manner without compromising safety. The department shall at a minimum review its policies that determine custody levels, including examining other states' policies and determine costs to convert any empty prison beds to medium security and possibilities to utilize local jail beds for this purpose. The department must evaluate the options on both a short-term and long-term basis against the cost and timing of any

proposal to build a new prison facility. The department shall report its findings and recommendations to the appropriate committees of the legislature by December 1, 2015.

(g) Within the amounts provided in this section, the department of corrections shall explore entering into an interagency agreement with the University of Washington. The interagency agreement would allow the department to receive drug pricing under 340B of the public health services act for drug purchases associated with treating patients with hepatitis C or other diseases, whereby the university is acting as the covered entity or safety-net provider. In cooperation with the University of Washington, the department must provide an estimate of the fiscal impact of a successful agreement of this nature, to be included in the report provided to the legislature under section 606 of this act.

(h) \$711,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Second Substitute Senate Bill No. 5105 (felony DU). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(i) \$454,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for nonrepresented state employees in targeted state employee job classifications psychiatrist, psychiatric social worker, and psychologist as set forth in section 906 of this act.

(j) \$736,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of a memorandum of understanding between the governor and the teamsters union local 117, amending the collective bargaining agreement under chapter 41.80 RCW for the 2015-2017 fiscal biennium as set forth in section 904 of this act, effective July 1, 2017. The legislature recognizes that the memorandum of understanding was necessitated by an emergency and an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees, which impacts the state employee job classifications of psychiatrist, psychiatric social worker, and psychologist at prison facilities.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2016).....	(\$152,893,000))	\$157,176,000
General Fund—State Appropriation (FY 2017).....	(\$156,050,000))	\$155,532,000
General Fund—Federal Appropriation .....	\$995,000	
TOTAL		
APPROPRIATION .....	\$309,938,000	\$313,703,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall contract with local and tribal governments for the provision of jail capacity to house offenders who violate the terms of their community supervision. A contract shall not have a cost of incarceration in excess of \$85 per day per offender. A contract shall not have a year-to-year increase in excess of

three percent per year. The contracts may include rates for the medical care of offenders which exceed the daily cost of incarceration and the limitation on year-to-year increases, provided that medical payments conform to the department's offender health plan and pharmacy formulary, and all off-site medical expenses are preapproved by department utilization management staff.

(b) Within the amounts provided in this subsection, specific funding is provided to implement Senate Bill No. 5070 (supervision of domestic violence offenders).

(c) The department shall engage in ongoing mitigation strategies to reduce the costs associated with community supervision violators, including improvements in data collection and reporting and alternatives to short-term confinement for low-level violators.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2016).....	(\$6,273,000))	\$6,600,000
General Fund—State Appropriation (FY 2017).....	(\$6,369,000))	\$6,465,000
TOTAL		
APPROPRIATION .....	\$12,642,000	\$13,065,000

(5) INTERAGENCY PAYMENTS

General Fund—State Appropriation (FY 2016).....	(\$45,308,000))	\$44,828,000
General Fund—State Appropriation (FY 2017).....	(\$41,572,000))	\$42,246,000
TOTAL		
APPROPRIATION .....	\$86,880,000	\$87,074,000

The appropriations in this subsection are subject to the following conditions and limitations: The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

(6) OFFENDER CHANGE

General Fund—State Appropriation (FY 2016).....	(\$45,498,000))	\$54,480,000
General Fund—State Appropriation (FY 2017).....	(\$46,845,000))	\$53,428,000
TOTAL		
APPROPRIATION .....	\$92,343,000	\$107,908,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall use funds appropriated in this subsection (6) for offender programming. The department shall develop and implement a written comprehensive plan for offender programming that prioritizes programs which follow the risk-needs-responsivity model, are evidence-based, and have measurable outcomes. The department is authorized to

discontinue ineffective programs and to repurpose underspent funds according to the priorities in the written plan.

(b) Effective April 1, 2016, the regional support networks must subcontract with providers that have specialized expertise in the provision of outpatient chemical dependency treatment services to offenders who have been sentenced by a superior court to a term of community supervision by the department of corrections. The department of corrections and the department of social and health services must develop a memorandum of understanding for offenders on active supervision by the department who are eligible for chemical dependency programming and to ensure that manualized evidence-based treatment services funded by these agencies are coordinated, do not result in duplication of services, and maintain access and quality of care for the individuals being served.

(c) The department of corrections shall implement and make necessary changes to policies and practices to assist eligible needs-assessed offenders within the community with access to outpatient chemical dependency treatment services through the behavioral health organizations and early adopters.

**Sec. 221.** 2015 3rd sp.s. c 4 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund—State Appropriation (FY 2016).....	(\$2,290,000)	
		<u>\$2,294,000</u>
General Fund—State Appropriation (FY 2017).....	(\$2,297,000)	
		<u>\$2,728,000</u>
General Fund—Federal Appropriation .....	(\$23,186,000)	
		<u>\$23,163,000</u>
General Fund—Private/Local Appropriation.....	\$60,000	
TOTAL		
APPROPRIATION .....	\$27,833,000	
		<u>\$28,245,000</u>

**Sec. 222.** 2015 3rd sp.s. c 4 s 222 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund—Federal Appropriation .....	(\$258,156,000)	
		<u>\$228,568,000</u>
General Fund—Private/Local Appropriation.....	(\$34,758,000)	
		<u>\$34,745,000</u>
Unemployment Compensation Administration Account—Federal Appropriation .....	(\$285,849,000)	
		<u>\$290,732,000</u>
Administrative Contingency Account—State Appropriation .....	(\$24,537,000)	
		<u>\$24,942,000</u>
Employment Service Administrative Account—State Appropriation .....	(\$46,134,000)	
		<u>\$46,928,000</u>

	TOTAL
APPROPRIATION .....	\$649,434,000
	<u>\$625,915,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$4,662,000 of the unemployment compensation administration account—federal appropriation is from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for the replacement of the unemployment insurance tax information system for the employment security department. The amounts provided in this subsection is conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(2) \$26,955,000 of the unemployment compensation administration account—federal appropriation is provided from amounts made available to the state by section 903(g) of the social security act (Reed act). This amount is provided solely for the replacement of the unemployment insurance benefit system for the employment security department. The amounts provided in this subsection are conditioned on the department satisfying the requirements of the project management oversight standards and policies established by the office of the chief information officer.

(3) The department may implement a revised chart of accounts for the 2015-2017 fiscal biennium following the receipt and approval of the reconstructed ten-year operating and capital expenditure plan by the office of financial management and the legislative evaluation and accountability program committee. The proposed structure must reduce the department's structure from seven programs to four and better align the budget reporting structure with the department's current operational structure.

(4) The department is directed to maximize the use of federal funds. The department must update its budget annually to align expenditures with anticipated changes in projected revenues.

(5) \$48,000 of the employment services administrative account—state appropriation is provided for costs associated with the second stage of the review and evaluation of the training benefits program as directed in section 15(2), chapter 4, Laws of 2011 (unemployment insurance program). This second stage shall be developed and conducted by the joint legislative audit and review committee and shall consist of further work on the process study and net-impact/cost-benefit analysis components of the evaluation.

(6) The department is prohibited from expending amounts appropriated in this section for implementation of chapter 49.86 RCW.

(7) \$240,000 of the administrative contingency account—state appropriation is provided solely for the employment security department to contract with a center for workers in King county. The amount appropriated in this subsection shall be used by the contracted center for workers to support initiatives that generate high-skill, high-wage jobs; improve workforce and training systems; improve service delivery for dislocated workers; and build alliances with community and environmental organizations.

(8) The department shall report to the appropriate committees of the legislature by December 1, 2016, on its efforts to improve data sharing with law enforcement agencies to reduce or eliminate the payment of unemployment benefits to incarcerated persons, including any recommended statutory changes.

**PART III  
NATURAL RESOURCES**

**Sec. 301.** 2015 3rd sp.s. c 4 s 301 (uncodified) is amended to read as follows:

**FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund—State Appropriation (FY 2016)	.....(( <del>\$455,000</del> ))	<u>\$464,000</u>
General Fund—State Appropriation (FY 2017)	.....(( <del>\$474,000</del> ))	<u>\$476,000</u>
General Fund—Federal Appropriation	.....\$32,000	
General Fund—Private/Local Appropriation	.....(( <del>\$895,000</del> ))	<u>\$906,000</u>
<b>TOTAL APPROPRIATION</b>	<b><del>\$1,856,000</del></b>	<b><u>\$1,878,000</u></b>

**Sec. 302.** 2015 3rd sp.s. c 4 s 302 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund—State Appropriation (FY 2016)	.....(( <del>\$24,694,000</del> ))	<u>\$24,537,000</u>
General Fund—State Appropriation (FY 2017)	.....(( <del>\$24,795,000</del> ))	<u>\$24,623,000</u>
General Fund—Federal Appropriation	.....(( <del>\$103,800,000</del> ))	<u>\$103,782,000</u>
General Fund—Private/Local Appropriation	.....(( <del>\$22,398,000</del> ))	<u>\$22,396,000</u>
Reclamation Account—State Appropriation	.....(( <del>\$3,926,000</del> ))	<u>\$4,703,000</u>
Flood Control Assistance Account—State Appropriation	.....(( <del>\$2,068,000</del> ))	<u>\$2,069,000</u>
State Emergency Water Projects Revolving Account—State Appropriation	.....\$40,000	
Waste Reduction/Recycling/Litter Control—State Appropriation	.....(( <del>\$13,163,000</del> ))	<u>\$13,290,000</u>
State Drought Preparedness Account—State Appropriation	.....(( <del>\$204,000</del> ))	<u>\$872,000</u>
State and Local Improvements Revolving Account (Water Supply Facilities)—State Appropriation	.....(( <del>\$447,000</del> ))	<u>\$150,000</u>
Aquatic Algae Control Account—State Appropriation	.....\$518,000	

Water Rights Tracking System Account—State Appropriation	.....(( <del>\$46,000</del> ))	<u>\$446,000</u>
Site Closure Account—State Appropriation	.....\$578,000	
Wood Stove Education and Enforcement Account—State Appropriation	.....\$547,000	
Worker and Community Right-to-Know Account—State Appropriation	.....(( <del>\$1,790,000</del> ))	<u>\$1,792,000</u>
Water Rights Processing Account—State Appropriation	.....\$39,000	
State Toxics Control Account—State Appropriation	.....(( <del>\$132,643,000</del> ))	<u>\$123,470,000</u>
State Toxics Control Account—Private/Local Appropriation	.....\$499,000	
Local Toxics Control Account—State Appropriation	.....(( <del>\$4,628,000</del> ))	<u>\$4,527,000</u>
Water Quality Permit Account—State Appropriation	.....(( <del>\$41,644,000</del> ))	<u>\$44,673,000</u>
Underground Storage Tank Account—State Appropriation	.....(( <del>\$3,544,000</del> ))	<u>\$3,546,000</u>
Biosolids Permit Account—State Appropriation	\$2,108,000	
Environmental Legacy Stewardship Account—State Appropriation	.....(( <del>\$44,295,000</del> ))	<u>\$36,091,000</u>
Hazardous Waste Assistance Account—State Appropriation	.....(( <del>\$6,029,000</del> ))	<u>\$6,149,000</u>
Radioactive Mixed Waste Account—State Appropriation	.....(( <del>\$14,900,000</del> ))	<u>\$15,968,000</u>
Air Pollution Control Account—State Appropriation	.....(( <del>\$3,284,000</del> ))	<u>\$3,985,000</u>
Oil Spill Prevention Account—State Appropriation	.....(( <del>\$8,594,000</del> ))	<u>\$8,716,000</u>
Air Operating Permit Account—State Appropriation	.....(( <del>\$3,231,000</del> ))	<u>\$3,233,000</u>
Freshwater Aquatic Weeds Account—State Appropriation	.....\$1,439,000	
Oil Spill Response Account—State Appropriation	.....\$7,076,000	
Water Pollution Control Revolving Administration Account—State Appropriation	.....\$579,000	
Water Pollution Control Revolving Account—State Appropriation	.....\$493,000	
Water Pollution Control Revolving Account—Federal Appropriation	.....(( <del>\$2,337,000</del> ))	<u>\$2,336,000</u>
<b>TOTAL APPROPRIATION</b>	<b><del>\$476,376,000</del></b>	<b><u>\$465,270,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account—state appropriation is provided solely for a contract with the

University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) \$495,000 of the state toxics control account—state appropriation and \$625,000 of the local toxics control account—state appropriation is provided solely for the expansion of the local source control program by adding additional capacity in the Columbia River basin and Clark county.

(3) \$310,000 of the state toxics control account—state appropriation is provided solely for the Spokane river regional toxics task force to address elevated levels of polychlorinated biphenyls in the Spokane river.

(4) Within the amounts appropriated in this section, the department shall conduct a stakeholder process with the department of fish and wildlife to develop recommendations to restructure the fees under RCW 90.16.050 and report to the appropriate committees of the legislature by December 1, 2015.

(5) \$1,044,000 of the oil spill prevention account—state appropriation is provided solely for the implementation of chapter 274, Laws of 2015 (ESHB 1449).

(6) \$3,883,000 of the state toxics control account—state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 1472 (chemical action plans), Second Substitute Senate Bill No. 5056 (safer chemicals/action plans), Substitute Senate Bill No. 6131 (safer chemicals), or any of these. If none of these bills are enacted by July 10, 2015, the amount provided in this subsection shall lapse.

(7) \$134,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for implementation of chapter 144, Laws of 2015 (SHB 1851).

(8) \$135,000 of the general fund—state appropriation for fiscal year 2016 and \$135,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Walla Walla watershed management partnership to address water resource and management issues in the Walla Walla watershed.

(9)(a) \$14,000,000 of the general fund—state appropriation for fiscal year 2016 and \$14,000,000 of the general fund—state appropriation for fiscal year 2017 are for activities within the water resources program.

(b) Of the amounts provided in (a) of this subsection, \$500,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for processing water right permit applications only if the department of ecology issues at least five hundred water right decisions in fiscal year 2016. If the department of ecology does not issue at least five hundred water right decisions in fiscal year 2016, the amount provided in this subsection shall lapse and remain unexpended. Permit decisions for the Columbia river basin count toward the five hundred water rights decisions under this subsection. The department of ecology shall submit a report to the office of financial management and the state treasurer by June 30, 2016, that documents whether five hundred water right decisions were issued in fiscal year 2016. For the purposes of this subsection, applications that are voluntarily withdrawn by an applicant do not count towards the five

hundred water right decision requirement. For the purposes of water budget-neutral requests under chapter 173-539A WAC, multiple domestic connections authorized within a single water budget-neutral decision are considered one decision for the purposes of this subsection.

(10) Within the amounts appropriated in this section, the department must evaluate mitigation options for domestic water use in areas of the Yakima basin for which mitigation water is unavailable and access to water from water banks is unsuitable. The department must recommend solutions for providing mitigation water for domestic use in such areas. A report of the department's findings must be provided to the legislature by December 1, 2015.

(11) \$319,000 of the general fund—state appropriation for fiscal year 2017, \$56,000 of the waste reduction, recycling, and litter control account—state appropriation, \$806,000 of the state toxics control account—state appropriation, \$281,000 of the water quality permit account—state appropriation, \$188,000 of the environmental legacy stewardship account—state appropriation, \$56,000 of the hazardous waste assistance account—state appropriation, \$113,000 of the radioactive mixed waste account—state appropriation, and \$56,000 of the oil spill prevention account—state appropriation are provided solely for the attendance tracking replacement system project, and are subject to the same conditions, limitations and review provided in section 705 (4) through (6), chapter 4, Laws of 2015 3rd sp. sess. (Engrossed Substitute Senate Bill No. 6052).

(12) Within the amounts appropriated in this section, the director of the department, working with the commissioner of public lands, shall conduct a management review of the joint federal and state dredged material management program and recommend and, as appropriate, implement actions designed to ensure that the program is functioning to facilitate the disposal of dredged material at open water disposal sites using methods that are protective of human health and in compliance with applicable federal and state environmental laws, regulations, and permit requirements. The director and commissioner shall report findings and proposed actions to the relevant committees of the legislature no later than November 1, 2016. The director and commissioner shall consider input and perspectives from tribal governments and agencies that issue permits for open water disposal of dredged material in Puget Sound, including the department of natural resources, the department of ecology, the United States environmental protection agency, and the United States army corps of engineers. This review shall include, but is not limited to: (a) The extent to which current operations, policies, and decisions of the dredged material management program provide for dredging actions necessary to maintain navigation and commerce; (b) determining what regulatory flexibility exists to allow open water disposal of dredged materials in a manner that will protect human health and the environment; and (c) an evaluation of the dredged material management program's decision-making process and policies to ensure that existing regulatory flexibility is appropriately used and that appropriate management and oversight is incorporated.

(13) \$25,000 of the reclamation account—state appropriation is provided solely for implementation of Substitute House Bill No. 1130 (water power license fees). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(14) The department shall transfer responsibilities for ongoing operation and maintenance of the rain gauge network installed in Okanogan county and provide related technical assistance to the Okanogan county conservation district.

(15) During the 2015-2017 fiscal biennium, the department shall not retain fees in excess of the estimated amount necessary to cover the agency's administrative costs related to the mercury light stewardship program under chapter 70.275 RCW. The department shall refund any fees collected in excess of those administrative costs to any approved stewardship organization under chapter 70.275 RCW.

(16) For the purposes of evaluating the requirements of RCW 70.95.290, the department, in consultation with the Washington materials management and financing authority, shall, within existing resources, report to the appropriate committees of the legislature on whether the department and the Washington materials management and financing authority have utilized existing infrastructure for the collection of electronics. In its report, the department, in consultation with the Washington materials management and financing authority, must report on the location and number of new programs created and depot systems developed since 2006 for the purpose of collecting electronics, how many existing collections sites have been utilized, as well as how many curbside collection companies were contracted with for collection of electronics. The department must submit the report to the appropriate committees of the legislature no later than September 1, 2016.

(17) \$22,000 of the general fund—state appropriation for fiscal year 2016 and \$50,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of Engrossed Senate Bill No. 6589 (water storage/exempt wells). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(18) \$300,000 of the state toxics control account—state appropriation is provided solely for the hazardous waste and toxics reduction program and is contingent on the implementation of section 3 of Engrossed Substitute House Bill No. 2545 (flame retardant chemicals). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

**Sec. 303.** 2015 3rd sp.s. c 4 s 303 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund—State Appropriation (FY 2016)	.....(( <del>\$10,578,000</del> ))
	\$10,558,000
General Fund—State Appropriation (FY 2017)	.....(( <del>\$10,475,000</del> ))
	\$11,109,000

General Fund—Federal Appropriation .....	\$6,920,000
Winter Recreation Program Account—State Appropriation .....	(( <del>\$3,280,000</del> ))
	\$3,309,000
ORV and Nonhighway Vehicle Account—State Appropriation .....	(( <del>\$228,000</del> ))
	\$231,000
Snowmobile Account—State Appropriation (( <del>\$5,794,000</del> ))	
	\$5,824,000
Aquatic Lands Enhancement Account—State Appropriation .....	(( <del>\$363,000</del> ))
	\$369,000
Recreation Access Pass Account—State Appropriation .....	\$250,000
Parks Renewal and Stewardship Account—State Appropriation .....	(( <del>\$116,707,000</del> ))
	\$131,357,000
Parks Renewal and Stewardship Account—Private/Local Appropriation .....	\$318,000
	TOTAL
APPROPRIATION .....	\$154,663,000
	\$170,245,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$79,000 of the general fund—state appropriation for fiscal year 2016 (~~and~~), \$79,000 of the general fund—state appropriation for fiscal year 2017, \$25,000 of the snowmobile account—state appropriation, and \$25,000 of the winter recreation program account—state appropriation are provided solely for a grant for the operation of the Northwest weather and avalanche center.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2016 and \$100,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the commission to pay assessments charged by local improvement districts.

(3) \$250,000 of the recreation access pass account—state appropriation is provided solely for the commission, using its authority under RCW 79A.05.055(3) and in partnership with the department of fish and wildlife and the department of natural resources, to coordinate a process to develop options and recommendations to improve consistency, equity, and simplicity in recreational access fee systems while accounting for the fiscal health and stability of public land management. The process must be collaborative and include other relevant agencies and appropriate stakeholders. The commission must contract with the William D. Ruckelshaus Center or another neutral third party to facilitate meetings and discussions with parties involved in the process and provide a report to the appropriate committees of the legislature by December 1, 2017. The process must analyze and make recommendations on:

(a) Opportunities for federal and state recreational permit fee coordination, including the potential for developing a system that allows a single pass to provide access to federal and state lands;

(b) Opportunities to enhance consistency in the way state and federal recreational access fees apply to various types of recreational users, including those that travel to public lands by motor vehicle, boat, bicycle, foot, or another method; and

(c) Opportunities to develop a comprehensive and consistent statewide approach to recreational fee discounts and exemptions to social and other groups including, but not limited to, disabled persons, seniors, disabled veterans, foster families, low-income residents, and volunteers. This analysis must examine the cost of such a program, and should consider how recreational fee discounts fit into the broader set of benefits provided by the state to these social groups. This includes a review of the efficacy, purpose, and cost of existing recreational fee discounts and exemptions, as well as opportunities for new or modified social group discounts and exemptions. The department of veterans affairs and the department of social and health services must be included in this portion of the process.

(4) \$100,000 of the parks renewal and stewardship account—state appropriation is provided solely for conducting noxious weed treatment and vegetation management on the John Wayne pioneer trail to protect adjacent land owners from noxious weeds with priority in areas where there is adjacent agricultural use. Control of noxious weeds must follow an integrated pest management approach including the use of biological, chemical, and mechanical control prescriptions in accordance with chapter 17.15 RCW and consistent with state and county weed board requirements. The commission must report on its progress in meeting this requirement to the appropriate committees of the legislature by September 30, 2016.

(5) \$14,185,000 of the parks renewal and stewardship account—state appropriation is provided solely for expenditures related to state parks. Of this amount, \$11,614,000 is provided for maintenance and preservation activities, \$1,971,000 is provided for radio equipment and installation, \$300,000 is provided for firefighting vehicles, equipment, and supplies, and \$300,000 is provided for marketing activities.

**Sec. 304.** 2015 3rd sp.s. c 4 s 304 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

General Fund—State Appropriation (FY 2016)	(((\$873,000))
	<u>\$842,000</u>
General Fund—State Appropriation (FY 2017)	(((\$845,000))
	<u>\$818,000</u>
General Fund—Federal Appropriation	(((\$3,537,000))
	<u>\$3,536,000</u>
General Fund—Private/Local Appropriation	\$24,000
Aquatic Lands Enhancement Account—State	
Appropriation	\$488,000
Firearms Range Account—State Appropriation	\$37,000
Recreation Resources Account—State Appropriation	(((\$3,349,000))
	<u>\$3,263,000</u>
NOVA Program Account—State Appropriation	\$1,014,000
TOTAL	
APPROPRIATION	\$10,167,000
	<u>\$10,022,000</u>

**Sec. 305.** 2015 3rd sp.s. c 4 s 305 (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL AND LAND USE HEARINGS OFFICE**

General Fund—State Appropriation (FY 2016)	(((\$2,123,000))
	<u>\$2,149,000</u>
General Fund—State Appropriation (FY 2017)	(((\$2,164,000))
	<u>\$2,175,000</u>
TOTAL APPROPRIATION	\$4,287,000
	<u>\$4,324,000</u>

**Sec. 306.** 2015 3rd sp.s. c 4 s 306 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund—State Appropriation (FY 2016)	(((\$6,775,000))
	<u>\$6,778,000</u>
General Fund—State Appropriation (FY 2017)	(((\$6,810,000))
	<u>\$6,848,000</u>
General Fund—Federal Appropriation	\$2,301,000
Public Works Assistance Account—State	
Appropriation	\$7,600,000
Disaster Response Account—State	
Appropriation	<u>\$7,800,000</u>
State Toxics Control Account—State Appropriation	
	\$1,000,000
TOTAL	
APPROPRIATION	\$24,486,000
	<u>\$32,327,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,600,000 of the public works assistance account—state appropriation is provided solely for implementation of the voluntary stewardship program. This amount may not be used to fund agency indirect and administrative expenses.

(2) \$6,800,000 of the disaster response account—state appropriation is provided solely to protect water quality, stabilize soil, prevent crop damage, replace fencing and help landowners recover from losses sustained from wildfires. \$300,000 of this amount shall be provided to the Okanogan county noxious weed control board to control weeds and revegetate lands damaged by wildfires.

(3) \$1,000,000 of the disaster response account—state appropriation is provided solely for the commission to provide to conservation districts for the firewise program.

(4)(a) \$50,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the commission to convene and facilitate a food policy forum. The director of the commission is responsible for appointing participating members of the food policy forum in consultation with the director of the department of agriculture. In making appointments, the director of the commission must attempt to ensure a diversity of knowledge, experience, and perspectives by building on the representation established by the food system roundtable initiated by executive order No. 10-02.

(b) In addition to members appointed by the director of the state conservation commission, four legislators may serve on the food policy forum in an officio capacity. Legislative participants must be appointed as follows:

(i) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(ii) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(c) The commission shall coordinate with the office of farmland preservation and the department of agriculture to avoid duplication of effort. The commission must report to the appropriate committees of the legislature, consistent with RCW 43.01.036, with the forum's recommendations by October 31, 2017.

**Sec. 307.** 2015 3rd sp.s. c 4 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2016)	.....(( <del>\$37,559,000</del> ))	
		<u>\$37,599,000</u>
General Fund—State Appropriation (FY 2017)	.....(( <del>\$36,622,000</del> ))	
		<u>\$39,435,000</u>
General Fund—Federal Appropriation	.....(( <del>\$113,009,000</del> ))	
		<u>\$113,956,000</u>
General Fund—Private/Local Appropriation	.....(( <del>\$61,447,000</del> ))	
		<u>\$61,739,000</u>
ORV and Nonhighway Vehicle Account—State Appropriation	.....(( <del>\$424,000</del> ))	
		<u>\$425,000</u>
Aquatic Lands Enhancement Account—State Appropriation	.....(( <del>\$11,500,000</del> ))	
		<u>\$11,627,000</u>
Recreational Fisheries Enhancement—State Appropriation	.....(( <del>\$2,975,000</del> ))	
		<u>\$2,997,000</u>
<u>Disaster Response Account—State Appropriation</u>		<u>\$642,000</u>
Warm Water Game Fish Account—State Appropriation	.....(( <del>\$2,723,000</del> ))	
		<u>\$2,738,000</u>
Eastern Washington Pheasant Enhancement Account—State Appropriation	.....(( <del>\$849,000</del> ))	
		<u>\$850,000</u>
Aquatic Invasive Species Enforcement Account—State Appropriation	.....	\$219,000
Aquatic Invasive Species Prevention Account—State Appropriation	.....(( <del>\$775,000</del> ))	
		<u>\$778,000</u>
State Wildlife Account—State Appropriation	.....(( <del>\$111,251,000</del> ))	
		<u>\$117,456,000</u>
Special Wildlife Account—State Appropriation	.....(( <del>\$300,000</del> ))	
		<u>\$313,000</u>

Special Wildlife Account—Federal Appropriation	.....	\$500,000
Special Wildlife Account—Private/Local Appropriation	.....	\$3,517,000
Wildlife Rehabilitation Account—State Appropriation	.....	\$359,000
Hydraulic Project Approval Account—State Appropriation	.....(( <del>\$668,000</del> ))	
		<u>\$669,000</u>
Environmental Legacy Stewardship Account—State Appropriation	.....	\$2,814,000
Regional Fisheries Enhancement Salmonid Recovery Account—		
Federal Appropriation	.....	\$5,001,000
Oil Spill Prevention Account—State Appropriation	.....(( <del>\$1,069,000</del> ))	
		<u>\$1,075,000</u>
Oyster Reserve Land Account—State Appropriation	.....(( <del>\$778,000</del> ))	
		<u>\$779,000</u>
<b>TOTAL</b>		
APPROPRIATION	.....	<u>\$394,359,000</u>
		<u>\$405,488,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$344,000 of the general fund—state appropriation for fiscal year 2016 and)~~ \$344,000 of the general fund—state appropriation for fiscal year 2017 ~~(are)~~ is provided solely to pay for emergency fire suppression costs. ~~(These amounts)~~ This amount may not be used to fund agency indirect and administrative expenses.

(2) \$596,000 of the general fund—state appropriation for fiscal year 2016 and \$596,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for weed assessments and for payments in lieu of real property taxes to counties that elect to receive the payments for department owned game lands within the county.

(3) \$300,000 of the aquatic lands enhancement account—state appropriation is provided solely for the aquatic invasive species and ballast water programs to address voluntary compliance and watercraft check stations and develop recommendations for future funding and the transition to new federal ballast water regulations. These recommendations shall be provided to the governor and legislature by June 1, 2016.

(4) Prior to submitting its 2017-2019 biennial operating and capital budget requests related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review the proposed requests. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with its agency budget proposal.

(5) \$400,000 of the general fund—state appropriation for fiscal year 2016 and \$400,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the United States army corps of engineers. Prior to implementation of any Puget Sound nearshore ecosystem restoration projects in Whatcom county, the department must consult with and seek, to the maximum extent practicable, consensus on those projects among appropriate landowners, federally recognized Indian tribes, agencies, and community and interest groups.

(6) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(7) Within the amounts appropriated in this section, the department shall conduct a stakeholder process with the department of ecology to develop recommendations to restructure the fees under RCW 90.16.050 and report to the appropriate committees of the legislature by December 1, 2015.

(8) The department shall maintain a working capital reserve in the nonrestricted portion of the state wildlife account of no more than five percent of projected expenses in the nonrestricted portion of the account.

(9) \$72,000 of the oil spill prevention account—state appropriation is provided solely for implementation of chapter 274, Laws of 2015 (ESHB 1449).

(10) \$352,000 of the general fund—state appropriation for fiscal year 2016 and \$351,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of chapter 191, Laws of 2015 (SSB 5166).

(11) \$642,000 of the disaster response account—state appropriation is provided solely for wildland fire restoration activities on state wildlife areas.

(12) \$100,000 of the general fund—state appropriation for fiscal year 2016 and \$375,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the department to establish a work unit to engage and empower diverse stakeholders in decisions about fish and wildlife.

(13) \$300,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to fund cost share partnerships between the department and landowners via livestock damage prevention cooperative agreements. The agreements are part of the department's efforts to help landowners implement measures to reduce the potential for wolf-livestock conflict.

(14) \$25,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to pay claims for confirmed cougar depredations on livestock.

(15) \$225,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for operations at Naselle Hatchery. Any increase in hatchery fish production is contingent upon hatchery reform broodstock standards being met and state fisheries being managed to conserve wild fish populations.

(16) \$25,000 of the general fund—state appropriation for fiscal year 2016 and \$25,000 of the

general fund—state appropriation for fiscal year 2017 are provided solely to the Northwest straits commission for assistance in conducting and evaluating the forage fish surveys in Puget Sound.

(17) \$100,000 of the state wildlife account—state appropriation is provided solely for ongoing department efforts to address elk hoof disease including monitoring prevalence in affected areas, evaluating survival of affected elk, and assessing management options in affected areas.

(18) The governor shall convene a government-to-government meeting between the department and federally recognized Indian tribes to discuss and develop a protocol regarding enforcement actions related to hunting activities by tribal members on lands where the member's tribe has a treaty or other federally recognized right to hunt.

**Sec. 308.** 2015 3rd sp.s. c 4 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

General Fund—State Appropriation (FY 2016)	(((\$51,961,000))
	<u>\$30,402,000</u>
General Fund—State Appropriation (FY 2017)	(((\$54,771,000))
	<u>\$49,478,000</u>
General Fund—Federal Appropriation .....	(((\$27,133,000))
	<u>\$30,079,000</u>
General Fund—Private/Local Appropriation .....	\$2,372,000
Forest Development Account—State Appropriation	(((\$53,463,000))
	<u>\$53,786,000</u>
ORV and Nonhighway Vehicle Account—State Appropriation .....	(((\$4,806,000))
	<u>\$6,655,000</u>
Surveys and Maps Account—State Appropriation	(((\$1,496,000))
	<u>\$4,502,000</u>
Aquatic Lands Enhancement Account—State Appropriation .....	(((\$8,711,000))
	<u>\$8,743,000</u>
Resources Management Cost Account—State Appropriation .....	(((\$113,223,000))
	<u>\$119,872,000</u>
Surface Mining Reclamation Account—State Appropriation .....	(((\$3,926,000))
	<u>\$3,960,000</u>
Disaster Response Account—State Appropriation .....	(((\$5,000,000))
	<u>\$16,601,000</u>
Forest and Fish Support Account—State Appropriation .....	(((\$9,011,000))
	<u>\$10,129,000</u>
Aquatic Land Dredged Material Disposal Site Account—State Appropriation .....	(((\$400,000))
	<u>\$401,000</u>
Natural Resources Conservation Areas Stewardship Account—State Appropriation .....	\$34,000
Marine Resources Stewardship Trust Account—State	

Appropriation .....	\$925,000
State Toxics Control Account—State	
Appropriation.....	\$5,438,000
Forest Practices Application Account—State	
Appropriation .....	<del>(\$1,763,000)</del>
	<u>\$1,971,000</u>
Environmental Legacy Stewardship Account—State	
Appropriation .....	\$1,004,000
Air Pollution Control Account—State Appropriation	
.....	<del>(\$816,000)</del>
	<u>\$817,000</u>
NOVA Program Account—State Appropriation ..	\$696,000
Derelict Vessel Removal Account—State Appropriation	
.....	<del>(\$1,930,000)</del>
	<u>\$1,931,000</u>
<u>Community Forest Trust Account—State</u>	
<u>Appropriation.....</u>	<u>\$26,000</u>
Agricultural College Trust Management Account—State	
Appropriation .....	<del>(\$2,864,000)</del>
	<u>\$2,879,000</u>
<b>TOTAL</b>	
<b>APPROPRIATION.....</b>	<b>\$351,743,000</b>
	<b><u>\$352,701,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,420,000 of the general fund—state appropriation for fiscal year 2016 and \$1,352,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.
- (2) ~~(\$21,055,000 of the general fund—state appropriation for fiscal year 2016, \$21,055,000)~~ \$15,530,000 of the general fund—state appropriation for fiscal year 2017(7) and ~~(\$5,000,000)~~ \$10,525,000 of the disaster response account—state appropriation are provided solely for emergency fire suppression. The general fund—state appropriation and disaster response account—state appropriation provided in this subsection may not be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.
- (3) \$5,000,000 of the forest and fish support account—state appropriation is provided solely for outcome-based, performance contracts with tribes to participate in the implementation of the forest practices program. Contracts awarded may only contain indirect costs set at or below the rate in the contracting tribe's indirect cost agreement with the federal government. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.
- (4) \$925,000 of the marine resources stewardship trust account—state appropriation is provided solely for implementation of priority marine management planning

efforts including mapping activities, ecological assessment, data tools, and stakeholder engagement.

(5) \$440,000 of the state general fund—state appropriation for fiscal year 2016 and \$440,000 of the state general fund—state appropriation for fiscal year 2017 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of the Naselle youth camp.

(6) ~~(\$2,947,000)~~ \$2,390,000 of the general fund—state appropriation for fiscal year 2016 and ~~(\$2,947,000)~~ \$2,390,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the department to carry out the forest practices adaptive management program pursuant to RCW 76.09.370 and the May 24, 2012, settlement agreement entered into by the department and the department of ecology. Scientific research must be carried out according to the master project schedule and work plan of cooperative monitoring, evaluation, and research priorities adopted by the forest practices board. The forest practices board shall submit a report to the legislature following review, approval, and solicitation of public comment on the cooperative monitoring, evaluation, and research master project schedule, to include: Cooperative monitoring, evaluation, and research science and related adaptive management expenditure details, accomplishments, the use of cooperative monitoring, evaluation, and research science in decision-making, and funding needs for the coming biennium. The report shall be provided to the appropriate committees of the legislature by October 1, 2016.

(7) \$155,000 of the general fund—state appropriation for fiscal year 2016 and \$127,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for ongoing law enforcement, which the department may contract with local law enforcement agencies, and for noxious weed control, forest fire protection assessment, and other ~~(purchased services)~~ management costs for the Teanaway community forest as provided in the Teanaway community forest management plan.

(8) The department shall maintain working capital reserves in the resource management cost account and the forest development account of no more than five percent of the amounts appropriated in each account.

(9) \$337,000 of the general fund—state appropriation for fiscal year 2016 and \$311,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 182, Laws of 2015 (ESHB 2093).

(10) \$1,200,000 of the disaster response account—state appropriation is provided solely for joint wildland fire training of department of natural resources, Washington national guard, local fire agency, and tribal firefighters. Of this amount, \$200,000 is provided solely to train local fire agencies on the use of firefighting equipment.

(11) \$215,000 of the disaster response account—state appropriation is provided solely for the department to develop a twenty-year strategic plan to treat areas of state forest land that have been identified by the department as being in poor health.

(12) \$629,000 of the disaster response account—state appropriation is provided solely for the department to

update the smoke management plan in consultation with the department of ecology, other relevant state and federal agencies, and relevant stakeholders.

(13) \$696,000 of the disaster response account—state appropriation is provided solely to enhance the department's capacity to respond to large wildfires using in-state resources.

(14) \$443,000 of the disaster response account—state appropriation is provided solely to enhance capacity for aerial attack of wildfires. Within this amount, the department must develop a pre-certified list of aerial contractors that may be available for fire suppression in fire-prone areas and report the list to the appropriate committees of the legislature by December 1, 2016.

(15) \$1,000,000 of the disaster response account—state appropriation is provided solely to provide firefighting equipment to local fire agencies.

(16) \$417,000 of the disaster response account—state appropriation is provided solely for wildfire prevention education, community outreach programs, technical assistance to landowners; and to ensure landowner compliance with grant and contract requirements, burn permit conditions, and industrial fire precaution levels.

(17) \$569,000 of the disaster response account—state appropriation is provided solely for portable and mobile radios.

(18) \$700,000 of the resources management cost account—state appropriation is provided solely for fuel reduction and forest health activities on state lands.

(19) \$800,000 of the disaster response account—state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2928 (outdoor burning). Of this amount, two percent is provided solely for the department's administrative costs, five percent is provided solely for the department to provide forest health collaboratives for burn technician costs, and ninety-three percent is provided solely for the department to provide forest health collaboratives for implementation of forest resiliency burning. The department shall direct the forest health collaboratives to complete the forest resiliency burning under this subsection by January 1, 2017. If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(20) \$100,000 of the disaster response account—state appropriation is provided solely for fuel reduction and creating firebreaks in and around the city of Walla Walla's mill creek watershed.

(21) \$5,057 of the disaster response account—state appropriation is provided solely for the Asotin county sheriff's office for the grizzly bear complex fire.

(22) The appropriations provided in this section may not be used for activities related to increasing the amount of land managed by the department as natural area preserves.

**Sec. 309.** 2015 3rd sp.s. c 4 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund—State Appropriation (FY 2016)  
 .....((~~\$16,173,000~~))

	\$16,723,000
General Fund—State Appropriation (FY 2017)	(( <del>\$16,069,000</del> ))
.....	\$17,411,000
General Fund—Federal Appropriation .....	(( <del>\$26,851,000</del> ))
	\$30,520,000
General Fund—Private/Local Appropriation .....	\$193,000
Aquatic Lands Enhancement Account—State	
Appropriation .....	(( <del>\$2,884,000</del> ))
	\$2,896,000
State Toxics Control Account—State Appropriation	
.....	(( <del>\$5,910,000</del> ))
	\$5,919,000
Water Quality Permit Account—State Appropriation	
.....	\$73,000
<b>TOTAL</b>	
<b>APPROPRIATION .....</b>	<b>\$68,153,000</b>
	<b>\$73,735,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,108,445 of the general fund—state appropriation for fiscal year 2016 and \$6,102,905 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementing the food assistance program as defined in RCW 43.23.290.

(2) \$48,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for implementation of chapter 106, Laws of 2015 (HB 1268).

(3) \$575,000 of the state toxics control account—state appropriation is provided solely to implement a nutrient management training program for farmers that provides training in agronomic application of dairy nutrients, as defined in RCW 90.64.010. The department shall develop an accreditation process to track completion of training by individuals who apply manure. The department shall also offer to willing farms to review agronomic application of dairy nutrients, as defined in RCW 90.64.010, used in crop production, including when, where, and how much manure to apply to meet crop nutrient requirements and to protect waters of the state. These funds may also be used to increase inspection activities in watersheds, including those areas with impaired surface or ground water impairment. The department in consultation with interested stakeholders shall identify gaps in the manure management program, including existing rules and statutory language, and report on a strategy to address those gaps. This program shall be a two-year pilot and the department shall report to the governor and the legislature by December 31, 2015, June 30, 2016, and on June 30, 2017, on the level of participation and results of the program. In developing the curriculum for agronomic education and certification programs, the department will provide opportunity for input from interested parties including: Washington State University, state conservation commission, department of ecology, conservation district staff, representatives from agricultural, livestock, and crop organizations, environmental organizations, tribal government representatives, and certified crop advisers.

(4) \$126,000 of the general fund—state appropriation for fiscal year 2016 (~~(\*)~~) and \$125,000 of the general fund—state appropriation for fiscal year 2017 are



Appropriation .....	<del>(\$18,218,000)</del>
	<u>\$18,415,000</u>
Real Estate Research Account—State Appropriation .....	\$415,000
Geologists' Account—State Appropriation .....	\$53,000
Derelict Vessel Removal Account—State Appropriation .....	\$32,000
TOTAL	
APPROPRIATION .....	<u>\$43,661,000</u>
	<u>\$43,677,000</u>

~~((The appropriations in this section are subject to the following conditions and limitations: \$198,000 of the general fund—state appropriation for fiscal year 2016 and \$11,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Engrossed Senate Bill No. 5416 (vessel-related transactions). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse.))~~

**Sec. 402.** 2015 3rd sp.s. c 4 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund—State Appropriation (FY 2016) .....	<del>(\$39,855,000)</del>
	<u>\$41,105,000</u>
General Fund—State Appropriation (FY 2017) .....	<del>(\$38,094,000)</del>
	<u>\$39,566,000</u>
General Fund—Federal Appropriation .....	<del>(\$16,074,000)</del>
	<u>\$16,073,000</u>
General Fund—Private/Local Appropriation <del>((</del>	<del>\$3,070,000))</del>
	<u>\$3,083,000</u>
Death Investigations Account—State Appropriation .....	<del>(\$6,508,000)</del>
	<u>\$6,439,000</u>
Enhanced 911 Account—State Appropriation ...	\$3,230,000
County Criminal Justice Assistance Account—State Appropriation .....	\$3,532,000
Municipal Criminal Justice Assistance Account—State Appropriation .....	\$1,443,000
Fire Service Trust Account—State Appropriation	\$131,000
Vehicle License Fraud Account—State Appropriation .....	<del>(\$255,000)</del>
	<u>\$264,000</u>
Disaster Response Account—State Appropriation .....	<del>(\$8,000,000)</del>
	<u>\$6,389,000</u>
Fire Service Training Account—State Appropriation .....	<del>(\$9,997,000)</del>
	<u>\$11,607,000</u>
Aquatic Invasive Species Enforcement Account—State Appropriation .....	\$54,000
State Toxics Control Account—State Appropriation .....	\$532,000
Fingerprint Identification Account—State Appropriation .....	<del>(\$13,930,000)</del>
	<u>\$14,801,000</u>
TOTAL	
APPROPRIATION .....	<u>\$144,705,000</u>
	<u>\$148,249,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account—state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(2) ~~(\$8,000,000)~~ \$6,389,000 of the disaster response account—state appropriation ~~((is))~~ and \$1,611,000 of the fire service training account—state appropriation are provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.

(3) \$700,000 of the fire service training account—state appropriation is provided solely for the firefighter apprenticeship training program.

(4) \$3,230,000 of the enhanced 911 account—state appropriation is provided solely for the first phase of the state patrol's plan to upgrade the criminal history system, and is subject to the same conditions, limitations and review provided in section 705 (4) through (6) of this act.

(5) \$1,375,000 of the general fund—state appropriation for fiscal year 2016 and \$1,375,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 247, Laws of 2015 (Substitute House Bill No. 1068).

(6) \$3,200,000 of the fingerprint investigation account—state appropriation is provided solely for the second phase of the state patrol's plan to upgrade the criminal history system, and is subject to the same conditions, limitations and review provided in section 705 (4) through (6) of this act.

(7) Within amounts provided in this section, the Washington state patrol shall work with the consolidated technology services agency to explore the feasibility and appropriateness of using vacant data halls in the state data center as storage facilities for evidence collected by law enforcement agencies, including but not limited to the state patrol. The state patrol and the consolidated technology services agency shall develop a cost estimate for modifying the data center halls in order to fit this purpose. The state patrol shall submit a report on its findings to the governor and the appropriate committees of the legislature by December 1, 2015.

(8) \$50,000 of the general fund—state appropriation for fiscal year 2016 and \$50,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the state patrol to pay assessments charged by local improvement districts.

(9) \$388,000 of the general fund—state appropriation for fiscal year 2017, \$9,000 of the vehicle license fraud account—state appropriation, and \$13,000 of the general fund—local appropriation are provided solely

for implementation of Engrossed Second Substitute House Bill No. 2872 (WSP recruitment and retention). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(10) The appropriations in this section include specific funds for the purpose of implementing Second Substitute House Bill No. 2530 (protecting victims of sex crimes).

**PART V  
EDUCATION**

**Sec. 501.** 2015 3rd sp.s. c 4 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

General Fund—State Appropriation (FY 2016)	(( <del>\$37,939,000</del> ))
	\$38,284,000
General Fund—State Appropriation (FY 2017)	(( <del>\$39,133,000</del> ))
	\$46,199,000
General Fund—Federal Appropriation .....	(( <del>\$67,174,000</del> ))
	\$67,169,000
General Fund—Private/Local Appropriation (( <del>\$6,123,000</del> ))	\$9,623,000
<u>Washington Opportunity Pathways Account—State Appropriation</u> .....	<u>\$292,000</u>
Dedicated Marijuana Account—State Appropriation (FY 2016).....	\$251,000
Dedicated Marijuana Account—State Appropriation (FY 2017).....	\$511,000
Performance Audits of Government Account—State Appropriation.....	\$208,000
TOTAL	
APPROPRIATION.....	\$151,339,000
	\$162,537,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$9,868,000~~)) \$10,152,000 of the general fund—state appropriation for fiscal year 2016 and ((~~\$10,150,000~~)) \$10,410,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(a) The superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(b) Districts shall report to the office of the superintendent of public instruction daily student unexcused absence data by school, using a uniform definition of unexcused absence as established by the superintendent.

(c) By September of each year, the office of the superintendent of public instruction shall produce an annual status report on implementation of the budget provisos in sections 501 and 513 of this act. The status report of each proviso shall include, but not be limited to, the following

information: Purpose and objective, number of state staff funded by the proviso, number of contractors, status of proviso implementation, number of beneficiaries by year, list of beneficiaries, a comparison of budgeted funding and actual expenditures, other sources and amounts of funding, and proviso outcomes and achievements.

(d) The superintendent of public instruction, in consultation with the secretary of state, shall update the program prepared and distributed under RCW 28A.230.150 for the observation of temperance and good citizenship day to include providing an opportunity for eligible students to register to vote at school.

(e) Districts shall annually report to the office of the superintendent of public instruction on: (i) The annual number of graduating high school seniors within the district earning the Washington state seal of biliteracy provided in RCW 28A.300.575; and (ii) the number of high school students earning competency-based high school credits for world languages by demonstrating proficiency in a language other than English. The office of the superintendent of public instruction shall provide a summary report to the office of the governor and the appropriate committees of the legislature by December 1st of each year.

(2) \$1,017,000 of the general fund—state appropriation for fiscal year 2016 and ((~~\$1,017,000~~)) \$857,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for activities associated with the implementation of new school finance systems required by chapter 236, Laws of 2010 (K-12 education funding) and chapter 548, Laws of 2009 (state's education system), including technical staff, systems reprogramming, and workgroup deliberations, including the quality education council and the data governance working group.

(3) \$1,012,000 of the general fund—state appropriation for fiscal year 2016 ((~~and \$1,012,000~~)), \$851,000 of the general fund—state appropriation for fiscal year 2017, and \$161,000 of the Washington opportunity pathways account—state appropriation are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Of these amounts, \$161,000 of the general fund—state appropriation for fiscal year 2016 and \$161,000 of the ((~~general fund—state appropriation for fiscal year 2017~~)) Washington opportunity pathways account—state appropriation are provided solely for implementation of ((~~Initiative Measure No. 1240 (charter schools)~~)) RCW 28A.710 as amended by Engrossed Second Substitute Senate Bill No. 6194 (public schools other than common schools).

(4) \$3,571,000 of the general fund—state appropriation for fiscal year 2016 and \$3,447,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to the professional educator standards board for the following:

(a) \$1,050,000 in fiscal year 2016 and \$1,050,000 in fiscal year 2017 are for the operation and expenses of the Washington professional educator standards board;

(b) \$2,372,000 of the general fund—state appropriation for fiscal year 2016 and \$2,372,000 of the general fund—state appropriation for fiscal year 2017 are for grants to improve preservice teacher training and for

funding of alternative routes to certification programs administered by the professional educator standards board. Alternative routes programs include the pipeline for paraeducators program, the retooling to teach conditional loan programs, and the recruiting Washington teachers program. Within this subsection (4)(b), up to \$500,000 per fiscal year is available for grants to public or private colleges of education in Washington state to develop models and share best practices for increasing the classroom teaching experience of preservice training programs;

(c) \$25,000 of the general fund—state appropriation for fiscal year 2016 and \$25,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the professional educator standards board to develop educator interpreter standards and identify interpreter assessments that are available to school districts. Interpreter assessments should meet the following criteria: (A) Include both written assessment and performance assessment; (B) be offered by a national organization of professional sign language interpreters and transliterators; and (C) be designed to assess performance in more than one sign system or sign language. The board shall establish a performance standard, defining what constitutes a minimum assessment result, for each educational interpreter assessment identified. The board shall publicize the standards and assessments for school district use;

(d) \$124,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for implementation of chapter 136, Laws of 2014 (paraeducator development).

(5) \$266,000 of the general fund—state appropriation for fiscal year 2016 and \$266,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of chapter 240, Laws of 2010, including staffing the office of equity and civil rights.

(a) \$5,000 of the amounts provided in this subsection shall be provided to the Washington state school directors association for the creation of a model policy and procedures for language access by limited-English proficient parents. In developing the model policy and procedures, the school directors association shall consider any guidance materials created by the United States department of justice, the United States department of education, and the office of the superintendent of public instruction, regarding how school districts can effectively assess their language access needs and how to develop appropriately tailored language access plans. The model policy and procedures must at a minimum address:

(i) Guidance and procedures for timely and accurate identification of limited-English proficient parents and guardians and their language access needs;

(ii) A recommended process and procedures for when and how to access an interpreter;

(iii) A prohibition on the use of students or children as interpreters for school-related communications;

(iv) Procedures to ensure appropriate staff are aware of parents' or guardians' need for language assistance, including guidance for all school administrators, teachers, and other appropriate staff regarding when and

how to access an interpreter or translation services in a timely manner; and

(v) A process for communicating with parents and guardians about their rights under federal and state law to be provided with accessible information that allows them to make informed choices regarding their child's education and how to access the resources and services available to them.

(b) Within the amounts provided in this subsection, the office of the superintendent of public instruction shall:

(i) Convene an advisory committee with representatives of parents, school administrators, school principals, classified and certificated staff, and other appropriate parties with interest in language access for limited-English parents to develop sample materials for school districts to disseminate to both school employees and parents regarding parents' rights under the model policy developed by the Washington state school directors' association and the resources available to assist parents and guardians in accessing the services available to them. The sample materials must be developed by July 1, 2016;

(ii) Maintain and have available upon request a list of school districts that have and have not adopted the Washington state school directors' association's model policy;

(iii) Adopt rules regarding school districts' communication of the language access policy and procedure to parents, students, employees, and volunteers; and

(iv) Publish to the agency web site a listing of language access services providers available to school districts, including but not limited to, the telephonic, in-person, or video-remote interpreter services vendors on contract with the state of Washington, including contact information and training programs that are available to support school districts in preparing employees for how to access and effectively use an interpreter.

(6) \$50,000 of the general fund—state appropriation for fiscal year 2016 and \$50,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the ongoing work of the education opportunity gap oversight and accountability committee.

(7) \$61,000 of the general fund—state appropriation for fiscal year 2016 and \$61,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of chapter 380, Laws of 2009 (enacting the interstate compact on educational opportunity for military children).

(8) \$131,000 of the general fund—state appropriation for fiscal year 2016 and \$131,000 of the ~~(general fund—state appropriation for fiscal year 2017)~~ Washington opportunity pathways account—state appropriation are provided solely for the implementation of ~~(Initiative Measure No. 1240 (charter schools))~~ RCW 28A.710 as amended by Engrossed Second Substitute Senate Bill No. 6194 (public schools other than common schools).

(9) \$1,802,000 of the general fund—state appropriation for fiscal year 2016 and \$1,802,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementing a comprehensive data system to include financial, student, and educator data,

including development and maintenance of the comprehensive education data and research system (CEDARS).

(10) \$25,000 of the general fund—state appropriation for fiscal year 2016 and \$25,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(11) \$1,500,000 of the general fund—state appropriation for fiscal year 2016 and \$1,500,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for collaborative schools for innovation and success authorized under chapter 53, Laws of 2012. The office of the superintendent of public instruction shall award \$500,000 per year in funding for each collaborative school for innovation and success selected for participation in the pilot program during 2012.

(12) \$123,000 of the general fund—state appropriation for fiscal year 2016 and \$123,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 163, Laws of 2012 (foster care outcomes). The office of the superintendent of public instruction shall annually report each December on the implementation of the state's plan of cross-system collaboration to promote educational stability and improve education outcomes of foster youth.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2016 and \$250,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 178, Laws of 2012 (open K-12 education resources).

(14) \$93,000 of the general fund—state appropriation for fiscal year 2016 and \$93,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for chapter 185, Laws of 2011 (bullying prevention), which requires the office of the superintendent of public instruction to convene an ongoing workgroup on school bullying and harassment prevention. Within the amounts provided, \$140,000 is for youth suicide prevention activities.

(15) \$14,000 of the general fund—state appropriation for fiscal year 2016 and \$14,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 242, Laws of 2013 (state-tribal education compacts).

(16) \$62,000 of the general fund—state appropriation for fiscal year 2016 and \$62,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for competitive grants to school districts to increase the capacity of high schools to offer AP computer science courses. In making grant allocations, the office of the superintendent of public instruction must give priority to schools and districts in rural areas, with substantial enrollment of low-income students, and that do not offer AP computer science. School districts may apply to receive either or both of the following grants:

(a) A grant to establish partnerships to support computer science professionals from private industry serving on a voluntary basis as coinstructors along with a

certificated teacher, including via synchronous video, for AP computer science courses; or

(b) A grant to purchase or upgrade technology and curriculum needed for AP computer science, as well as provide opportunities for professional development for classroom teachers to have the requisite knowledge and skills to teach AP computer science.

(17) \$10,000 of the general fund—state appropriation for fiscal year 2016 and \$10,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the superintendent of public instruction to convene a committee for the selection and recognition of Washington innovative schools. The committee shall select and recognize Washington innovative schools based on the selection criteria established by the office of the superintendent of public instruction, in accordance with chapter 202, Laws of 2011 (innovation schools—recognition) and chapter 260, Laws of 2011 (innovation schools and zones).

(18) \$100,000 of the general fund—state appropriation for fiscal year 2016 and \$100,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Mobius science center to expand mobile outreach of science, technology, engineering, and mathematics (STEM) education to students in rural, tribal, and low-income communities.

(19) \$59,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the office of the superintendent of public instruction to convene a task force to design a performance-based assistance and accountability system for the transitional bilingual instruction program. The office must submit a report with recommendations from the task force to the education and fiscal committees of the legislature by January 15, 2016.

(20) \$131,000 of the general fund—state appropriation for fiscal year 2016 and \$131,000 of general fund—state appropriation for fiscal year 2017 are provided solely for the office of the superintendent of public instruction to perform on-going program reviews of alternative learning experience programs and dropout reengagement programs. The amounts provided in this subsection are sufficient for the office of the superintendent of public instruction to conduct ongoing consolidated program reviews of alternative learning experience programs and dropout reengagement programs established under chapter 20, Laws of 2010. The office of the superintendent of public instruction shall include alternative learning education and dropout reengagement programs in its ongoing consolidated program reviews, as well as provide outreach and training to school districts regarding implementation of the programs. Findings from the program reviews will be used to support and prioritize the office of the superintendent of public instruction outreach and education efforts that assist school districts in implementing the programs in accordance with statute and legislative intent, as well as to support financial and performance audit work conducted by the office of the state auditor.

(21) \$31,000 of the general fund—state appropriation for fiscal year 2016 and \$55,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the office of the superintendent of

public instruction for statewide implementation of career and technical education course equivalency frameworks authorized under RCW 28A.700.070 for math and science. This may include development of additional equivalency course frameworks, course performance assessments, and professional development for districts implementing the new frameworks. At least two of the science course frameworks must be in environmental science.

(22) \$142,000 of the general fund—state appropriation for fiscal year 2016 and \$142,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 103, Laws of 2014 (Substitute Senate Bill No. 6431) (youth suicide prevention).

(23) \$208,000 of the performance audits of government account—state appropriation is provided solely to address additional audit resolutions and appeals in the alternative learning experience programs.

(24) \$2,541,000 of the general fund—state appropriation for fiscal year 2016 and \$2,541,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(25) \$210,000 of the general fund—state appropriation for fiscal year 2016 and \$210,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

(26) \$1,221,000 of the general fund—state appropriation for fiscal year 2016 and \$1,221,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(27) \$2,549,000 of the general fund—state appropriation for fiscal year 2016 and ~~(\$3,360,000)~~ \$3,940,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington state achievers scholarship and Washington higher education readiness program. The funds shall be used to: Support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars; and to identify and reduce barriers to college for low-income and underserved middle and high school students.

(28) \$1,354,000 of the general fund—state appropriation for fiscal year 2016 and \$1,354,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(29) \$1,000,000 of the general fund—state appropriation for fiscal year 2016, \$1,000,000 of the

general fund—state appropriation for fiscal year 2017, and \$762,000 of the dedicated marijuana account—state appropriation are provided solely for dropout prevention, intervention, and reengagement programs, including the jobs for America's graduates (JAG) program, dropout prevention programs that provide student mentoring, and the building bridges statewide program. Starting in school year 2014-15, students in the foster care system or who are homeless shall be given priority by districts offering the jobs for America's graduates program. The office of the superintendent of public instruction shall convene staff representatives from high schools to meet and share best practices for dropout prevention. Of these amounts, \$251,000 of the dedicated marijuana account—state appropriation for fiscal year 2016, and \$511,000 of the dedicated marijuana account—state appropriation for fiscal year 2017 are provided solely for the building bridges statewide program.

(30) \$2,654,000 of the general fund—state appropriation for fiscal year 2016 and \$2,984,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington kindergarten inventory of developing skills. State funding shall support the statewide administration of the inventory under RCW 28A.655.080(1) and the one-time implementation and training grants under RCW 28A.655.080(3) for schools implementing the inventory for the first time in the 2015-2017 fiscal biennium.

(31) \$75,000 of the general fund—state appropriation for fiscal year 2016 and \$75,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to subsidize advanced placement exam fees and international baccalaureate class fees and exam fees for low-income students. To be eligible for the subsidy, a student must be either enrolled or eligible to participate in the federal free or reduced-price lunch program, and the student must have maximized the allowable federal contribution. The office of the superintendent of public instruction shall set the subsidy in an amount so that the advanced placement exam fee does not exceed \$15.00 and the combined class and exam fee for the international baccalaureate does not exceed \$14.50.

(32) \$293,000 of the general fund—state appropriation for fiscal year 2016 and \$293,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the office of the superintendent of public instruction to support district implementation of comprehensive guidance and planning programs consistent with RCW 28A.600.045.

(33) \$2,864,000 of the general fund—state appropriation for fiscal year 2016 and \$3,758,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1546 (dual credit education opportunities).

(34) \$161,000 of the general fund—state appropriation for fiscal year 2016 and \$54,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the superintendent of public instruction to convene a workgroup to recommend comprehensive benchmarks for developmentally appropriate interpersonal and decision-making knowledge and skills of social and

emotional learning for grades kindergarten through high school that build upon what is being done in early learning. The workgroup shall submit recommendations to the education committees of the legislature, and the office of the governor by October 1, 2016.

(35) \$122,000 of the general fund—state appropriation for fiscal year 2016 and \$117,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 3 (SHB No. 1813), Laws of 2015 1st sp. sess. (computer science).

(36)(a) \$250,000 of the general fund—state appropriation for fiscal year 2016 and \$250,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the office of the superintendent of public instruction to implement a K-12 dual language expansion grant program to build and expand well-implemented, sustainable dual language programs and create state-level infrastructure dedicated to dual language instruction.

(b) The superintendent shall award grants to pairs of school districts for periods of two years. Each awarded pair must have one district with an established dual language program with a plan for expansion, and another district with the desire to implement a new dual language program.

(c) Grant funds may be used for professional development, supplemental materials, training, administrative staffing of the program, site visits, recruiting bilingual teachers and instructional aides, program evaluation, and coaching.

(37) \$400,000 of the general fund—state appropriation for fiscal year 2016 and \$200,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the urban school turnaround initiative as follows:

(a) The office of the superintendent of public instruction shall provide grants of equal amounts to two schools that have previously received urban school turnaround initiative grants. The purpose of these grants is to assist the schools in maintaining gains made as a result of work completed under the original program, while also phasing out state funding support of the program.

(b) The office shall allocate the funds under this subsection (36) to the school district to be used exclusively in the selected schools. The district may not charge an overhead or indirect fee for the allocated funds or supplant other state, federal, or local funds in the selected schools. The school district shall use the funds for intensive supplemental instruction, services, and materials in the selected schools, including but not limited to professional development for school staff; updated curriculum, materials, and technology; extended learning opportunities for students; reduced class size; summer enrichment activities; school-based health clinics; and other research-based initiatives to dramatically turn around the performance and close the achievement gap in the schools. The office shall enter into an expenditure agreement with the school district under which any funds under this subsection (41) remaining unspent on August 31, 2017, shall be returned to the state. Priorities for the expenditure of the funds shall be determined by the leadership and staff of each school.

(38) \$125,000 of the general fund—state appropriation for fiscal year 2016 and \$125,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Kip Tokuda memorial Washington civil liberties public education program. The superintendent of public instruction shall award grants consistent with RCW 28A.300.410.

(39) \$652,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the administration of the preliminary scholastic aptitude test to ninth and tenth grade participants in the college bound program. The superintendent of public instruction shall partner with a national nonprofit organization that offers the aptitude test and that will provide: (i) Early and annual feedback on student progress; (ii) detailed performance feedback connected to Washington's standards, instruction, and assessments; (iii) access to state-of-the-art learning tools including free, personalized practice; (iv) access to college and career planning tools; (v) personalized information packets to high-achieving, low-income students to increase the number of applications from this group of students to public four-year institutions of higher education and independent, nonprofit baccalaureate degree-granting institutions in Washington; and (vi) for income eligible students, the opportunity to take the preliminary scholastic aptitude test in eleventh grade at no cost, to take the scholastic aptitude test twice at no cost, and access to additional tools and score reports at no cost.

(40)(a) \$125,000 of the general fund—state appropriation for fiscal year 2016 and \$125,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a grant to an entity that is exempt from taxation under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of the effective date of this section, that is affiliated and in good standing with a national congressionally chartered organization's standards under 36 U.S.C., subtitle II, part B, and that:

(i) Is facility-based and provides proven and tested recreational, educational, and character-building programs for children ages six to eighteen years of age;

(ii) Provides after school and summer programs in a minimum of fifty communities statewide, with youth development services available at least twenty hours weekly during the school year and for thirty hours weekly during summer programming;

(iii) Has adopted standards for care that at a minimum include staff ratios, staff training, health and safety standards, and mechanisms for assessing and enforcing the program's compliance with the standards;

(iv) Provides a process to receive and resolve parental complaints; and

(v) Conducts national criminal background checks for all employees and volunteers who work with children.

(b) The grant shall be used to pilot a program of academic, innovation, and mentoring. The purpose of the program is to enable eligible neighborhood youth development entities to provide out-of-school time programs for youth six to eighteen years of age that include educational services, mentoring, and linkages to positive, pro-social leisure and recreational activities. The programs must be designed for mentoring and academic enrichment

that include at least two of the following three activity areas:

(i) Science, technology, engineering, and math (STEM);

(ii) Homework support and high-yield learning opportunities; and

(iii) Career exploration.

(c) The entity receiving the grant shall conduct the pilot in at least five communities statewide. The office of the superintendent of public instruction shall submit a report to the appropriate education and fiscal committees of the legislature by December 31, 2015, and a final report by December 31, 2016. The report shall outline the programs established, target populations, and pre- and post-testing results.

(41) \$25,000 of the general fund—state appropriation for fiscal year 2016 and \$25,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the office of the superintendent of public instruction to partner with a nonprofit organization providing music curriculum for kindergarten and first grade students and establish a grant program that provides start-up costs and materials for integrated music curriculum that links together other core curriculum. Preference shall be given to Title 1 schools, head start programs, early childhood education and assistance program sites, high poverty schools, schools with high mobility, and schools with low student achievement.

(42) \$1,000,000 of the general fund—state appropriation for fiscal year 2016 and \$1,000,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the computer science and education grant program to support the following three purposes: Train and credential teachers in computer sciences; provide and upgrade technology needed to learn computer science; and, for computer science frontiers grants to introduce students to and engage them in computer science. The office of the superintendent of public instruction must use the computer science learning standards adopted pursuant to Substitute House Bill No. 1813 (computer science) in implementing the grant, to the extent possible. Additionally, grants provided for the purpose of introducing students to computer science are intended to support innovative ways to introduce and engage students from historically underrepresented groups, including girls, low-income students, and minority students, to computer science and to inspire them to enter computer science careers. Grant funds for the computer science and education grant program may be expended only to the extent that they are equally matched by private sources for the program, including gifts, grants, or endowments.

(43) \$1,461,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a contract with a nongovernmental entity or entities for demonstration sites to improve the educational outcomes of students who are dependent pursuant to chapter 13.34 RCW pursuant to Fourth Substitute House Bill No. 1999 (foster youth edu. outcomes).

(a) Of the amount provided in this subsection, \$446,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the demonstration site established pursuant to the 2013-2015 omnibus

appropriations act, section 202(10), chapter 4, Laws of 2013, 2nd sp. sess.

(b) Of the amount provided in this subsection, \$1,015,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a second demonstration site that includes a school district or school district with a significant number of dependent students. The office of the superintendent of public instruction, in collaboration with the department of social and health services children's administration and the contracted nongovernmental entity or entities, shall select a second demonstration site for implementation after July 1, 2016.

(44) \$1,000,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Third Substitute House Bill No. 1682 (homeless students). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(45) \$1,242,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Fourth Substitute House Bill No. 1541 (educational opportunity gap). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(46) \$350,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Second Substitute House Bill No. 2449 (truancy reduction). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(47) \$50,000 of the general fund—state appropriation for fiscal year 2016 and \$50,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a skilled workforce development high school summer internship pilot project. The office of the superintendent of public instruction shall select two high schools from the largest urban school district in the state who will in turn select 10 students each, who have completed their junior year, to participate in a 5 1/2 week summer internship. The selected high schools must partner with the port of Seattle and manufacturing and maritime employers, who are committed to fostering the development of local youth into a skilled workforce, to provide internships for the selected students. The office of the superintendent of public instruction must submit a report to the legislature by December 1, 2016, summarizing the successes and failures of the pilot project and provide recommendations for any future actions. Expenditure of the amounts in this section is contingent on receipt by the school district of a fifty percent match in funding from nonstate sources.

(48) \$1,750,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for professional development for state-funded classroom paraeducators. Training must be provided in the 2016-17 school year.

(49) \$41,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the office of the superintendent of public instruction to implement the since time immemorial program, including web site updates to accommodate video content and online teaching tools, and training for classroom certificated instructional staff.

(50) \$11,000 of the general fund—state appropriation for fiscal year 2016 and \$8,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of chapter 3, Laws of 2016 (basic education obligations).

(51) \$276,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of Engrossed Senate Bill No. 6620 (school safety). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(52) \$500,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for implementation of section 1 of Engrossed Second Substitute Senate Bill No. 6455 (professional educator workforce). If section 1 of the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

**Sec. 502.** 2015 3rd sp.s. c 4 s 502 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT**

General Fund—State Appropriation (FY 2016)	.....	(\$6,373,305,000))
		\$6,375,707,000
General Fund—State Appropriation (FY 2017)	.....	(\$6,743,880,000))
		\$6,734,241,000
Education Legacy Trust Account—State Appropriation	.....	(\$125,730,000))
		\$95,730,000
<b>TOTAL</b>		
<b>APPROPRIATION</b> .....		<b>\$13,242,915,000</b>
		<b>\$13,205,678,000</b>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) For the 2015-16 and 2016-17 school years, the superintendent shall allocate general apportionment funding to school districts as provided in the funding formulas and salary schedules in sections 502 and 503 of this act, excluding (c) of this subsection.

(c) From July 1, 2015, to August 31, 2015, the superintendent shall allocate general apportionment funding to school districts programs as provided in sections 502 and 503, chapter 4, Laws of 2013 2nd sp. sess., as amended.

(d) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the fourth day of school in September and on the first school day of each month October through June, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. Any school district concluding its basic education program in May must report the

enrollment of the last school day held in May in lieu of a June enrollment.

(e)(i) Funding provided in this part V of this act is sufficient to provide each full-time equivalent student with the minimum hours of instruction required under RCW 28A.150.220.

(ii) The office of the superintendent of public instruction shall align the agency rules defining a full-time equivalent student with the increase in the minimum instructional hours under RCW 28A.150.220, as amended by the legislature in 2014.

(f) The superintendent shall adopt rules requiring school districts to report full-time equivalent student enrollment as provided in RCW 28A.655.210 and to carry out the requirement specified in subsections 2(c)(i)(B) and 2(c)(ii)(B) of this section.

(g) For the 2015-16 and 2016-17 school years, school districts must report to the office of the superintendent of public instruction the monthly actual average district-wide class size across each grade level of kindergarten, first grade, second grade, and third grade classes. The superintendent of public instruction shall report this information to the education and fiscal committees of the house of representatives and the senate by September 30th of each year.

**(2) CERTIFICATED INSTRUCTIONAL STAFF ALLOCATIONS**

Allocations for certificated instructional staff salaries for the 2015-16 and 2016-17 school years are determined using formula-generated staff units calculated pursuant to this subsection.

(a) Certificated instructional staff units, as defined in RCW 28A.150.410, shall be allocated to reflect the minimum class size allocations, requirements, and school prototypes assumptions as provided in RCW 28A.150.260, except that the allocation for guidance counselors in a middle school shall be 1.216 for the 2015-16 and 2016-17 school years, this enhancement is within the program of basic education. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent student enrollment in each grade.

(b) Additional certificated instructional staff units provided in this subsection (2) that exceed the minimum requirements in RCW 28A.150.260 are enhancements outside the program of basic education, except as otherwise provided in this section.

(c)(i)(A) The superintendent shall base allocations for each level of prototypical school on the following regular education average class size of full-time equivalent students per teacher, except as provided in (c)(ii) of this subsection:

General			
educatio			
n class			
size:			
Grade	RCW 28A.150.260	2015-	2016-
		16	17
		Scho	Scho
		ol	ol
		Year	Year

Grade K .....	22.00	19.00
Grade 1 .....	23.00	21.00
Grade 2 .....	24.00	22.00
Grade 3 .....	25.00	22.00
Grade 4 .....	27.00	27.00
Grades 5-6 .....	27.00	27.00
Grades 7-8 .....	28.53	28.53
Grades 9-12 .....	28.74	28.74

The superintendent shall base allocations for laboratory science, career and technical education (CTE) and skill center programs average class size as provided in RCW 28A.150.260.

(B) For grades kindergarten through three, the superintendent shall allocate funding for class size reductions to the extent of, and in proportion to, the school district's demonstrated actual weighted average class size for grades kindergarten through three, down to the weighted average class size specified in subsection 2(c)(i)(A) of this section. At a minimum, the superintendent must allocate funding sufficient to fund a weighted average class size not to exceed 25.23 full-time equivalent students per teacher in these grades.

(ii)(A) For each level of prototypical school at which more than fifty percent of the students were eligible for free and reduced-price meals in the prior school year, the superintendent shall allocate funding based on the following average class size of full-time equivalent students per teacher:

General education class size in high poverty schools:			
Grade	RCW 28A.150.260	2015-16	2016-17
		School Year	School Year
Grade K .....		18.00	17.00
Grade 1 .....		19.00	17.00
Grade 2 .....		22.00	18.00
Grade 3 .....		24.00	21.00
Grade 4 .....		27.00	27.00
Grades 5-6 .....		27.00	27.00
Grades 7-8 .....		28.53	28.53
Grades 9-12 .....		28.74	28.74

(B) For grades kindergarten through three, the superintendent shall allocate funding for class size reductions to the extent of, and in proportion to, the school district's demonstrated actual weighted average class size

for grades kindergarten through three, down to the weighted average class size specified in subsection 2(c)(ii)(A) of this section. At a minimum, the superintendent must allocate funding sufficient to fund a weighted average class size not to exceed 25.23 full-time equivalent students per teacher in these grades.

(iii) The enhancements in this subsection (2)(c) are within the program of basic education.

(iv) Pursuant to RCW 28A.150.260(4)(a), the assumed teacher planning period, expressed as a percentage of a teacher work day, is 13.42 percent in grades K-6, and 16.67 percent in grades 7-12; and

(v) Advanced placement and international baccalaureate courses are funded at the same class size assumptions as general education schools in the same grade; and

(d)(i) Funding for teacher librarians, school nurses, social workers, school psychologists, and guidance counselors is allocated based on the school prototypes as provided in RCW 28A.150.260 and (a) of this subsection and is considered certificated instructional staff, except as provided in (d)(ii) of this subsection.

(ii) Students in approved career and technical education and skill center programs generate certificated instructional staff units to provide for the services of teacher librarians, school nurses, social workers, school psychologists, and guidance counselors at the following combined rate per 1000 student full-time equivalent enrollment:

	2015-16 School Year	2016-17 School Year
Career and Technical Education Skill Center	3.07	3.07
	3.41	3.41

(3) ADMINISTRATIVE STAFF ALLOCATIONS

(a) Allocations for school building-level certificated administrative staff salaries for the 2015-16 and 2016-17 school years for general education students are determined using the formula generated staff units calculated pursuant to this subsection. The superintendent shall make allocations to school districts based on the district's annual average full-time equivalent enrollment in each grade. The following prototypical school values shall determine the allocation for principals, assistance principals, and other certificated building level administrators:

Prototypical School Building:	
Elementary School	1.25
Middle School	3
High School	1.35
	3
	1.88
	0

(b) Students in approved career and technical education and skill center programs generate certificated

school building-level administrator staff units at per student rates that are a multiple of the general education rate in (a) of this subsection by the following factors: Career and Technical Education students ..... 1.025  
Skill Center students ..... 1.198

(4) CLASSIFIED STAFF ALLOCATIONS

Allocations for classified staff units providing school building-level and district-wide support services for the 2015-16 and 2016-17 school years are determined using the formula-generated staff units provided in RCW 28A.150.260, and adjusted based on each district's annual average full-time equivalent student enrollment in each grade, except that the allocation for parent involvement coordinators in an elementary school shall be 0.0825 for the 2015-16 and 2016-17 school years, which enhancement is within the program of basic education.

(5) CENTRAL OFFICE ALLOCATIONS

In addition to classified and administrative staff units allocated in subsections (3) and (4) of this section, classified and administrative staff units are provided for the 2015-16 and 2016-17 school year for the central office administrative costs of operating a school district, at the following rates:

(a) The total central office staff units provided in this subsection (5) are calculated by first multiplying the total number of eligible certificated instructional, certificated administrative, and classified staff units providing school-based or district-wide support services, as identified in RCW 28A.150.260(6)(b), by 5.3 percent.

(b) Of the central office staff units calculated in (a) of this subsection, 74.53 percent are allocated as classified staff units, as generated in subsection (4) of this section, and 25.47 percent shall be allocated as administrative staff units, as generated in subsection (3) of this section.

(c) Staff units generated as enhancements outside the program of basic education to the minimum requirements of RCW 28A.150.260, and staff units generated by skill center and career-technical students, are excluded from the total central office staff units calculation in (a) of this subsection.

(d) For students in approved career-technical and skill center programs, central office classified units are allocated at the same staff unit per student rate as those generated for general education students of the same grade in this subsection (5), and central office administrative staff units are allocated at staff unit per student rates that exceed the general education rate established for students in the same grade in this subsection (5) by 1.46 percent in the 2015-16 school year and ~~((1.46))~~ 1.45 percent in the 2016-17 school year for career and technical education students, and 17.33 percent in the 2015-16 school year and ~~((17.33))~~ 17.31 percent in the 2016-17 school year for skill center students.

(6) FRINGE BENEFIT ALLOCATIONS

Fringe benefit allocations shall be calculated at a rate of 21.42 percent in the 2015-16 school year and 21.42 percent in the 2016-17 school year for certificated salary allocations provided under subsections (2), (3), and (5) of this section, and a rate of 22.72 percent in the 2015-16 school year and 22.72 percent in the 2016-17 school year

for classified salary allocations provided under subsections (4) and (5) of this section.

(7) INSURANCE BENEFIT ALLOCATIONS

Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504 of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsections (2), (3), and (5) of this section; and

(b) The number of classified staff units determined in subsections (4) and (5) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purpose of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1,440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(8) MATERIALS, SUPPLIES, AND OPERATING COSTS (MSOC) ALLOCATIONS

Funding is allocated per annual average full-time equivalent student for the materials, supplies, and operating costs (MSOC) incurred by school districts, consistent with the requirements of RCW 28A.150.260.

(a)(i) MSOC funding for general education students are allocated at the following per student rates:

MSOC RATES/STUDENT FTE

MSOC Component	2015-16 SCHOOL YEAR	2016-17 SCHOOL YEAR
Technology	\$127.17	<del>(\$129.33)</del> \$128.58
Utilities and Insurance	\$345.55	<del>(\$351.43)</del> \$349.35
Curriculum and Textbooks	\$136.54	<del>(\$138.86)</del> \$138.04
Other Supplies and Library Materials	\$289.88	<del>(\$294.81)</del> \$293.07
Instructional Professional Development for Certificated and Classified Staff	\$21.12	<del>(\$21.47)</del> \$21.35
Facilities Maintenance	\$171.19	<del>(\$174.10)</del> \$173.07
Security and Central Office	\$118.60	<del>(\$120.64)</del> \$119.90
TOTAL BASIC EDUCATION MSOC/STUDENT FTE	\$1,210.05	<del>(\$1,230.62)</del> \$1,223.36

(ii) For the 2016-17 school year, as part of the budget development, hearing, and review process required by chapter 28A.505 RCW, each school district must disclose: (A) The amount of state funding to be received by the district under (a) and (d) of this subsection (8); (B) the amount the district proposes to spend for materials, supplies, and operating costs; (C) the difference between

these two amounts; and (D) if (A) of this subsection (8)(a)(ii) exceeds (B) of this subsection (8)(a)(ii), any proposed use of this difference and how this use will improve student achievement.

(b) Students in approved skill center programs generate per student FTE MSOC allocations of \$1,272.99 for the 2015-16 school year and (~~(\$1,294.63)~~) \$1,286.99 for the 2016-17 school year.

(c) Students in approved exploratory and preparatory career and technical education programs generate a per student MSOC allocation of \$1,431.65 for the 2015-16 school year and (~~(\$1,455.99)~~) \$1,447.40 for the 2016-17 school year.

(d) Students in grades 9-12 generate per student FTE MSOC allocations in addition to the allocation provided in (a) of this subsection at the following rate:

MSOC Component	2015-16 SCHOOL YEAR	2016-17 SCHOOL YEAR
Technology	\$36.57	<del>(\$37.19)</del> <u>\$36.98</u>
Curriculum and Textbooks	\$39.89	<del>(\$40.57)</del> <u>\$40.33</u>
Other Supplies and Library Materials	\$83.11	<del>(\$84.53)</del> <u>\$84.02</u>
Instructional Professional Development for Certified and Classified Staff	\$6.65	<del>(\$6.76)</del> <u>\$6.72</u>
<b>TOTAL GRADE 9-12 BASIC EDUCATION MSOC/STUDENT FTE</b>	<b>\$166.22</b>	<b><del>(\$169.05)</del> <u>\$168.05</u></b>

**(9) SUBSTITUTE TEACHER ALLOCATIONS**

For the 2015-16 and 2016-17 school years, funding for substitute costs for classroom teachers is based on four (4) funded substitute days per classroom teacher unit generated under subsection (2) of this section, at a daily substitute rate of \$151.86.

**(10) ALTERNATIVE LEARNING EXPERIENCE PROGRAM FUNDING**

(a) Amounts provided in this section from July 1, 2015, to August 31, 2015, are adjusted to reflect provisions of chapter 4, Laws of 2013 2nd sp. sess., as amended (allocation of funding for students enrolled in alternative learning experiences).

(b) The superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives, as well as accurate, monthly headcount and FTE enrollment claimed for basic education, including separate counts of resident and nonresident students.

**(11) DROPOUT REENGAGEMENT PROGRAM**

The superintendent shall adopt rules to require students claimed for general apportionment funding based on enrollment in dropout reengagement programs authorized under RCW 28A.175.100 through 28A.175.115 to meet requirements for at least weekly minimum instructional contact, academic counseling, career counseling, or case management contact. Districts must also provide separate financial accounting of expenditures for the programs offered by the district or under contract with a provider, as well as accurate monthly headcount and full-time equivalent enrollment claimed for basic education, including separate enrollment counts of resident and nonresident students.

**(12) VOLUNTARY ALL DAY KINDERGARTEN PROGRAMS**

Funding in this section is sufficient to fund voluntary all day kindergarten programs in qualifying schools in the 2015-16 school year and all schools in the 2016-17 school year, pursuant to RCW 28A.150.220 and 28A.150.315. Each kindergarten student who enrolls for the voluntary all-day program in a qualifying school shall count as one-half of one full-time equivalent student for purpose of making allocations under this section. Funding in this section provides all-day kindergarten programs for 71.88 percent of kindergarten enrollment in the 2015-16 school year and full funding in the 2016-17 school year, which enhancement is within the program of basic education.

**(13) ADDITIONAL FUNDING FOR SMALL SCHOOL DISTRICTS AND REMOTE AND NECESSARY PLANTS**

For small school districts and remote and necessary school plants within any district which have been judged to be remote and necessary by the superintendent of public instruction, additional staff units are provided to ensure a minimum level of staffing support. Additional administrative and certificated instructional staff units provided to districts in this subsection shall be reduced by the general education staff units, excluding career and technical education and skills center enhancement units, otherwise provided in subsections (2) through (5) of this section on a per district basis.

(a) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the superintendent of public instruction and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(b) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the superintendent of public instruction:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(c) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools, except as noted in this subsection:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students;

(iii) Districts receiving staff units under this subsection shall add students enrolled in a district alternative high school and any grades nine through twelve alternative learning experience programs with the small high school enrollment for calculations under this subsection;

(d) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit;

(e) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit;

(f)(i) For enrollments generating certificated staff unit allocations under (a) through (e) of this subsection, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(ii) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit; and

(g) School districts receiving additional staff units to support small student enrollments and remote and necessary plants under this subsection (12) shall generate additional MSOC allocations consistent with the nonemployee related costs (NERC) allocation formula in place for the 2010-11 school year as provided section 502, chapter 37, Laws of 2010 1st sp. sess. (2010 supplemental budget), adjusted annually for inflation.

(14) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(15) The superintendent may distribute funding for the following programs outside the basic education formula during fiscal years 2016 and 2017 as follows:

(a) \$620,000 of the general fund—state appropriation for fiscal year 2016 and (~~(\$631,000)~~) \$627,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) \$436,000 of the general fund—state appropriation for fiscal year 2016 and \$436,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(16) \$219,000 of the general fund—state appropriation for fiscal year 2016 and (~~(\$223,000)~~) \$221,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for school district emergencies as certified by the superintendent of public instruction. Funding provided must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable. At the close of the fiscal year the superintendent of public instruction shall report to the office of financial management and the appropriate fiscal committees of the legislature on the allocations provided to districts and the nature of the emergency.

(17) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(18) Students participating in running start programs may be funded up to a combined maximum enrollment of 1.2 FTE including school district and institution of higher education enrollment consistent with the running start course requirements provided in Engrossed Second Substitute House Bill No. 1546 (dual credit education opportunities). In calculating the combined 1.2 FTE, the office of the superintendent of public



**Sec. 504.** 2015 3rd sp.s. c 4 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION**

General Fund—State Appropriation (FY 2016)	(((\$462,616,000))
	<u>\$496,456,000</u>
General Fund—State Appropriation (FY 2017)	(((\$464,507,000))
	<u>\$488,624,000</u>
TOTAL	
APPROPRIATION .....	\$927,123,000
	<u>\$985,080,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2015-16 and 2016-17 school years, the superintendent shall allocate funding to school district programs for the transportation of eligible students as provided in RCW 28A.160.192. Funding in this section constitutes full implementation of RCW 28A.160.192, which enhancement is within the program of basic education. Students are considered eligible only if meeting the definitions provided in RCW 28A.160.160.

(b) For the 2015-16 (~~and 2016-17~~) school year(s), the superintendent shall allocate funding for approved and operating charter schools as provided in RCW 28A.710.220(3) for September through November 2015. Per-student allocations for pupil transportation must be calculated using the allocation for the previous school year to the school district in which the charter school is located and the number of eligible students in the district, and must be distributed to the charter school based on the number of eligible students.

(c) From July 1, 2015 to August 31, 2015, the superintendent shall allocate funding to school districts programs for the transportation of students as provided in section 505, chapter 4, Laws of 2013 2nd sp. sess., as amended.

(3) A maximum of \$892,000 of this fiscal year 2016 appropriation and a maximum of \$892,000 of the fiscal year 2017 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(4) The office of the superintendent of public instruction shall provide reimbursement funding to a school district for school bus purchases only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(5) The superintendent of public instruction shall base depreciation payments for school district buses on the presales tax five-year average of lowest bids in the

appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(6) Funding levels in this section reflect waivers granted by the state board of education for four-day school weeks as allowed under RCW 28A.305.141.

(7) The office of the superintendent of public instruction shall annually disburse payments for bus depreciation in August.

**Sec. 505.** 2015 3rd sp.s. c 4 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2016)	(((\$814,541,000))
	<u>\$805,866,000</u>
General Fund—State Appropriation (FY 2017)	(((\$864,715,000))
	<u>\$853,389,000</u>
General Fund—Federal Appropriation .....	(((\$476,539,000))
	<u>\$483,538,000</u>
Education Legacy Trust Account—State Appropriation	.....\$54,694,000
TOTAL	
APPROPRIATION .....	\$2,210,489,000
	<u>\$2,197,487,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(b) Funding provided within this section is sufficient for districts to provide school principals and lead special education teachers annual professional development on the best-practices for special education instruction and strategies for implementation. Districts shall annually provide a summary of professional development activities to the office of the superintendent of public instruction.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and

recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4)(a) For the 2015-16 and 2016-17 school years, the superintendent shall allocate funding to school district programs for special education students as provided in RCW 28A.150.390, except that the calculation of the base allocation also includes allocations provided under section 502(4) for parent involvement coordinators in prototypical elementary schools and guidance counselors in prototypical middle schools as provided under section 502(2), which enhancement is within the program of basic education.

(b) From July 1, 2015 to August 31, 2015, the superintendent shall allocate funding to school district programs for special education students as provided in section 507, chapter 4, Laws of 2013 2nd sp. sess., as amended.

(5) The following applies throughout this section: The definitions for enrollment and enrollment percent are as specified in RCW 28A.150.390(3). Each district's general fund—state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(6) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with RCW 28A.150.390(3) (c) and (d), and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(7) (~~(\$23,679,000)~~) \$20,691,000 of the general fund—state appropriation for fiscal year 2016, (~~(\$28,092,000)~~) \$24,473,000 of the general fund—state appropriation for fiscal year 2017, and (~~(\$29,574,000)~~) \$27,350,000 of the general fund—federal appropriation are provided solely for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (4) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (7) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. At the conclusion of each school year, the superintendent shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(a) For the 2015-16 and 2016-17 school years, safety net funds shall be awarded by the state safety net oversight committee as provided in section 109(1) chapter 548, Laws of 2009 (ESHB 2261).

(b) The office of the superintendent of public instruction shall make award determinations for state safety net funding in August of each school year, except that the superintendent of public instruction shall make award determinations for state safety net funding in July of each school year for the Washington state school for the blind and for the center for childhood deafness and hearing loss.

Determinations on school district eligibility for state safety net awards shall be based on analysis of actual expenditure data from the current school year.

(8) A maximum of \$931,000 may be expended from the general fund—state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(9) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(10) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(11) \$255,000 of the general fund—state appropriation for fiscal year 2016 and \$256,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(12) \$50,000 of the general fund—state appropriation for fiscal year 2016, \$50,000 of the general fund—state appropriation for fiscal year 2017, and \$100,000 of the general fund—federal appropriation are provided solely for a special education family liaison position within the office of the superintendent of public instruction.

**Sec. 506.** 2015 3rd sp.s. c 4 s 508 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund—State Appropriation (FY 2016)	(( <del>\$8,219,000</del> ))
	<u>\$8,208,000</u>
General Fund—State Appropriation (FY 2017)	(( <del>\$8,205,000</del> ))
	<u>\$8,200,000</u>
TOTAL	
APPROPRIATION .....	<u>\$16,424,000</u>
	<u>\$16,408,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) Funding within this section is provided for regional professional development related to mathematics and science curriculum and instructional strategies aligned with common core state standards and next generation science standards. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational

service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support.

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.305.130, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

**Sec. 507.** 2015 3rd sp.s. c 4 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE**

General Fund—State Appropriation (FY 2016)	(( <del>\$365,446,000</del> ))
	<u>\$375,622,000</u>
General Fund—State Appropriation (FY 2017)	(( <del>\$377,398,000</del> ))
	<u>\$390,801,000</u>
<b>TOTAL</b>	
<b>APPROPRIATION</b>	<b><u>\$742,844,000</u></b>
	<b><u>\$766,423,000</u></b>

The appropriations in this section are subject to the following conditions and limitations: For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 4.27 percent from the 2014-15 school year to the 2015-16 school year and 1.09 percent from the 2015-16 school year to the 2016-17 school year.

**Sec. 508.** 2015 3rd sp.s. c 4 s 510 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS**

General Fund—State Appropriation (FY 2016)	(( <del>\$13,967,000</del> ))
	<u>\$13,239,000</u>
General Fund—State Appropriation (FY 2017)	(( <del>\$14,003,000</del> ))
	<u>\$13,271,000</u>
<b>TOTAL</b>	
<b>APPROPRIATION</b>	<b><u>\$27,970,000</u></b>
	<b><u>\$26,510,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund—state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) ((~~\$685,000~~)) \$757,000 of the general fund—state appropriation for fiscal year 2016 and ((~~\$685,000~~)) \$757,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, programs for juveniles under the juvenile rehabilitation administration, and programs for juveniles operated by city and county jails.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

**Sec. 509.** 2015 3rd sp.s. c 4 s 511 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**

General Fund—State Appropriation (FY 2016)	(( <del>\$10,002,000</del> ))
	<u>\$10,012,000</u>
General Fund—State Appropriation (FY 2017)	(( <del>\$10,189,000</del> ))
	<u>\$10,162,000</u>
<b>TOTAL</b>	
<b>APPROPRIATION</b>	<b><u>\$20,191,000</u></b>
	<b><u>\$20,174,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2015-16 and 2016-17 school years, the superintendent shall allocate funding to school district programs for highly capable students as provided in RCW 28A.150.260(10)(c). In calculating the allocations, the superintendent shall assume the following: (i) Additional instruction of 2.1590 hours per week per funded highly capable program student; (ii) fifteen highly capable program students per teacher; (iii) 36 instructional weeks

per year; (iv) 900 instructional hours per teacher; and (v) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(b) From July 1, 2015, to August 31, 2015, the superintendent shall allocate funding to school districts programs for highly capable students as provided in section 511, chapter 4, Laws of 2013 2nd sp. sess., as amended.

(3) \$85,000 of the general fund—state appropriation for fiscal year 2016 and \$85,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the centrum program at Fort Worden state park.

**Sec. 510.** 2015 3rd sp.s. c 4 s 512 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR MISCELLANEOUS—NO CHILD LEFT BEHIND ACT**

General Fund—Federal Appropriation .....	<del>(\$4,302,000)</del>
	<u>\$4,802,000</u>
TOTAL APPROPRIATION	<u>\$4,302,000</u>
	<u>\$4,802,000</u>

**Sec. 511.** 2015 3rd sp.s. c 4 s 513 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS**

General Fund—State Appropriation (FY 2016)	<del>(\$120,121,000)</del>
	<u>\$116,893,000</u>
General Fund—State Appropriation (FY 2017)	<del>(\$122,191,000)</del>
	<u>\$134,641,000</u>
General Fund—Federal Appropriation .....	<del>(\$94,180,000)</del>
	<u>\$99,278,000</u>
General Fund—Private/Local Appropriation .....	\$2,721,000
Education Legacy Trust Account—State Appropriation	\$1,613,000
TOTAL	
APPROPRIATION .....	<u>\$340,826,000</u>
	<u>\$355,146,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$33,620,000)~~ \$29,137,000 of the general fund—state appropriation for fiscal year 2016, ~~(\$34,504,000)~~ \$36,648,000 of the general fund—state appropriation for fiscal year 2017, \$1,350,000 of the education legacy trust account—state appropriation, and ~~(\$15,868,000)~~ \$16,268,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington state assessment system, including: (a) Development and implementation of retake assessments for high school students who are not successful in one or more content areas; and (b) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals

procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student assessment results, on or around June 10th of each year. State funding to districts shall be limited to one collection of evidence payment per student, per content-area assessment. Within the amounts provided in this section, the superintendent of public instruction shall administer the biology collection of evidence. The alternative assessment method that consists of an evaluation of a collection of student work samples under RCW 28A.655.065 (5) and (6) is intended to provide an alternative way for students to meet the state standards for high school graduation purposes. To ensure that students are learning the state standards, prior to the collection of work samples being submitted to the state for evaluation, a classroom teacher or other educator must review the collection of work to determine whether the sample is likely to meet the minimum required score to meet the state standard.

(2) \$356,000 of the general fund—state appropriation for fiscal year 2016 and \$356,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events.

(3) \$3,935,000 of the general fund—state appropriation for fiscal year 2016 and \$3,935,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of a new performance-based evaluation for certificated educators and other activities as provided in chapter 235, Laws of 2010 (education reform) and chapter 35, Laws of 2012 (certificated employee evaluations).

(4) ~~(\$49,877,000)~~ \$51,337,000 of the general fund—state appropriation for fiscal year 2016 and ~~(\$50,334,000)~~ \$56,939,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(a) For national board certified teachers, a bonus of \$5,151 per teacher in the 2015-16 school year and a bonus of ~~(\$5,239)~~ \$5,208 per teacher in the 2016-17 school year;

(b) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced-price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced-price lunch;

(c) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (b) of this subsection for less than one full school year receive

bonuses in a prorated manner. All bonuses in this subsection will be paid in July of each school year. Bonuses in this subsection shall be reduced by a factor of 40 percent for first year NBPTS certified teachers, to reflect the portion of the instructional school year they are certified; and

(d) During the 2015-16 and 2016-17 school years, and within available funds, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional loan of two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The conditional loan is provided in addition to compensation received under a district's salary schedule and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the conditional loan. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees. To the extent necessary, the superintendent may use revenues from the repayment of conditional loan scholarships to ensure payment of all national board bonus payments required by this section in each school year.

(5) \$477,000 of the general fund—state appropriation for fiscal year 2016 and \$477,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(6) \$950,000 of the general fund—state appropriation for fiscal year 2016 and \$950,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs.

(7) \$810,000 of the general fund—state appropriation for fiscal year 2016 and \$810,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to operate a state-of-the-art education leadership academy that will be accessible throughout the state. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(8) \$3,000,000 of the general fund—state appropriation for fiscal year 2016 and \$3,000,000 of the

general fund—state appropriation for fiscal year 2017 are provided solely for a statewide information technology (IT) academy program. This public-private partnership will provide educational software, as well as IT certification and software training opportunities for students and staff in public schools.

(9) \$1,677,000 of the general fund—state appropriation for fiscal year 2016 and \$1,677,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. If equally matched by private donations, \$700,000 of the 2016 appropriation and \$700,000 of the 2017 appropriation shall be used to support FIRST robotics programs. Of the amounts in this subsection, \$100,000 of the fiscal year 2016 appropriation and \$100,000 of the fiscal year 2017 appropriation are provided solely for the purpose of statewide supervision activities for career and technical education student leadership organizations.

(10) \$125,000 of the general fund—state appropriation for fiscal year 2016 and \$125,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year with professional development training for implementing integrated math, science, technology, and engineering programs in their schools.

(11) \$135,000 of the general fund—state appropriation for fiscal year 2016 and \$135,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for science, technology, engineering and mathematics lighthouse projects, consistent with chapter 238, Laws of 2010.

(12) \$5,500,000 of the general fund—state appropriation for fiscal year 2016 and (~~\$5,500,000~~) \$9,000,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a beginning educator support program. The program shall prioritize first year teachers in the mentoring program. School districts and/or regional consortia may apply for grant funding. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together; and teacher observation time with accomplished peers. Funding may be used to provide statewide professional development opportunities for mentors and beginning educators.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2016 and \$250,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for advanced project lead the way courses at ten high schools. To be eligible for funding in 2016, a high school must have offered a foundational project lead the way course during the 2014-15 school year. The 2016 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to

students beginning in the 2015-16 school year. To be eligible for funding in 2016, a high school must have offered a foundational project lead the way course during the 2015-16 school year. The 2017 funding must be used for one-time start-up course costs for an advanced project lead the way course, to be offered to students beginning in the 2016-17 school year. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

(14) \$300,000 of the general fund—state appropriation for fiscal year 2016 and \$300,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for annual start-up or expansion grants for aerospace and manufacturing technical programs housed at ~~((four))~~ skill centers. The grants are provided for equipment, professional development, and curriculum purchases. To be eligible for funding, the skill center must agree to provide regional high schools with access to a technology laboratory, expand manufacturing certificate and course offerings at the skill center, and provide a laboratory space for local high school teachers to engage in professional development in the instruction of courses leading to student employment certification in the aerospace ~~((and))~~, manufacturing industries, or other high-skill programs as determined by the superintendent of public instruction or for professional development of such programs. The office of the superintendent of public instruction shall administer the grants in consultation with the center for excellence for aerospace and advanced materials manufacturing.

(15) \$150,000 of the general fund—state appropriation for fiscal year 2016 and \$150,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for annual start-up or expansion grants to ~~((six))~~ high schools to implement or expand ~~((the))~~ aerospace ~~((assembler program))~~ manufacturing programs, or other high-skill programs as determined by the superintendent of public instruction or for professional development of such programs. The office of the superintendent of public instruction and the education research and data center at the office of financial management shall track student participation and long-term outcome data.

(16) \$5,000,000 of the general fund—state appropriation for fiscal year 2016 and \$5,000,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the provision of training for teachers in the performance-based teacher principal evaluation program.

(17) \$7,235,000 of the general fund—state appropriation for fiscal year 2016 and \$9,352,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of chapter 159, Laws of 2013 (Engrossed Second Substitute Senate Bill No. 5329) (persistently failing schools).

(18) \$100,000 of the general fund—state appropriation for fiscal year 2016 and \$100,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(19) \$99,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the office of the superintendent of public instruction to implement a youth dropout prevention program that incorporates partnerships between community-based organizations, schools, food banks and farms or gardens. The office of the superintendent of public instruction shall select one school district that must partner with an organization that is operating an existing similar program and that also has the ability to serve at least 40 students. Of the amount appropriated in this subsection, up to \$10,000 may be used by the office of the superintendent of public instruction for administration of the program.

(20) \$2,194,000 of the general fund—state appropriation for fiscal year 2016 and \$2,194,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to implement chapter 18, Laws of 2013 2nd sp. sess. (Engrossed Substitute Senate Bill No. 5946) (strengthening student educational outcomes).

(21) ~~((1,061,000))~~ \$856,000 of the general fund—state appropriation for fiscal year 2016 and \$1,061,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for chapter 184, Laws of 2013 (Second Substitute House Bill No. 1642) (academic acceleration) and other activities proven to increase K-12 student enrollment in rigorous courses.

(22) \$36,000 of the general fund—state appropriation for fiscal year 2016 and \$36,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for chapter 212, Laws of 2014 (Substitute Senate Bill No. 6074) (homeless student educational outcomes).

(23) \$80,000 of the general fund—state appropriation for fiscal year 2016 and \$80,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for chapter 219, Laws of 2014 (Second Substitute Senate Bill No. 6163) (expanded learning).

(24) \$15,000 of the general fund—state appropriation for fiscal year 2016 and \$10,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for chapter 102, Laws of 2014 (Senate Bill No. 6424) (biliteracy seal).

(25) \$500,000 of the general fund—state appropriation for fiscal year 2016 and \$500,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the office of the superintendent of public instruction to contract with a nonprofit organization to integrate the state learning standards in English language arts, mathematics, and science with outdoor field studies and project-based and work-based learning opportunities aligned with the environmental, natural resource, and agricultural sectors.

(26) \$1,392,000 of general fund—state appropriation for fiscal year 2016 is provided solely for professional development and coaching for state-funded high school mathematics and science teachers. Training shall be provided in the 2015-16 school year by the science and mathematics coordinators at each educational service district. The professional development shall include instructional strategies and curriculum-specific training to improve outcomes for the statewide high school mathematics assessment or the high school biology

assessment. The professional development provided may be broken up into shorter timeframes over the course of more than one day, but the aggregate amount of professional development provided shall be one full work day.

(27) \$205,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for grants to high schools that have an existing international baccalaureate program and enrollments of seventy percent or more students eligible for free or reduced-price meals in the prior school year to implement and sustain an international baccalaureate program.

(28) Within the amounts provided in this section, the superintendent of public instruction shall obtain an existing student assessment inventory tool that is free and openly licensed and distribute the tool to every school district. Each school district shall use the student assessment inventory tool to identify all state-level and district-level assessments that are required of students. The state-required assessments should include: Reading proficiency assessments used for compliance with RCW 28A.320.202; the required statewide assessments under chapter 28A.655 RCW in grades three through eight and at the high school level in English language arts, mathematics, and science, as well as the practice and training tests used to prepare for them; and the high school end-of-course exams in mathematics under RCW 28A.655.066. District-required assessments should include: The second grade reading assessment used to comply with RCW 28A.300.320; interim smarter balanced assessments, if required; the measures of academic progress assessment, if required; and other required interim, benchmark, or summative standardized assessments, including assessments used in social studies, the arts, health, and physical education in accordance with RCW 28A.230.095, and for educational technology in accordance with RCW 28A.655.075. The assessments identified should not include assessments used to determine eligibility for any categorical program including the transitional bilingual instruction program, learning assistance program, highly capable program, special education program, or any formative or diagnostic assessments used solely to inform teacher instructional practices, other than those already identified. By October 15, 2016, each district shall report to the superintendent the amount of student time that is spent taking each assessment identified. By December 15, 2016, the superintendent shall summarize the information reported by the school districts and report to the education committees of the house of representatives and the senate.

Sec. 512. 2015 3rd sp.s. c 4 s 514 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund—State Appropriation (FY 2016)	.....(( <del>\$118,057,000</del> ))
	\$118,648,000
General Fund—State Appropriation (FY 2017)	.....(( <del>\$121,869,000</del> ))
	\$124,751,000

General Fund—Federal Appropriation .....	\$72,207,000
TOTAL	
APPROPRIATION .....	\$312,133,000
	\$315,606,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2)(a) For the 2015-16 and 2016-17 school years, the superintendent shall allocate funding to school districts for transitional bilingual programs under RCW 28A.180.010 through 28A.180.080, including programs for exited students, as provided in RCW 28A.150.260(10)(b) and the provisions of this section. In calculating the allocations, the superintendent shall assume the following averages: (i) Additional instruction of 4.7780 hours per week per transitional bilingual program student in grades kindergarten through twelve in school years 2015-16 and 2016-17; (ii) additional instruction of 3.0000 hours per week in school years 2015-16 and 2016-17 for the head count number of students who have exited the transitional bilingual instruction program within the previous two years based on their performance on the English proficiency assessment; (iii) fifteen transitional bilingual program students per teacher; (iv) 36 instructional weeks per year; (v) 900 instructional hours per teacher; and (vi) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act. Pursuant to RCW 28A.180.040(1)(g), the instructional hours specified in (a)(ii) of this subsection (2) are within the program of basic education.

(b) From July 1, 2015, to August 31, 2015, the superintendent shall allocate funding to school districts for transitional bilingual instruction programs as provided in section 514, chapter 4, Laws of 2013, 2nd sp. sess., as amended.

(3) The superintendent may withhold allocations to school districts in subsection (2) of this section solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2) up to the following amounts: ((4-15)) 2.40 percent for school year 2015-16 and ((4-12)) 1.97 percent for school year 2016-17.

(4) The general fund—federal appropriation in this section is for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(5) \$35,000 of the general fund—state appropriation for fiscal year 2016 and \$35,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to track current and former transitional bilingual program students.

Sec. 513. 2015 3rd sp.s. c 4 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2016)	.....(( <del>\$223,440,000</del> ))
	<u>\$224,311,000</u>
General Fund—State Appropriation (FY 2017)	.....(( <del>\$227,490,000</del> ))
	<u>\$228,865,000</u>
General Fund—Federal Appropriation .....	(( <del>\$448,468,000</del> ))
	<u>\$494,468,000</u>
TOTAL	
APPROPRIATION .....	<del>\$899,398,000</del>
	<u>\$947,644,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b)(i) For the 2015-16 and 2016-17 school years, the superintendent shall allocate funding to school districts for learning assistance programs as provided in RCW 28A.150.260(10)(a), except that the allocation for the additional instructional hours shall be enhanced as provided in this section, which enhancements are within the program of the basic education. In calculating the allocations, the superintendent shall assume the following averages: (A) Additional instruction of 2.3975 hours per week per funded learning assistance program student for the 2015-16 school year and the 2016-17 school year; (B) fifteen learning assistance program students per teacher; (C) 36 instructional weeks per year; (D) 900 instructional hours per teacher; and (E) the district's average staff mix and compensation rates as provided in sections 503 and 504 of this act.

(ii) From July 1, 2015, to August 31, 2015, the superintendent shall allocate funding to school districts for learning assistance programs as provided in section 515, chapter 4, Laws of 2013, 2nd sp. sess., as amended.

(c) A school district's funded students for the learning assistance program shall be the sum of the district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced-price lunch in the prior school year. The prior school year's October headcount enrollment for free and reduced-price lunch shall be as reported in the comprehensive education data and research system.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund—federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) Within existing resources, during the 2015-16 and 2016-17 school years, school districts are authorized to use funds allocated for the learning assistance program to also provide assistance to high school students who have not passed the state assessment in science.

**Sec. 514.** 2015 3rd sp.s. c 4 s 516 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) Amounts distributed to districts by the superintendent through part V of this act are for allocations purposes only, unless specified by part V of this act, and do not entitle a particular district, district employee, or student to a specific service, beyond what has been expressly provided in statute. Part V of this act restates the requirements of various sections of Title 28A RCW. If any conflict exists, the provisions of Title 28A RCW control unless this act explicitly states that it is providing an enhancement. Any amounts provided in part V of this act in excess of the amounts required by Title 28A RCW provided in statute, are not within the program of basic education unless clearly stated by this act.

(2) To the maximum extent practicable, when adopting new or revised rules or policies relating to the administration of allocations in part V of this act that result in fiscal impact, the office of the superintendent of public instruction shall attempt to seek legislative approval through the budget request process.

(3) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (4) of this section.

(4) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2016, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2016 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; highly capable; and learning assistance programs.

(5) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(6) As required by RCW 28A.710.110 as amended by Engrossed Second Substitute Senate Bill No. 6194 (public schools other than common schools), the office of the superintendent of public instruction shall transmit the charter school authorizer oversight fee for the charter school commission to the charter school oversight account.

~~((5))~~ (7) State general fund appropriations distributed through Part V of this act for the operation and

administration of charter schools as provided in chapter 28A.710 RCW shall not include state common school levy revenues collected under RCW 84.52.065.

**NEW SECTION. Sec. 515.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:**K-12 PUBLIC SCHOOL FUNDING AND LOCAL LEVIES**

(1) The legislature confirms its obligation, as expressly recognized in chapter 3, Laws of 2016 (E2SSB 6195), to provide state funding in the 2017 legislative session for competitive compensation to recruit and retain competent common school staff and administrators, while eliminating school district dependency on local levies for implementation of the state's program of basic education.

(2) In order to facilitate budget and personnel planning by local school districts for the 2017-18 school year, and to minimize any disruption to that planning, the education funding task force established by chapter 3, Laws of 2016, shall by April 1, 2017, either:

(a) Determine that the legislature will meet its obligation under subsection (1) of this section and that such legislative action will be completed by April 30, 2017; or

(b) Introduce legislation that will extend current state levy policy for at least one calendar year, with the objective of enacting such legislation by April 30, 2017.

**NEW SECTION. Sec. 516.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:**FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR CHARTER SCHOOLS**

Washington Opportunity Pathways Account—State Appropriation ..... \$10,159,000

The appropriation in this section is subject to the following conditions and limitations: The superintendent shall distribute funding appropriated in this section to charter schools under chapter 28A.710 RCW as amended by Engrossed Second Substitute Senate Bill No. 6194 (public schools other than common schools).

**Sec. 517.** 2015 3rd sp.s. c 4 s 517 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE CHARTER SCHOOL COMMISSION**

General Fund—State Appropriation (FY 2016)	
.....	(\$490,000)
	\$497,000
<del>((General Fund—State Appropriation (FY 2017)</del>	
.....	<del>\$336,000))</del>
<u>Washington Opportunity Pathways Account—State</u>	
<u>Appropriation.....</u>	<u>\$546,000</u>
<u>Charter Schools Oversight Account—State Appropriation</u>	
.....	(\$737,000)
	\$400,000
<b>TOTAL APPROPRIATION</b>	<b>\$1,563,000</b>
	<u>\$1,443,000</u>

The appropriations in this section are subject to the following conditions and limitations: The entire Washington opportunity pathways account—state appropriation in this section is provided to the superintendent of public instruction solely for the operations of the Washington state charter school commission under chapter 28A.710 RCW as amended by Engrossed Second Substitute Senate Bill No. 6194 (public schools other than common schools).

**PART VI  
HIGHER EDUCATION**

**Sec. 601.** 2015 3rd sp.s. c 4 s 601 (uncodified) is amended to read as follows:

The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the office of financial management for inclusion in the agency's data warehouse. Uniform reporting procedures shall be established by the office of financial management's office of the state human resources director for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4)(a) For institutions receiving appropriations in section 605 of this act, the only allowable salary increases provided are those with normally occurring promotions and increases related to faculty and staff retention, except as provided in Part IX of this act. In fiscal year 2016 and fiscal year 2017, the state board for community and technical colleges may use salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) For each institution of higher education receiving appropriations under sections 606 through 611 of this act:



subsection shall lapse. For the 2016-17 academic year, if the total full-time equivalent annual average resident undergraduate enrollment for all community and technical colleges increases by more than one percent from the 2015-16 academic year, for purposes of calculating state funding for the tuition reduction backfill, only a one percent growth rate or all community and technical colleges' total preceding five-year average percentage full-time equivalent enrollment change, whichever is greater, may be used in calculating the backfill.

(5) \$5,250,000 of the general fund—state appropriation for fiscal year ~~((2014))~~ 2016 and \$5,250,000 of the general fund—state appropriation for fiscal year ~~((2015))~~ 2017 are provided solely for the student achievement initiative.

(6) \$410,000 of the general fund—state appropriation for fiscal year 2016, and ~~(((\$410,000))~~ \$860,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the expansion of the mathematics, engineering, and science achievement program. The state board shall report back to the appropriate committees of the legislature on the number of campuses and students served by December 31, 2018.

(7) \$750,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for Bellevue college to develop a baccalaureate of science degree in computer science. Subject to approval by the state board for community and technical colleges, in fiscal year 2016 Bellevue college shall develop a baccalaureate of science degree in computer science. This degree must be directed at high school graduates who may enroll directly as freshmen and transfer-oriented degree and professional and technical degree holders. Bellevue college will develop a plan for offering this new degree by no later than fall quarter 2016. With the exception of the amounts provided in this subsection, the plan must assume funding for this new degree will come through redistribution of the college's current per full-time enrollment funding. The plan shall be delivered to the state board by June 30, 2016.

(8) Pursuant to aerospace industry appropriations (chapter 1, Laws of 2013 3rd sp. sess.), \$1,080,000 of the general fund—state appropriation for fiscal year 2016 and \$1,500,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for operating a fabrication composite wing incumbent worker training program to be housed at the Washington aerospace training and research center.

(9) \$150,000 of the general fund—state appropriation for fiscal year 2016 and \$150,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the state board to conduct a feasibility study for a potential new community and technical college in the Graham, Washington area.

(10) \$100,000 of the general fund—state appropriation for fiscal year 2016 and \$100,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the aerospace center of excellence currently hosted by Everett community college to:

(a) Increase statewide communications and outreach between industry sectors, industry organizations, businesses, K-12 schools, colleges, and universities;

(b) Enhance information technology to increase business and student accessibility and use of the center's web site; and

(c) Act as the information entry point for prospective students and job seekers regarding education, training, and employment in the industry.

(11) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(12) The state board for community and technical colleges shall not use funds appropriated in this section to support intercollegiate athletics programs.

(13)(a) The state board must provide quality assurance reports on the ctcLink project at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(b) The state board must develop a technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. The budget must be updated at the frequency directed by the office of chief information officer for review and for posting on its information technology project dashboard.

(c) The state board must contract with an independent verification and validation consultant to review the software that currently exists to determine if configuration and integrations are complete and to evaluate readiness to move forward with the ctcLink project. The state board must define the consultant's scope of work in conjunction with the office of chief information officer and allow for independent reporting by the consultant to the office of chief information officer.

(d) The office of the chief information officer may suspend the ctcLink project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures, implementation timelines, or budget estimates. Once suspension or termination occurs, the state board shall not make additional expenditures on the ctcLink project without approval of the chief information officer.

(14) \$750,000 of the general fund—state appropriation for fiscal year 2016 and \$2,250,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for Bellingham Technical College to administer on-site worker training and skill enhancement training for employees of trade-impacted industrial facilities pursuant to trade adjustment assistance decision 64764.

(15) \$157,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for Wenatchee Valley college to develop a wildfire prevention program.

**Sec. 603.** 2015 3rd sp.s. c 4 s 606 (uncodified) is amended to read as follows:

**FOR THE UNIVERSITY OF WASHINGTON**

General Fund—State Appropriation (FY 2016).....	<del>(\$278,887,000)</del>	<u>\$279,934,000</u>
General Fund—State Appropriation (FY 2017).....	<del>(\$312,687,000)</del>	<u>\$317,254,000</u>
Education Legacy Trust Account—State Appropriation.....	<del>(\$27,998,000)</del>	<u>\$28,088,000</u>
Economic Development Strategic Reserve Account—State Appropriation .....	<del>(\$3,010,000)</del>	<u>\$3,011,000</u>
Biotoxin Account—State Appropriation.....	<del>(\$392,000)</del>	<u>\$492,000</u>
Accident Account—State Appropriation .....	<del>(\$7,108,000)</del>	<u>\$7,129,000</u>
Medical Aid Account—State Appropriation..	<del>(\$6,730,000)</del>	<u>\$6,749,000</u>
Aquatic Land Enhancement Account—State Appropriation.....	\$1,550,000	
Dedicated Marijuana Account—State Appropriation (FY 2016) .....	\$227,000	
Dedicated Marijuana Account—State Appropriation (FY 2017) .....	\$227,000	
<b>TOTAL</b>		
APPROPRIATION .....	<del>\$638,816,000</del>	<u>\$644,661,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$52,000 of the general fund—state appropriation for fiscal year 2016 and \$52,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the center for international trade in forest products in the college of forest resources.
- (2) \$200,000 of the general fund—state appropriation for fiscal year 2016 and \$200,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for labor archives of Washington. The university shall work in collaboration with the state board for community and technical colleges.
- (3) \$8,000,000 of the education legacy trust account—state appropriation is provided solely for the family medicine residency network at the university to expand the number of residency slots available in Washington.
- (4) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.
- (5) \$1,550,000 of the aquatic lands enhancement account—state is provided solely for ocean acidification monitoring, forecasting, and research and for operation of the Washington ocean acidification center. By September

1, 2015, the center must provide a biennial work plan and begin quarterly progress reports to the Washington marine resources advisory council created under RCW 43.06.338.

(6) \$6,000,000 of the education legacy trust account—state appropriation is provided solely for the expansion of degrees in the department of computer science and engineering at the Seattle campus.

(7) ~~(\$10,018,000)~~ \$10,429,000 of the general fund—state appropriation for fiscal year 2016 and ~~(\$34,053,000)~~ \$37,155,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5954 (college affordability program). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse. For the 2016-17 academic year, if the university's full-time equivalent annual average resident undergraduate enrollment increases by more than one percent from the 2015-16 academic year, for purposes of calculating state funding for the tuition reduction backfill, only a one percent growth rate or the university's preceding five-year average percentage full-time equivalent enrollment change, whichever is greater, may be used in calculating the backfill.

(8) \$3,000,000 of the economic development strategic reserve account appropriation is provided solely to support the joint center for aerospace innovation technology.

(9) The University of Washington shall not use funds appropriated in this section to support intercollegiate athletics programs.

(10) \$250,000 of the general fund—state appropriation for fiscal year 2016 and \$250,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the latino health center.

(11) \$200,000 of the general fund—state appropriation for fiscal year 2016 and \$200,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the climate impacts group in the college of the environment.

(12) To the extent federal or private funding is available for this purpose, the center for education data and research at the University of Washington shall examine the relationship between participation in pension systems and teacher quality and mobility patterns in the state, including changes in the patterns that have occurred since the 2009-2011 fiscal biennium. The department of retirement systems shall facilitate University of Washington researchers' access to necessary individual-level data necessary to effectively conduct the study. The University of Washington shall ensure that no individually identifiable information will be disclosed at any time. An interim report on project findings must be completed by November 15, 2015, and a final report must be submitted to the governor and to the relevant committees of the legislature by October 15, 2016.

(13) \$3,600,000 of the general fund—state appropriation for fiscal year 2016 and \$5,400,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the continued operations of the Washington, Wyoming, Alaska, Montana, Idaho medical school program.

(14) Within the amounts provided in this section, the university must determine the feasibility of establishing inter-agency agreements with the department of corrections and the special commitment center within the department of social and health services to provide each entity with discount pricing on prescription hepatitis C medications or other prescription medications as allowed under section 340B of the public health services act. By January 1, 2016, the university must submit a report to the relevant policy and fiscal committees of the legislature that includes the following:

- (a) Description of the steps required to achieve institutional cooperation on 340B pricing;
- (b) Identification of barriers to achieving such an agreement;
- (c) Where possible, possible solutions to overcoming these barriers;
- (d) Estimates of the fiscal impact of this agreement in the 2015-2017 and 2017-2019 fiscal biennia; and
- (e) Timeline for implementation of such an agreement.

The inter-agency agreements must be in place prior to July 1, 2016, and the agreements must not jeopardize the University of Washington's current compliance status with 340B program rules and regulations.

(15) Within the funds appropriated in this section, the University of Washington shall:

- (a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.
- (b) Provide as part of its budget request for the 2017-2019 biennium:
  - (i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;
  - (ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(16) \$18,000 of the general fund—state appropriation for fiscal year 2016 and \$18,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to implement Substitute Senate Bill No. 6519 (telemedicine). If the bill is not enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

(17) \$25,000 of the general fund—state appropriation for fiscal year 2016 and \$25,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of House Bill No. 1138 (higher education mental health).

**Sec. 604.** 2015 3rd sp.s. c 4 s 607 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund—State Appropriation (FY 2016).....	(\$181,038,000)
	\$181,494,000
General Fund—State Appropriation (FY 2017).....	(\$204,858,000)
	\$207,738,000

Education Legacy Trust Account—State	
Appropriation .....	\$33,995,000
Dedicated Marijuana Account—State Appropriation (FY 2016) .....	\$138,000
Dedicated Marijuana Account—State Appropriation (FY 2017) .....	\$138,000
TOTAL	
APPROPRIATION .....	\$420,167,000
	\$423,503,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the general fund—state appropriation for fiscal year 2016 and \$90,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a rural economic development and outreach coordinator.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) \$1,000,000 of the general fund—state appropriation for fiscal 2016 and \$630,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the creation of an electrical engineering program located in Bremerton. At full implementation, the university is expected to increase degree production by 25 new bachelor's degrees per year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(4) \$1,000,000 of the general fund—state appropriation for fiscal year 2016 and \$1,370,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the creation of software engineering and data analytic programs at the university center in Everett. At full implementation, the university is expected to enroll 50 students per academic year. The university must identify these students separately when providing data to the education research data center as required in subsection (2) of this section.

(5) \$500,000 of the general fund—state appropriation for fiscal year 2016 and \$500,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for state match requirements related to the federal aviation administration grant.

(6) Washington State University shall not use funds appropriated in this section to support intercollegiate athletic programs.

(7) ~~(\$8,714,000)~~ \$8,980,000 of the general fund—state appropriation for fiscal year 2016 and ~~(\$25,266,000)~~ \$27,068,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5954 (college affordability program). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse. For the 2016-17 academic year, if

the university's full-time equivalent annual average resident undergraduate enrollment increases by more than one percent from the 2015-16 academic year, for purposes of calculating state funding for the tuition reduction backfill, only a one percent growth rate or the university's preceding five-year average percentage full-time equivalent enrollment change, whichever is greater, may be used in calculating the backfill.

(8) \$1,098,000 of the general fund—state appropriation for fiscal year 2016 and \$1,402,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for development of a medical school in Spokane. Funding must support the development of the curriculum, the courses, the faculty, and the administrative structure required by the liaison committee on medical education.

(9) Within the funds appropriated in this section, Washington State University is required to provide administrative support to the sustainable aviation biofuels work group authorized under RCW 28B.30.904.

(10) Within the funds appropriated in this section, Washington State University shall:

(a) Review the scholarly literature on the short-term and long-term effects of marijuana use to assess if other states or private entities are conducting marijuana research in areas that may be useful to the state.

(b) Provide as part of its budget request for the 2017-2019 biennium:

(i) A list of intended state, federal, and privately funded marijuana research, including cost, duration, and scope;

(ii) Plans for partnerships with other universities, state agencies, or private entities, including entities outside the state, for purposes related to researching short-term and long-term effects of marijuana use.

(11) \$135,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for a honey bee biology research position.

(12) \$580,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the development of an organic agriculture systems degree program located at the university center in Everett.

**Sec. 605.** 2015 3rd sp.s. c 4 s 608 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2016).....	(\$38,603,000)	
		\$38,689,000
General Fund—State Appropriation (FY 2017).....	(\$47,498,000)	
		\$48,098,000
Education Legacy Trust Account—State Appropriation .....	(\$16,598,000)	
		\$16,718,000
<b>TOTAL</b>		
<b>APPROPRIATION</b> .....	\$102,699,000	\$103,505,000

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$200,000 of the general fund—state appropriation for fiscal year 2016 and at least \$200,000 of the general fund—state appropriation for fiscal year 2017 must be expended on the Northwest autism center.

(2) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(3) Eastern Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) \$750,000 of the general fund—state appropriation for fiscal year 2016 and \$750,000 of the general fund—state appropriation are provided solely for student success and advising programs that lead to increased degree completion.

(5) ~~(\$2,386,000)~~ \$2,425,000 of the general fund—state appropriation for fiscal year 2016 and ~~(\$9,171,000)~~ \$9,698,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5954 (college affordability program). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse. For the 2016-17 academic year, if the university's full-time equivalent annual average resident undergraduate enrollment increases by more than one percent from the 2015-16 academic year, for purposes of calculating state funding for the tuition reduction backfill, only a one percent growth rate or the university's preceding five-year average percentage full-time equivalent enrollment change, whichever is greater, may be used in calculating the backfill.

**Sec. 606.** 2015 3rd sp.s. c 4 s 609 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2016).....	(\$36,947,000)	
		\$36,958,000
General Fund—State Appropriation (FY 2017).....	(\$47,405,000)	
		\$47,578,000
Education Legacy Trust Account—State Appropriation .....	(\$19,076,000)	
		\$19,140,000
<b>TOTAL</b>		
<b>APPROPRIATION</b> .....	\$103,428,000	\$103,676,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates,

and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in engineering programs above the prior academic year.

(2) Central Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(3) \$750,000 of the general fund—state appropriation for fiscal year 2016 and \$750,000 of the general fund—state appropriation are provided solely for student success and advising programs that lead to increased degree completion.

(4) ~~(\$2,757,000)~~ \$2,739,000 of the general fund—state appropriation for fiscal year 2016 and ~~(\$10,632,000)~~ \$10,826,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5954 (college affordability program). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse. For the 2016-17 academic year, if the university's full-time equivalent annual average resident undergraduate enrollment increases by more than one percent from the 2015-16 academic year, for purposes of calculating state funding for the tuition reduction backfill, only a one percent growth rate or the university's preceding five-year average percentage full-time equivalent enrollment change, whichever is greater, may be used in calculating the backfill.

**Sec. 607.** 2015 3rd sp.s. c 4 s 610 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund—State Appropriation (FY 2016)	\$22,068,000
General Fund—State Appropriation (FY 2017)	<del>(\$25,261,000)</del>
	<u>\$25,441,000</u>
Education Legacy Trust Account—State	
Appropriation	<del>(\$5,450,000)</del>
	<u>\$5,493,000</u>
<b>TOTAL</b>	
APPROPRIATION	<u>\$52,779,000</u>
	<u>\$53,002,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$39,000 of the general fund—state appropriation for fiscal year 2016 and \$55,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of chapter 244, Laws of 2015 (college bound).

(2) \$39,000 of the general fund—state appropriation for fiscal year 2016 and \$32,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1491 (early care & education system). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse.

(3) ~~(\$885,000)~~ \$837,000 of the general fund—state appropriation for fiscal year 2016 and ~~(\$3,411,000)~~ \$3,327,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation

of Second Engrossed Substitute Senate Bill No. 5954 (college affordability program). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse. For the 2016-17 academic year, if the college's full-time equivalent annual average resident undergraduate enrollment increases by more than one percent from the 2015-16 academic year, for purposes of calculating state funding for the tuition reduction backfill, only a one percent growth rate or the college's preceding five-year average percentage full-time equivalent enrollment change, whichever is greater, may be used in calculating the backfill.

(4) \$40,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for the tuition metric study in Second Engrossed Substitute Senate Bill No. 5954 (college affordability program). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse.

(5) \$121,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for implementation of section 15 of chapter 269, Laws of 2015 (mental health/involuntary outpatient). If the bill is not enacted by July 10, 2015, the amount provided in this subsection shall lapse.

(6) \$295,000 of the general fund—state appropriation for fiscal year 2016 and \$295,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington state institute of public policy to contract with an objective, non-partisan, nationally known organization to examine policy options for increasing the availability of primary care services in rural Washington.

(7) \$750,000 of the general fund—state appropriation for fiscal year 2016 and \$750,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for student success and advising programs that lead to increased degree completion.

(8) Funding provided in this section is sufficient for The Evergreen State College to continue operations of the Longhouse Center and the Northwest Indian applied research institute.

(9) \$50,000 of the general fund—state appropriation for fiscal year 2016 and \$50,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington state institute for public policy to review existing research literature and begin a four-year study to evaluate outcomes regarding the cost effectiveness of FDA approved long-acting injectable medications that are indicated for the treatment of alcohol and opiate dependence. Any outcome evaluation will be focused on potential benefits to prison offenders being released into the community and the effects on recidivism. The institute shall submit a report summarizing cost-effectiveness findings from the existing research literature to the appropriate committees of the legislature by December 31, 2016.

(10) Notwithstanding other provisions in this section, the board of directors for the Washington state institute for public policy may adjust due dates for projects included on the institute's 2015-2017 work plan as necessary to efficiently manage workload.

(11) The Evergreen State College shall not use funds appropriated in this section to support intercollegiate athletics programs.

(12) \$48,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Second Substitute House Bill No. 2449 (truancy reduction). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(13) \$32,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Second Substitute House Bill No. 2791 (Washington statewide reentry council). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(14) \$16,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6455 (professional educator workforce). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(15) \$26,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Senate Bill No. 6620 (school safety). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(16) \$30,000 of the general fund—state appropriation for fiscal year 2016 and \$120,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the Washington state institute for public policy to evaluate and report to the appropriate legislative committees on the impact and cost effectiveness of the hub home model, a model for foster care delivery. The institute shall use the most appropriate available methods to evaluate the model's impact on child safety, permanency, placement stability and, if possible, sibling connections, culturally relevant care, and caregiver retention. The report shall include an analysis of whether the model yields long-term cost savings in comparison with traditional foster care. The department of social and health services children's administration shall facilitate provision of the data necessary to conduct the evaluation. The institute shall submit an interim report by January 15, 2017, and a final report by June 30, 2017. The institute may receive additional funds from a private organization for the purpose of the evaluation.

**Sec. 608.** 2015 3rd sp.s. c 4 s 611 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund—State Appropriation (FY 2016).....	<del>(\$53,332,000)</del>	\$53,447,000
General Fund—State Appropriation (FY 2017).....	<del>(\$66,059,000)</del>	\$67,091,000
Education Legacy Trust Account—State Appropriation .....	<del>(\$13,720,000)</del>	\$13,737,000
<b>TOTAL</b>		
<b>APPROPRIATION</b> .....	\$133,111,000	\$134,275,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The university must continue work with the education research and data center to demonstrate progress in computer science and engineering enrollments. By September 1st of each year, the university shall provide a report including but not limited to the cost per student, student completion rates, and the number of low-income students enrolled in each program, any process changes or best-practices implemented by the university, and how many students are enrolled in computer science and engineering programs above the prior academic year.

(2) \$910,000 of the general fund—state appropriation for fiscal year 2016 and \$630,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the creation of a computer and information systems security program located at Olympic college - Poulsbo. The university is expected to enroll 30 students each academic year beginning in fiscal year 2017. The university must identify these students separately when providing data to the educational data centers as required in (1) of this section.

(3) Western Washington University shall not use funds appropriated in this section to support intercollegiate athletics programs.

(4) ~~(\$3,656,000)~~ \$3,726,000 of the general fund—state appropriation for fiscal year 2016 and ~~(\$14,087,000)~~ \$14,819,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5954 (college affordability program). If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse. For the 2016-17 academic year, if the university's full-time equivalent annual average resident undergraduate enrollment increases by more than one percent from the 2015-16 academic year, for purposes of calculating state funding for the tuition reduction backfill, only a one percent growth rate or the university's preceding five-year average percentage full-time equivalent enrollment change, whichever is greater, may be used in calculating the backfill.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the endowment of the Jaffee professorship in Jewish history and holocaust studies.

**Sec. 609.** 2015 3rd sp.s. c 4 s 612 (uncodified) is amended to read as follows:

**FOR THE STUDENT ACHIEVEMENT COUNCIL—POLICY COORDINATION AND ADMINISTRATION**

General Fund—State Appropriation (FY 2016).....	<del>(\$5,528,000)</del>	\$5,515,000
General Fund—State Appropriation (FY 2017) .....	<del>(\$5,631,000)</del>	\$6,217,000
General Fund—Federal Appropriation.....	\$4,859,000	
<b>TOTAL</b>		
<b>APPROPRIATION</b> .....	\$16,018,000	\$16,591,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$182,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the student achievement council, the workforce training and education coordinating board, and the department of licensing to work together to design and oversee a study, to be administered by the council, that objectively analyzes and makes recommendations about systemic overlaps and gaps in jurisdiction regarding for-profit degree-granting institutions and private vocational schools in the state. The council may contract with a neutral third-party research organization to conduct the study. The study must be conducted in two phases, starting with an assessment of perspectives and relevant studies. A second phase, if deemed appropriate by the council, the workforce training and education coordinating board, and other stakeholders, may consist of facilitated discussions amongst agencies, regulated entities, and stakeholders to reach agreed-upon recommendations.

(a) The study must include recommendations to improve oversight and accountability of these institutions and schools and a review of whether, and how, different standards are applied to the institutions and schools by different agencies. Specifically, the study must:

(i) Examine the data collection and reporting practices of for-profit degree-granting institutions and private vocational schools compared to the data collection and reporting of the community and technical colleges. The study must determine if there are inconsistencies and discrepancies in the practices of the for-profit degree-granting institutions and private vocational schools. The study must also make recommendations on the methods of collecting, analyzing, and reporting data, including what measurements to use, to ensure that data from for-profit degree-granting institutions and private vocational schools can be accurately compared to data from the community and technical colleges;

(ii) Study the current regulations governing these institutions and schools and recommend necessary changes to achieve consistent regulatory oversight of the entire system;

(iii) Recommend ways to implement a cohesive method for guiding and assisting current and prospective students who have questions and concerns; and

(iv) Review whether an ombuds position serving students of for-profit degree-granting institutions and private vocational schools should be created. If the recommendation is to create an ombuds position, the study must make a recommendation on which state entity should house the position.

(b) The assessment phase of the study may begin July 1, 2016. The council must issue a final report, including the result of any facilitated agreed-upon recommendations, to the appropriate committees of the legislature by January 1, 2017.

(2) \$25,000 of the general fund—state appropriation for fiscal year 2017 is provided solely to implement Second Engrossed Substitute Senate Bill No. 6601 (Washington college savings program). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse.

(3) \$250,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the council to complete a higher education needs assessment for southeast King county, and to prepare a program and operating plan to meet the higher education needs identified in the assessment. The needs assessment shall consider population changes, higher education participation rates, economic demand and work force needs, commute times for study area residents to existing higher education institutions, and any other items identified by the council. In completing the needs assessment and plan, the council shall consider the factors outlined in RCW 28B.77.080, enrollment trends in the study area, employer needs, existing and needed postsecondary programs, recommended strategies for promoting program participation, an estimated cost to meet the assessed need, and potential location sites. In preparing a program and operating plan, the council shall consider a variety of higher education options including, but not limited to, a branch campus, a university center, a private university, and an online learning center. The needs assessment and plan must be developed in consultation with an advisory committee of civic, business, and education leaders from southeast King county. The council shall provide a preliminary report to the appropriate committees of the legislature and the governor by November 1, 2016, and a final report by January 1, 2017. The council may contract with a consultant to complete this study.

Sec. 610. 2015 3rd sp.s. c 4 s 613 (uncodified) is amended to read as follows:

<b>FOR THE STUDENT ACHIEVEMENT COUNCIL— OFFICE OF STUDENT FINANCIAL ASSISTANCE</b>	
General Fund—State Appropriation (FY 2016) .....	(\$260,978,000)
	\$265,978,000
General Fund—State Appropriation (FY 2017) .....	(\$244,061,000)
	\$234,444,000
General Fund—Federal Appropriation.....	(\$11,798,000)
	\$11,801,000
General Fund—Private/Local Appropriation .....	\$300,000
Aerospace Training Student Loan Account—State Appropriation (FY 2017) .....	\$104,000
Washington Opportunity Expansion Account—State Appropriation .....	\$6,000,000
Education Legacy Trust Account—State Appropriation .....	(\$33,670,000)
	\$40,671,000
Health Professional Loan Repayment Scholarship Program Account—State Appropriation .....	\$1,720,000
Washington Opportunity Pathways Account—State Appropriation (FY 2016).....	(\$175,000,000)
	\$95,061,000
Washington Opportunity Pathways Account—State Appropriation (FY 2017).....	\$78,469,000
	TOTAL
APPROPRIATION .....	\$727,527,000
	\$734,548,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$230,217,000)~~) \$235,217,000 of the general fund—state appropriation for fiscal year 2016, (~~(\$212,760,000)~~) \$201,760,000 of the general fund—state appropriation for fiscal year 2017, (~~(\$12,000,000)~~) \$26,000,000 of the education legacy trust account—state appropriation, (~~and \$135,000,000~~) \$77,500,000 of the Washington opportunity pathways account—state appropriation for fiscal year 2016, and \$67,500,000 of the Washington opportunity pathways account—state appropriation for fiscal year 2017 are provided solely for student financial aid payments under the state need grant, implementation of Second Engrossed Substitute Senate Bill No. 5954 (college affordability program), and state work study programs including up to four percent administrative allowance for the state work study program.

(2) Changes made to the state need grant program in the 2011-2013 fiscal biennium are continued in the 2015-2017 fiscal biennium. For the 2015-2017 fiscal biennium, awards given to private institutions shall be the same amount as the prior year.

(3) Changes made to the state work study program in the 2009-2011 and 2011-2013 fiscal biennia are continued in the 2015-2017 fiscal biennium including maintaining the increased required employer share of wages; adjusted employer match rates; discontinuation of nonresident student eligibility for the program; and revising distribution methods to institutions by taking into consideration other factors such as off-campus job development, historical utilization trends, and student need.

(4) Within the funds appropriated in this section, eligibility for the state need grant includes students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size, and shall include students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(5) Of the amounts provided in subsection (1) of this section, \$100,000 of the general fund—state appropriation for fiscal year 2016 and \$100,000 of the general fund—state appropriation for fiscal year 2017 are provided for the council to process an alternative financial aid application system pursuant to RCW 28B.92.010.

(6)(a) Students who are eligible for the college bound scholarship shall be given priority for the state need grant program. These eligible college bound students whose family incomes are in the 0-65 percent median family income ranges must be awarded the maximum state need grant for which they are eligible under state policies and may not be denied maximum state need grant funding due to institutional policies or delayed awarding of college bound scholarship students. The council shall provide directions to institutions to maximize the number of college bound scholarship students receiving the maximum state need grant for which they are eligible with a goal of 100

percent coordination. Institutions shall identify all college bound scholarship students to receive state need grant priority. If an institution is unable to identify all college bound scholarship students at the time of initial state aid packaging, the institution should reserve state need grant funding sufficient to cover the projected enrollments of college bound scholarship students.

(b) In calculating the college bound award, public institutions of higher education are subject to the conditions and limitations in RCW 28B.15.102 and shall not utilize college bound funds to offset tuition costs from rate increases in excess of levels authorized in section 603, chapter 50, Laws of 2011.

(~~(\$21,670,000)~~) (7) \$14,670,000 of the education legacy trust account—state appropriation (~~and \$40,000,000~~), \$17,561,000 of the Washington opportunity pathways account—state appropriation for fiscal year 2016, and \$10,969,000 of the Washington opportunity pathways account—state appropriation for fiscal year 2017 are provided solely for the college bound scholarship program, implementation of Second Engrossed Substitute Senate Bill No. 5954 (college affordability program), and may support scholarships for summer session.

(~~(\$7))~~ (8) \$2,236,000 of the general fund—state appropriation for fiscal year 2016 and \$2,236,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the passport to college program. The maximum scholarship award is up to \$5,000. The board shall contract with a nonprofit organization to provide support services to increase student completion in their postsecondary program and shall, under this contract, provide a minimum of \$500,000 in fiscal years 2016 and 2017 for this purpose.

(~~(\$8))~~ (9) \$20,000,000 of the general fund—state appropriation for fiscal year 2016 and \$21,000,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to meet state match requirements associated with the opportunity scholarship program. The legislature will evaluate subsequent appropriations to the opportunity scholarship program based on the extent that additional private contributions are made, program spending patterns, and fund balance.

(~~(\$9))~~ (10) \$3,825,000 of the general fund—state appropriation for fiscal year 2016 and \$3,825,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for expenditure into the health professionals loan repayment and scholarship program account. These amounts and \$1,720,000 appropriated from the health professionals loan repayment and scholarship program account must be used to increase the number of licensed primary care health professionals to serve in licensed primary care health professional critical shortage areas. The office of student financial assistance and the department of health shall prioritize a portion of any nonfederal balances in the health professional loan repayment and scholarship fund for conditional loan repayment contracts with psychiatrists and with advanced registered nurse practitioners for work at one of the state-operated psychiatric hospitals. The office and department shall designate the state hospitals as health professional shortage areas if necessary for this purpose. The office shall coordinate with the department of social and health services

to effectively incorporate three conditional loan repayments into the department's advanced psychiatric professional recruitment and retention strategies. The office may use these targeted amounts for other program participants should there be any remaining amounts after eligible psychiatrists and advanced registered nurse practitioners have been served. The office shall also work to prioritize loan repayments to professionals working at health care delivery sites that demonstrate a commitment to serving uninsured clients.

~~((10))~~ (11) \$56,000 of the general fund—state appropriation for fiscal year 2016 and \$42,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the council to design and implement a program that provides customized information to high-achieving (as determined by local school districts), low-income, high school students. "Low-income" means students who are from low-income families as defined by the education data center in RCW 43.41.400. For the purposes of designing, developing, and implementing the program, the council shall partner with a national entity that offers aptitude tests and shall consult with institutions of higher education with a physical location in Washington. The council shall implement the program no later than fall 2016, giving consideration to spring mailings in order to capture early action decisions offered by institutions of higher education and nonprofit baccalaureate degree-granting institutions. The information packet for students must include at a minimum:

- (a) Materials that help students to choose colleges;
- (b) An application guidance booklet;
- (c) Application fee waivers, if available, for four-year institutions of higher education and independent nonprofit baccalaureate degree-granting institutions in the state that enable students receiving a packet to apply without paying application fees;
- (d) Information on college affordability and financial aid that includes information on the net cost of attendance for each four-year institution of higher education and each nonprofit baccalaureate degree-granting institution, and information on merit and need-based aid from federal, state, and institutional sources; and
- (e) A personally addressed cover letter signed by the governor and the president of each four-year institution of higher education and nonprofit baccalaureate degree-granting institution in the state.

(12) \$6,000,000 of the opportunity expansion account—state appropriation is provided solely for the opportunity expansion program in RCW 28B.145.060. At the direction of the opportunity scholarship board, the council must distribute the funding provided in this subsection to institutions of higher education to increase the number of baccalaureate degrees produced in high employer demand and other programs of study.

(13) \$1,144,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6455 (professional educator workforce). If the bill is not enacted by June 30, 2016, the amount provided in this subsection shall lapse. Of the amount provided in this subsection:

(a) \$468,000 is for the teacher shortage conditional grant program;

(b) \$468,000 is for the student teaching residency grant program; and

(c) \$208,000 is for the development and implementation of the teacher shortage conditional grant program and the student teaching residency grant program.

(14) The council shall examine issues related to college bound scholarship students who become income ineligible for the college bound scholarship program but maintain eligibility for the state need grant and shall report to the governor and appropriate committees of the legislature by December 1, 2016, with any recommendations.

**Sec. 611.** 2015 3rd sp.s. c 4 s 614 (uncodified) is amended to read as follows:

**FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund—State Appropriation (FY 2016) .....	<del>(\$1,646,000)</del>
	<u>\$1,648,000</u>
General Fund—State Appropriation (FY 2017) .....	<del>(\$1,668,000)</del>
	<u>\$1,744,000</u>
General Fund—Federal Appropriation .....	<del>(\$55,142,000)</del>
	<u>\$55,143,000</u>
General Fund—Private/Local Appropriation .....	\$72,000
	<b>TOTAL</b>
APPROPRIATION .....	<u>\$58,528,000</u>
	<u>\$58,607,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) For the 2015-2017 fiscal biennium the board shall not designate recipients of the Washington award for vocational excellence or recognize them at award ceremonies as provided in RCW 28C.04.535.

(2) The health workforce council of the state workforce training and education coordinating board, in partnership with work underway with the office of the governor, shall, within resources available for such purpose, but not to exceed \$250,000, assess workforce shortages across behavioral health disciplines. The board shall create a recommended action plan to address behavioral health workforce shortages and to meet the increased demand for services now, and with the integration of behavioral health and primary care in 2020. The analysis and recommended action plan shall align with the recommendations of the adult behavioral health system task force and related work of the healthier Washington initiative. The board shall consider workforce data, gaps, distribution, pipeline, development, and infrastructure, including innovative high school, postsecondary, and postgraduate programs to evolve, align, and respond accordingly to our state's behavioral health and related and integrated primary care workforce needs. The board will submit preliminary recommendations to the governor and appropriate committees of the legislature by October 15, 2016. The board will continue its work and submit final recommendations in 2017.

(3) \$75,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the workforce training and education coordinating board to develop a plan for a career and college ready lighthouse program that is representative of the different geographies and industries throughout the state. The plan must provide students the opportunity to: Explore and understand career opportunities through applied learning; engage with industry mentors; and, plan for career and college success. Additionally, the plan must include: Work-integrated and career-related strategies that increase college and career readiness of the students statewide; specify where and how the board will utilize mentor school districts; and identify the needs of districts to provide career and college ready opportunities. The board must convene an advisory committee to provide assistance with the development of the plan. The advisory committee must comprise: Individuals from the public and private sector with expertise in career and technical education and work-integrated training; school counselors; representatives of labor unions; representatives from professional technical organizations; representatives from career and technical colleges; and individuals from business and industry. The board shall submit its plan to the education committees of the legislature by January 1, 2017.

**Sec. 612.** 2015 3rd sp.s. c 4 s 615 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF EARLY LEARNING**

General Fund—State Appropriation (FY 2016).....	<del>(\$89,572,000)</del>	\$82,578,000
General Fund—State Appropriation (FY 2017).....	<del>(\$103,257,000)</del>	\$103,823,000
General Fund—Federal Appropriation .....	<del>(\$290,204,000)</del>	\$299,956,000
Opportunity Pathways Account—State Appropriation.....	\$80,000,000	
Education Legacy Trust Account—State Appropriation.....	\$28,250,000	
Home Visiting Services Account—State Appropriation.....	\$4,868,000	
Home Visiting Services Account—Federal Appropriation.....	\$25,250,000	
TOTAL		
APPROPRIATION.....	\$621,401,000	\$624,725,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$44,800,000 of the general fund—state appropriation for fiscal year 2016, \$44,800,000 of the general fund—state appropriation for fiscal year 2017, \$24,250,000 of the education legacy trust account—state appropriation, and \$80,000,000 of the opportunity pathways account appropriation are provided solely for the early childhood education and assistance program. These amounts shall support at least 11,691 slots in fiscal year 2016 and 11,691 slots in fiscal year 2017. Of these amounts, \$10,284,000 is a portion of the biennial amount of

state maintenance of effort dollars required to receive federal child care and development fund grant dollars.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2016 and \$200,000 of the general fund—state appropriation for fiscal year 2017 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(3) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(4) \$1,434,000 of the general fund—state appropriation for fiscal year 2016 is provided solely for expenditure into the home visiting services account. This funding is intended to meet federal maintenance of effort requirements and to secure private matching funds. Additional amounts are provided separately in part II of this act. The division of behavioral health and recovery must transfer these amounts into the home visiting services account.

(5)(a) (~~(\$153,717,000)~~) \$153,244,000 of the general fund—federal appropriation is provided solely for the working connections child care program under RCW 43.215.135.

(b) In addition to groups that were given prioritized access to the working connections child care program effective March 1, 2011, the department shall also give prioritized access into the program to families in which a parent of a child in care is a minor who is not living with a parent or guardian and who is a full-time student in a high school that has a school-sponsored on-site child care center.

(6) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report enrollments and active caseload for the working connections child care program to the legislative fiscal committees and the legislative-executive WorkFirst oversight task force on an agreed upon schedule. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care. The department must also report on the number of children served through contracted slots.

(7) \$1,194,000 of the general fund—state appropriation for fiscal year 2016, \$1,926,000 of the general fund—state appropriation for fiscal year 2017, and \$13,424,000 of the general fund—federal appropriation are provided solely for the seasonal child care program. If federal sequestration cuts are realized, cuts to the seasonal child care program must be proportional to other federal reductions made within the department.

(8) \$4,674,000 of the general fund—state appropriation for fiscal year 2016 (~~(\$2,522,000)~~) and \$4,674,000 of the general fund—state appropriation for fiscal year 2017 (~~and \$2,152,000 of the general fund—federal appropriation~~) are provided solely for the early childhood intervention prevention services (ECLIPSE) program. The department shall contract for ECLIPSE

services to provide therapeutic child care and other specialized treatment services to abused, neglected, at-risk, and/or drug-affected children. Priority for services shall be given to children referred from the department of social and health services children's administration. Of the amounts appropriated in this subsection, \$60,000 per fiscal year may be used by the department for administering the ECLIPSE program, if needed.

(9) \$47,000 of the general fund—state appropriation for fiscal year 2016 and \$46,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for implementation of Engrossed Substitute House Bill No. 1126 (fatality review). ~~((If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse.))~~

(10) ~~(\$28,637,000)~~ \$23,529,000 of the general fund—state appropriation for fiscal year 2016, ~~(\$47,143,000)~~ \$41,087,000 of the general fund—state appropriation for fiscal year 2017, and ~~(\$26,206,000)~~ \$36,006,000 of the general fund—federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1491 (early care and education system). ~~((If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse.))~~ Of the amounts provided in this subsection:

(a) \$60,817,000 is for quality rating and improvement system activities, including but not limited to: Level two activities, technical assistance, coaching, rating, and quality improvement awards. The department shall place a 10 percent administrative overhead cap on any contract entered into with the University of Washington.

(b) \$10,895,000 is for degree and retention incentives and scholarship and tuition reimbursements.

(c) ~~(\$14,192,000)~~ \$12,828,000 is for level 2 payments and ~~(tiered reimbursement)~~ tiers 3, 4, and 5 payments for child care licensed family home and center providers. Additional amounts for licensed family home providers are provided separately in fiscal year 2016 as part of a collective bargaining agreement part IX of this act.

(11) \$1,808,000 of the general fund—state appropriation for fiscal year 2016 and \$1,728,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for reducing barriers for low-income providers to participate in the early achievers program consistent with Engrossed Second Substitute House Bill No. 1491 (early care and education system). ~~((If the bill is not enacted by July 10, 2015, the amounts provided in this subsection shall lapse.))~~ Of the amounts provided in this subsection:

(a) \$2,000,000 is for need-based grants. Additional amounts for child care licensed family home providers are provided separately as part of a collective bargaining agreement part IX of this act.

(b) \$1,336,000 is for the creation of a substitute pool.

(c) \$200,000 is for the development of materials and assessments in provider and family home languages.

(12) \$300,000 of the general fund—state appropriation for fiscal year 2016 and \$300,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for a contract with a nonprofit entity

experienced in the provision of promoting early literacy for children through pediatric office visits.

(13) \$4,000,000 of the education legacy trust account—state appropriation is provided solely for early intervention assessment and services.

(14) ~~((Information and technology investments and proposed projects for time capture, payroll, payment processes, and eligibility and authorization systems within the department))~~ Information technology projects or investments and proposed projects or investments impacting time capture, payroll and payment processes and systems, eligibility, case management and authorization systems within the department of early learning are subject to technical oversight by the office of the chief information officer. The department must collaborate with the office of the chief information officer to develop a strategic business and technology architecture plan for a child care attendance and billing system that supports a statewide architecture.

(15)(a)(i) The department of early learning is required to provide to the education research and data center, housed at the office of financial management, data on all state-funded early childhood programs. These programs include the early support for infants and toddlers, early childhood education and assistance program (ECEAP), and the working connections and seasonal subsidized childcare programs including license exempt facilities or family, friend, and neighbor care. The data provided by the department to the education research data center must include information on children who participate in these programs, including their name and date of birth, and dates the child received services at a particular facility.

(ii) ECEAP early learning professionals must enter any new qualifications into the department's professional development registry during the 2015-16 school year. By October 2017, the department must provide updated ECEAP early learning professional data to the education research data center.

(iii) The department must request federally funded head start programs to voluntarily provide data to the department and the education research data center that is equivalent to what is being provided for state-funded programs.

(iv) The education research and data center must provide an updated report on early childhood program participation and K-12 outcomes to the house of representatives appropriations committee and the senate ways and means committee using available data by November 2015 for the school year ending in 2014 and again in March 2016 for the school year ending in 2015.

(b) The department, in consultation with the department of social and health services, must withhold payment for services to early childhood programs that do not report on the name, date of birth, and the dates a child received services at a particular facility.

(16) The department shall work with state and local law enforcement, federally recognized tribal governments, and tribal law enforcement to develop a process for expediting fingerprinting and data collection necessary to conduct background checks for tribal early learning and child care providers.

(17) \$3,777,000 of the general fund—state appropriation for fiscal year 2017 is provided solely for the supplemental agreement to the 2015-2017 collective bargaining agreement covering family child care providers as set forth in section 905 of this act. Of the amounts provided in this subsection:

- (a) \$638,000 is for a base rate increase;
- (b) \$956,000 is for an increase in tiered reimbursement rates for levels three through five;
- (c) \$1,315,000 is for an increase in quality improvement awards;
- (d) \$478,000 is provided for training and quality improvement support services to family child care providers provided by the 501(c)(3) organization created for this purpose;
- (e) \$190,000 is provided for the administration of the family child care training and quality improvement fund and participation in the joint committee on family child care providers training and quality improvement; and
- (f) \$200,000 is provided for a slot-based pilot.

**Sec. 613.** 2015 3rd sp.s. c 4 s 616 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund—State Appropriation (FY 2016).....	(\$6,409,000)	
		<u>\$6,419,000</u>
General Fund—State Appropriation (FY 2017).....	(\$6,535,000)	
		<u>\$6,579,000</u>
General Fund—Private/Local Appropriation.....	\$34,000	
TOTAL		
APPROPRIATION.....	\$12,978,000	<u>\$13,032,000</u>

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the school to offer to students enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

**Sec. 614.** 2015 3rd sp.s. c 4 s 617 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS**

General Fund—State Appropriation (FY 2016).....	(\$9,953,000)	
		<u>\$10,027,000</u>
General Fund—State Appropriation (FY 2017).....	(\$10,086,000)	
		<u>\$10,264,000</u>
TOTAL		
APPROPRIATION.....	\$20,039,000	<u>\$20,291,000</u>

The appropriations in this section are subject to the following conditions and limitations: Funding provided in this section is sufficient for the center to offer to students

enrolled in grades nine through twelve for full-time instructional services at the Vancouver campus with the opportunity to participate in a minimum of one thousand eighty hours of instruction and the opportunity to earn twenty-four high school credits.

**Sec. 615.** 2015 3rd sp.s. c 4 s 618 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund—State Appropriation (FY 2016).....	(\$1,118,000)	
		<u>\$1,143,000</u>
General Fund—State Appropriation (FY 2017).....	(\$1,148,000)	
		<u>\$1,166,000</u>
General Fund—Federal Appropriation.....	\$2,100,000	
General Fund—Private/Local Appropriation.....	\$18,000	
TOTAL APPROPRIATION		<u>\$4,384,000</u>
		<u>\$4,427,000</u>

**Sec. 616.** 2015 3rd sp.s. c 4 s 619 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2016).....	(\$2,352,000)	
		<u>\$2,400,000</u>
General Fund—State Appropriation (FY 2017).....	(\$2,412,000)	
		<u>\$2,477,000</u>
TOTAL APPROPRIATION		<u>\$4,764,000</u>
		<u>\$4,877,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund—state appropriation for fiscal year 2016 and \$150,000 of the general fund—state appropriation for fiscal year 2017 are provided solely for the restoration of the Washington women's history consortium created in RCW 27.34.360. These amounts must be used for staff, professional archiving, public programs and exhibits, and information technology investments to enable the society to restore its central database of women's history.

**Sec. 617.** 2015 3rd sp.s. c 4 s 620 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund—State Appropriation (FY 2016).....	(\$1,714,000)	
		<u>\$1,789,000</u>
General Fund—State Appropriation (FY 2017).....	(\$1,808,000)	
		<u>\$1,833,000</u>
TOTAL APPROPRIATION		<u>\$3,522,000</u>
		<u>\$3,622,000</u>

The appropriations in this section are subject to the following conditions and limitations: The eastern

Washington state historical society shall develop a plan for creating a performance-based partnership agreement between the state of Washington and the not-for-profit Northwest museum of arts and culture for implementation in the 2017-2019 fiscal biennium. The plan at minimum shall include strategies to increase nonstate revenues for the operation of the museum and estimate the minimum amount of state funding necessary to preserve, maintain, and protect state-owned facilities and assets. The plan shall be submitted to the office of financial management and the fiscal committees of the legislature by October 1, 2016.

Columbia River Basin Water Supply Development	
Account—State Appropriation .....	(\$6,000)
	<u>\$16,000</u>
Columbia River Basin Taxable Bond Water Supply Development	
Account—State	
Appropriation .....	(\$11,000)
	<u>\$18,000</u>
State Taxable Building Construction Account—State	
Appropriation .....	(\$53,000)
	<u>\$171,000</u>
<b>TOTAL APPROPRIATION</b>	<b>\$4,171,000</b>
	<u>\$5,018,000</u>

**PART VII  
SPECIAL APPROPRIATIONS**

**Sec. 701.** 2015 3rd sp.s. c 4 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund—State Appropriation (FY 2016)	
.....	(\$1,067,157,000)
	<u>\$1,059,582,000</u>
General Fund—State Appropriation (FY 2017)	
.....	(\$1,133,037,000)
	<u>\$1,108,296,000</u>
State Building Construction Account—State	
Appropriation .....	(\$6,462,000)
	<u>\$10,011,000</u>
Debt-Limit Reimbursable Bond Retirement Account—	
State	
Appropriation .....	\$1,430,000
<u>Columbia River Basin Water Supply Development</u>	
<u>Account—State Appropriation</u> .....	<u>\$62,000</u>
<u>Columbia River Basin Taxable Bond Water Supply</u>	
<u>Development</u>	
<u>Account—State Appropriation</u> .....	<u>\$82,000</u>
<u>State Taxable Building Construction</u>	
<u>Account—State Appropriation</u> .....	<u>\$846,000</u>
<b>TOTAL</b>	
<b>APPROPRIATION</b> .....	<b>\$2,208,086,000</b>
	<u>\$2,180,309,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account.

**Sec. 702.** 2015 3rd sp.s. c 4 s 704 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund—State Appropriation (FY 2016)	\$1,400,000
General Fund—State Appropriation (FY 2017)	\$1,400,000
State Building Construction Account—State	
Appropriation .....	(\$1,301,000)
	<u>\$2,013,000</u>

**Sec. 703.** 2015 3rd sp.s. c 4 s 705 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—INFORMATION TECHNOLOGY INVESTMENT POOL**

General Fund—State Appropriation (FY 2016)	
.....	(\$17,000,000)
	<u>\$17,221,000</u>
General Fund—State Appropriation (FY 2017)	
.....	(\$8,000,000)
	<u>\$9,513,000</u>
General Fund—Federal Appropriation .....	(\$60,168,000)
	<u>\$62,395,000</u>
General Fund—Private/Local Appropriation ...	(\$148,000)
	<u>\$3,305,000</u>
Other Appropriated Funds .....	\$807,000
<b>TOTAL</b>	
<b>APPROPRIATION</b> .....	<b>\$86,123,000</b>
	<u>\$93,241,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely for deposit to the information technology investment revolving account, hereby created in the custody of the state treasurer. Only the director of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Funds in the account are provided solely for the information technology projects shown in LEAP omnibus document (~~(IT-2015)~~) IT-2016, dated (~~(June 28, 2015)~~) March 22, 2016, which is hereby incorporated by reference. To facilitate the transfer of moneys from other funds and accounts that are associated with projects contained in LEAP omnibus document (~~(IT-2015)~~) IT-2016, dated (~~(June 28, 2015)~~) March 22, 2016, the state treasurer is directed to transfer moneys from other funds and accounts in an amount not to exceed \$807,000 to the information technology investment revolving account in accordance with schedules provided by the office of financial management.

(2) Agencies may apply to the office of financial management to receive funds from the information technology investment revolving account.

(a) When selecting projects for allocations from the account, sufficient funding must be reserved within the account to implement the following projects shown in

LEAP omnibus document (~~(IT-2015)~~) IT-2016 dated (~~(June 28, 2015)~~) March 22, 2016:

- (i) Public Disclosure Commission:
  - (A) PC Lease Program
  - (B) Customer Serv/Case Mgmt System
  - (C) Cloud Based Communication Svcs
- (ii) Department of Social and Health Services:
  - (A) Align Funding with ICD-10 Imp.
  - (B) ESAR (~~(Phase II and III~~  
~~(C))~~) M&O
  - (C) ESAR Architectural Development
  - (D) Interface with New EBT Vendor
- (iii) Health Care Authority:
  - (A) ProviderOne O&M
  - (B) ProviderOne Stabilization
  - (C) ProviderOne Enhancements
  - (D) ProviderOne Contract Compliance
  - (E) ProviderOne Phase Two

(b) Funds must also be reserved to complete the ESAR consultation project at the department of social and health services and the IP overtime system at the health care authority and the department of social and health services.

(c) For the remaining projects shown in LEAP omnibus document (~~(IT-2015)~~) IT-2016, preference must be given to projects that utilize a commercial off-the-shelf or software as a service technology solution.

(3) Allocations and allotments may be made only during discrete stages of projects, which at a minimum must include a planning stage, procurement stage, and implementation and integration stage. At least fourteen days prior to an allocation or allotment of funds to an agency, the office of financial management, jointly with the office of the chief information officer, must deliver to the legislative fiscal committees the following information for each project receiving an allocation from the account:

(a) A technology budget using a method similar to the state capital budget, identifying project costs, funding sources, and anticipated deliverables through each stage of the investment and across fiscal periods and biennia from project initiation to implementation. If the project affects more than one agency, a technology budget must be prepared for each agency;

(b) The technology implementation plan that includes:

- (i) An organizational chart of the project management team that identifies team members and their roles and responsibilities;
- (ii) The office of the chief information officer staff assigned to the project;
- (iii) An implementation schedule covering activities, critical milestones, and deliverables at each stage of the project for the life of the project at each agency affected by the project; and
- (iv) Performance measures used to determine that the project is on time, within budget, and meeting expectations for quality of work product.

(c) A letter from the office of the chief information officer certifying that:

(i) The project is consistent with the state's enterprise architecture and other policies developed by the office of the chief information officer;

(ii) The agency has the organizational capacity, preparedness, and leadership to implement the project successfully;

(iii) The agency has adequately assessed and minimized the risks inherent with the project;

(iv) The project has the management, staffing, and oversight resources needed for the cost, complexity, and risks associated with the project;

(v) The project has implementation schedules and performance measures for timeliness, deliverables, quality, and budget;

(vi) The agency has an adequate risk management plan that also enables the office of the chief information officer to assess, intervene, and take necessary action when performance measures are not being met; and

(vii) For any investment that does not use commercial off-the-shelf or software as a service technology solution, the proposed project represents the best business solution and should not be delayed.

(4) For any project that exceeds two million dollars in total funds to complete or requires more than one biennium to complete:

(a) Quality assurance for the project must report independently to the office of the chief information officer;

(b) The office of the chief information officer must review, and if necessary, revise the proposed project to ensure it is flexible and adaptable to advances in technology; and

(c) The agency must consult with the contracting division of the department of enterprise services for a review of all contracts and agreements related to the project's information technology procurements.

(5) The office of the chief information officer may suspend or terminate a project at any time if the office of the chief information officer determines that the project is not meeting or is not expected to meet anticipated performance measures. Once suspension or termination occurs, the agency shall not make additional expenditures on the project without approval of the state chief information officer. If a project is terminated, the office of financial management must terminate the agency's allocation from the information technology investment revolving account and the agency shall return any remaining funds to the account to be reallocated to other projects by the office of financial management.

(6) Any cost to administer or implement this section for projects contained in LEAP omnibus document (~~(IT-2015)~~) IT-2016, dated (~~(June 28, 2015)~~) March 22, 2016, must be paid from the information technology investment revolving account. For any other information technology project made subject to the conditions, limitations, and review of this section, the cost to implement this section must be paid from the funds for that project.

**Sec. 704.** 2015 3rd sp.s. c 4 s 712 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—COUNTY CLERK  
LEGAL FINANCIAL OBLIGATION GRANTS**

General Fund—State Appropriation (FY 2016) ....\$541,000

General Fund—State Appropriation (FY 2017) ....\$441,000

TOTAL APPROPRIATION .. \$982,000

The appropriations in this section are subject to the following conditions and limitations: By October 1st of each fiscal year, the state treasurer shall distribute the appropriations to the following county clerk offices in the amounts designated as grants for the collection of legal financial obligations pursuant to RCW 2.56.190:

County Clerk	FY 16	FY 17
Adams County Clerk	\$2,103	\$1,714
Asotin County Clerk	\$2,935	\$2,392
Benton County ((and Franklin County)) Clerk	\$18,231	\$14,858
Chelan County Clerk	\$7,399	\$6,030
Clallam County Clerk	\$5,832	\$4,753
Clark County Clerk	\$32,635	\$26,597
Columbia County Clerk	\$384	\$313
Cowlitz County Clerk	\$16,923	\$13,792
Douglas County Clerk	\$3,032	\$2,471
Ferry County Clerk	\$422	\$344
Franklin County Clerk	\$5,486	\$4,471
Garfield County Clerk	\$243	\$198
Grant County Clerk	\$10,107	\$8,237
Grays Harbor County Clerk	\$8,659	\$7,057
Island County Clerk	\$3,059	\$2,493
Jefferson County Clerk	\$1,859	\$1,515
King County Court Clerk	\$119,290	\$97,266
Kitsap County Clerk	\$22,242	\$18,127
Kittitas County Clerk	\$3,551	\$2,894
Klickitat County Clerk	\$2,151	\$1,753
Lewis County Clerk	\$10,340	\$8,427
Lincoln County Clerk	\$724	\$590
Mason County Clerk	\$5,146	\$4,194
Okanogan County Clerk	\$3,978	\$3,242
Pacific County Clerk	\$2,411	\$1,965
Pend Orielle County Clerk	\$611	\$498
Pierce County Clerk	\$77,102	\$62,837
San Juan County Clerk	\$605	\$493
Skagit County Clerk	\$11,059	\$9,013
Skamania County Clerk	\$1,151	\$938
Snohomish County Clerk	\$38,143	\$31,086
Spokane County Clerk	\$44,825	\$36,578
Stevens County Clerk	\$2,984	\$2,432
Thurston County Clerk	\$22,204	\$18,096
Wahkiakum County Clerk	\$400	\$326
Walla Walla County Clerk	\$4,935	\$4,022
Whatcom County Clerk	\$20,728	\$16,893
Whitman County Clerk	\$2,048	\$1,669
Yakima County Clerk	\$25,063	\$20,426
<b>TOTAL APPROPRIATIONS</b>	<b>\$541,000</b>	<b>\$441,000</b>

Sec. 705. 2015 3rd sp.s. c 4 s 725 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY DROUGHT RESPONSE**

General Fund—State Appropriation (FY 2016) ..... (((\$14,000,000)) \$6,723,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for expenditure into the state drought preparedness account established in RCW 43.83B.430.

(2) The appropriation in this section shall be reduced by any expenditures for this purpose under Substitute Senate Bill No. 6125 (emergency drought response).

NEW SECTION. Sec. 706. A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:**FOR SUNDRY CLAIMS**

The following sums, or so much thereof as may be necessary, are appropriated from the general fund for fiscal year 2016, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims.

(1) These appropriations are to be disbursed on vouchers approved by the director of the department of enterprise services, except as otherwise provided, for reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110, as follows:

- (a) David Wozny, claim number 99970105...\$9,832
- (b) Hugo Garibay, claim number 99970106 \$10,246
- (c) Emery Christianson, claim number 99970107.....\$7,445
- (d) Anton Ehinger, claim number 99970108 . \$6,726
- (e) Alan Graham, claim number 99970109 ...\$5,495
- (f) Joseph Compher, claim number 99970110.....\$32,235
- (g) Alex Hallowell, claim number 99970111.....\$22,403
- (h) James Clark, claim number 99970112 .....\$8,250
- (i) David Hill, claim number 99970114.....\$3,056
- (j) David Maulen, claim number 99970113. \$19,726
- (k) Stephen White, claim number 99970115.....\$25,097
- (l) Richard Brunhaver, claim number 99970116.....\$14,079
- (m) James Barnett, claim number 99970117.....\$39,608
- (n) Justin Carter, claim number 99970118...\$35,179
- (o) Derrick Moore, claim number 99970119.....\$23,474
- (p) Joshua Bessey, claim number 99970120 \$66,600
- (q) Jason Swanberg, claim number 99970121.....\$7,905
- (r) Max Willis, claim number 99970123 .....\$26,205
- (s) Jessica Bush, claim number 99970124.....\$22,990
- (t) Rolondo Cavazos, claim number 99970125.....\$32,438
- (u) Jared Ha, claim number 99970127.....\$45,104

(2) These appropriations are to be disbursed on vouchers approved by the director of the department of

enterprise services, except as otherwise provided, for payment of compensation for wrongful convictions pursuant to RCW 4.100.060, as follows:

Michael Wheeler, claim number  
99970122 ..... \$466,711

**NEW SECTION. Sec. 707.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—HOOD CANAL AQUATIC REHABILITATION BOND ACCOUNT**  
General Fund—State Appropriation (FY 2016)..... \$3,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section, or so much thereof as may be necessary, is provided solely for expenditure into the hood canal aquatic rehabilitation bond account to ensure the account is not in deficit.

**NEW SECTION. Sec. 708.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—SPECIAL PERSONNEL LITIGATION REVOLVING ACCOUNT**

Aeronautics Account—State..... \$3,000  
The Charitable, Educational, Penal and Reformatory Institutions Account—State ..... \$2,000  
State Building Construction Account—State..... \$226,000  
EWU Capital Projects Account—State..... \$2,000  
WSU Building Account—State ..... \$123,000  
CWU Capital Projects Account—State ..... \$11,000  
WWU Capital Projects Account—State ..... \$11,000  
TESC Capital Projects Account—State ..... \$8,000  
State Patrol Highway Account—State ..... \$126,000  
Motorcycle Safety Education Account—State..... \$1,000  
Puget Sound Capital Construction Account—State. \$30,000  
High-Occupancy Toll Lanes Operations Account—State ..... \$1,000  
Transportation Partnership Account—State..... \$136,000  
State Wildlife Account—State..... \$1,000  
Highway Safety Account—State ..... \$175,000  
Motor Vehicle Account—State..... \$1,074,000  
Puget Sound Ferry Operations Account—State..... \$375,000  
Columbia River Basin Water Supply Develop Account—State ..... \$1,000  
Site Closure Account—State ..... \$1,000  
Cleanup Settlement Account—State..... \$1,000  
State Route Number 520 Corridor Account—State. \$19,000  
State Toxics Control Account—State ..... \$120,000  
Local Toxics Control Account—State ..... \$7,000  
Environmental Legacy Stewardship Account—State \$4,000  
Special Category C Account—State ..... \$2,000  
Multimodal Transportation Account—State ..... \$26,000  
Education Construction Account—State ..... \$59,000  
Recreation Resources Account—State ..... \$28,000  
NOVA Program Account—State ..... \$26,000  
Thurston County Capital Facilities Account—State.. \$1,000  
Tacoma Narrows Toll Bridge Account—State ..... \$5,000  
Transportation 2003 Account (Nickel Account)—State ..... \$89,000

Water Pollution Control Revolving Account—State..\$3,000  
Nonappropriated or Nonbudgeted Funds.....\$3,971,000  
TOTAL FUNDS .....\$6,668,000

The funds provided in this section are subject to the following conditions and limitations:

(1) The funds provided in this section are provided solely for expenditure into the special personnel litigation revolving account for the purpose of paying the settlement in the four related *Moore v. Health Care Authority* lawsuits. Appropriations are also made to individual agencies in this act for settlement of the Moore lawsuits. To facilitate payment, the office of financial management shall invoice agencies based on their liability. Agencies must make payments as directed by the office of financial management.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer and agencies or institutions responsible for funds outside of the treasury shall transfer or expend sufficient moneys from dedicated funds or accounts to the special personnel litigation revolving account in accordance with LEAP document GZA2-2016, dated March 7, 2016.

**NEW SECTION. Sec. 709.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—PUBLIC EMPLOYEE INSURANCE BENEFITS LITIGATION SETTLEMENT**

Special Personnel Litigation Revolving Account—State Appropriation ..... \$80,000,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for the purposes of settling all claims in the litigation involving public employee insurance benefits eligibility, as set forth in the General Principles of Settlement. The litigation is composed of four cases, all captioned *Moore, et. al. v. Health Care Authority* and the State of Washington, of which one case is pending in Thurston county superior court and three cases are pending in King county superior court. The expenditure of this appropriation is contingent on a settlement agreement fully executed by June 30, 2016, and approval by the appropriate court with the related orders entered into by the court by June 30, 2016. In the event that these contingencies are not met, the amounts provided in this section shall lapse.

**Sec. 710.** 2015 3rd sp.s. c 4 s 722 (uncodified) is amended to read as follows:  
**FOR THE OFFICE OF FINANCIAL MANAGEMENT—LOCAL GOVERNMENT MARIJUANA ENFORCEMENT**  
General Fund—State Appropriation (FY 2016) . \$6,000,000  
General Fund—State Appropriation (FY 2017) . \$6,000,000  
TOTAL  
APPROPRIATION ..... \$12,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in

this section are provided solely for distribution to local governments pursuant to section 1603 of Second Engrossed Second Substitute House Bill No. 2136 (marijuana revenue). ~~((If the bill is not enacted by July 10, 2015, the amounts provided in this section shall lapse-))~~ The amendments in this section are curative, clarifying, and remedial and apply retroactively to July 1, 2015.

**NEW SECTION. Sec. 711. LEAN MANAGEMENT STRATEGIES AND EFFICIENCY SAVINGS**

2015 3rd sp.s. c 4 s 715 (uncodified) is repealed.

**NEW SECTION. Sec. 712.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT—BEHAVIORAL HEALTH INNOVATION ACCOUNT**  
General Fund—State Appropriation (FY 2017) . \$6,777,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for expenditure into the governor's behavioral health innovation fund pursuant to Engrossed Second Substitute House Bill No. 2453 (state hospital oversight) or Substitute Senate Bill No. 6656 (state hospital practices). If neither bill is enacted by June 30, 2016, the amounts provided in this subsection shall lapse.

**PART VIII  
OTHER TRANSFERS AND  
APPROPRIATIONS**

**Sec. 801.** 2015 3rd sp.s. c 4 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions. .... \$9,286,000  
General Fund Appropriation for public utility district excise tax distributions ..... ~~(\$56,598,000)~~  
\$57,861,000  
General Fund Appropriation for prosecuting attorney distributions..... ~~(\$6,345,000)~~  
\$6,375,000  
General Fund Appropriation for boating safety and education distributions..... \$4,000,000  
General Fund Appropriation for other tax distributions..... ~~(\$80,000)~~  
\$86,000  
General Fund Appropriation for habitat conservation program distributions ..... ~~(\$3,608,000)~~  
\$3,848,000  
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies..... \$3,135,000  
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution . \$140,000  
Timber Tax Distribution Account Appropriation for distribution to "timber" counties ..... ~~(\$95,716,000)~~

\$76,600,000  
County Criminal Justice Assistance Appropriation  
When making the fiscal year 2016 and 2017 distributions to Grant county, the state treasurer shall reduce the amount by \$140,000 each year and distribute the remainder to the county. This is the second and third of three reductions that have been made to reimburse the state for a nonqualifying extraordinary criminal justice act payment made to Grant county in fiscal year 2013 ..... ~~(\$86,648,000)~~  
\$86,178,000  
Municipal Criminal Justice Assistance Appropriation ..... ~~(\$33,601,000)~~  
\$33,493,000  
City-County Assistance Account Appropriation for local government financial assistance distribution..... ~~(\$23,630,000)~~  
\$24,899,000  
Liquor Excise Tax Account Appropriation for liquor excise tax distribution ..... ~~(\$50,125,000)~~  
\$50,680,000  
Streamlined Sales and Use Tax Mitigation Account  
Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes ..... ~~(\$47,558,000)~~  
\$46,762,000  
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation ..... ~~(\$7,911,000)~~  
\$7,907,000  
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians ..... ~~(\$5,165,000)~~  
\$5,167,000  
Liquor Revolving Account Appropriation for liquor profits distribution ..... \$98,876,000  
TOTAL  
APPROPRIATION ..... \$711,160,000  
\$515,293,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

**Sec. 802.** 2015 3rd sp.s. c 4 s 802 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT**

Impaired Driver Safety Account  
Appropriation ..... ~~(\$2,156,000)~~  
\$2,144,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2015-2017 fiscal biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998

(drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); chapter 215, Laws of 1998 (DUI provisions); and chapter . . . (SSB 5105), Laws of 2015 (DUI penalties).

**Sec. 803.** 2015 3rd sp.s. c 4 s 803 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT**  
Impaired Driver Safety Account

Appropriation.....(~~(\$1,437,000)~~)  
\$1,429,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2015-2017 fiscal biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); chapter 215, Laws of 1998 (DUI provisions); and chapter . . . (SSB 5105), Laws of 2015 (DUI penalties).

**Sec. 804.** 2015 3rd sp.s. c 4 s 805 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

State Treasurer's Service Account: For transfer to the state general fund, \$10,000,000 for fiscal year 2016 and \$10,000,000 for fiscal year 2017 ..... \$20,000,000  
General Fund: For transfer to the streamlined sales and use tax account, (~~(\$23,864,000)~~) \$23,398,000 for fiscal year 2016 and (~~(\$23,694,000)~~) \$23,364,000 for fiscal year 2017.....(~~(\$47,558,000)~~)  
\$46,762,000

Dedicated Marijuana Account: For transfer to the state general fund in an amount not to exceed the amount determined pursuant to RCW 69.50.540, (~~(\$27,246,000)~~) \$70,000,000 for fiscal year 2016 (~~and \$76,538,000 for fiscal year 2017~~ ..... \$103,784,000)

\$70,000,000  
Dedicated Marijuana Account: For transfer to the state general fund in an amount not to exceed the amount determined pursuant to RCW 69.50.540, \$100,000,000 for fiscal year 2017.....\$100,000,000  
Dedicated Marijuana Fund Account for distribution to the basic health plan trust account in an amount not to exceed the amount determined pursuant to RCW 69.50.540 plus \$14,000,000, (~~(\$53,507,000)~~) \$125,000,000 for fiscal year 2016 (~~and \$125,201,000 for fiscal year 2017~~..... \$178,708,000)  
\$125,000,000

Dedicated Marijuana Account: For transfer to the basic health plan trust account in an amount not to exceed the amount determined pursuant to RCW 69.50.540, \$150,000,000 for fiscal year 2017 .\$150,000,000  
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account for fiscal year 2016..... (~~(\$180,000,000)~~)  
\$90,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the actual amount of the 2017 annual base payment to the tobacco settlement account.....\$90,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the annual strategic contribution payment to the tobacco settlement account for fiscal year 2016.....\$26,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed the annual strategic contribution payment to the tobacco settlement account for fiscal year 2017.....\$25,400,000

Life Sciences Discovery Fund: For transfer to the state general fund for fiscal year 2016.....\$11,000,000

Energy Freedom Account: For transfer to the state general fund for fiscal year 2016, an amount not to exceed the actual ending cash balance of the fund .....\$3,300,000

(~~Aquatic Lands Enhancement Account: For transfer to the marine resources stewardship trust account, \$125,000 for fiscal year 2016~~ ..... ~~(\$125,000)~~)

State Toxics Control Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2) chapter 2, Laws of 2012, 2nd sp. sess. (ESB 6074 2012 supplemental capital budget), \$643,000 for fiscal year 2016 and \$643,000 for fiscal year 2017.....\$1,286,000

Aquatic Lands Enhancement Account: For transfer to the clean up settlement account as repayment of the loan provided in section 3022(2) chapter 2, Laws of 2012, 2nd sp. sess. (ESB 6074 2012 supplemental capital budget), \$643,000 for fiscal year 2016 and \$643,000 for fiscal year 2017.....\$1,286,000

Home Security Fund Account: For transfer to the transitional housing operating and rent account,

\$7,500,000 for fiscal year 2016 ..... \$7,500,000  
 Public Works Assistance Account: For transfer to the state general fund, \$36,500,000 for fiscal year 2016 and ~~(\$36,500,000)~~ \$52,500,000 for fiscal year 2017 ..... ~~(\$73,000,000)~~ \$89,000,000  
 Criminal Justice Treatment Account: For transfer to the state general fund \$5,652,000 for fiscal year 2016 and \$5,651,000 for fiscal year 2017 . \$11,303,000  
 Liquor Revolving Account: For transfer to the state general fund, \$3,000,000 for fiscal year 2016 and \$3,000,000 for fiscal year 2017 ..... \$6,000,000  
 Flood Control Assistance Account: For transfer to the state general fund, ~~(\$1,000,000)~~ \$1,350,000 for fiscal year 2016 and \$1,000,000 for fiscal year 2017 ..... ~~(\$2,000,000)~~ \$2,350,000  
 Law Enforcement Officers' and Firefighters' Plan 2 Retirement Fund: For transfer to the local law enforcement officers' and firefighters' retirement system benefits improvement account for fiscal year 2016 ..... \$15,779,000  
Aerospace Training Student Loan Account: For transfer to the state general fund, \$1,000,000 for FY 2016 and \$1,000,000 for FY 2017 ..... \$2,000,000  
Water Rights Processing Account: For transfer to the state drought preparedness account, \$332,000 for fiscal year 2016 ..... \$332,000  
Death Investigations Account: For transfer to the sexual assault kit account, \$1,732,000 for fiscal year 2017 ..... \$1,732,000  
Fingerprint Identification Account: For transfer to the sexual assault kit account, \$1,179,000 for fiscal year 2017 ..... \$1,179,000  
Charitable, Educational, Penal, and Reformatory Institutions Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2016..... \$1,000,000  
Marine Resources Stewardship Trust Account: For transfer to the aquatic lands enhancement account, \$975,000 for fiscal year 2016 ..... \$975,000  
Vessel Response Account: For transfer to the environmental legacy stewardship account, \$250,000 for fiscal year 2016 ..... \$250,000  
Savings Incentive Account: For transfer to the state general fund for fiscal year 2016, an amount attributable to unspent agency credits excluding those associated with legislative and judicial agencies \$1,071,000  
Employment Services Administrative Account: For transfer to the state general fund, \$750,000 for fiscal year 2016 and \$2,250,000 for fiscal year 2017..... \$3,000,000  
Washington Housing Trust Account: For transfer to the home security fund account ..... \$7,000,000  
Washington Housing Trust Account: For transfer to the state general fund for fiscal year 2017 ..... \$3,000,000  
Employment Services Administrative Account: For transfer to the administrative contingency fund account for fiscal year 2017 ..... \$8,500,000  
OFM Labor Relations Service Account: For transfer to the state general fund for fiscal year 2017 ..... \$1,000,000  
Personnel Service Fund: For transfer to the state general fund for fiscal year 2017 ..... \$500,000  
Washington Real Estate Research Account: For

transfer to the state general fund for fiscal year 2017 ..... \$500,000  
Professional Engineers' Account: For transfer to the state general fund for fiscal year 2017..... \$500,000  
Real Estate Commission Account: For transfer to the state general fund for fiscal year 2017..... \$500,000

It is the intent of the legislature to continue to transfer the excess balance from the criminal justice treatment account to the state general fund in the 2017-2019 fiscal biennium, consistent with policy in this omnibus appropriations act and in an amount not to exceed the projected fund balance.

It is the intent of the legislature to continue to transfer the excess balance from the state treasurer's service account to the state general fund in the 2017-2019 fiscal biennium, consistent with policy in this omnibus appropriations act and in an amount not to exceed the projected fund balance.

**Sec. 805.** 2015 3rd sp.s. c 4 s 806 (uncodified) is amended to read as follows:  
**FOR THE GAMBLING COMMISSION**  
 State Lottery Account: For transfer to gambling revolving account ..... \$1,000,000

The transfer in this section is subject to the following conditions and limitations:

(1) ~~(The commission shall maintain working capital reserves in the gambling revolving account of no more than five percent of projected expenses in the account)~~ This funding is provided solely for the costs of enforcement of gambling activities, including but not limited to evaluation, analysis, and dissemination of information on individuals and groups who are suspected of being involved in illegal gambling and other associated crimes.

(2) The commission shall not approve any electronic raffle systems to conduct fifty-fifty raffles until the legislature has reviewed all impacts to the state lottery.

(3) The commission is directed to review and reconsider, including repeal, rules adopted to authorize the amusement games classified as group 12 under WAC 230-13-067, recognizing the impact such games may have on state lottery revenues used to support public education programs.

**PART IX  
 MISCELLANEOUS**

**NEW SECTION. Sec. 901.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:  
**COLLECTIVE BARGAINING AGREEMENT—COALITION OF UNIONS**

(1) Modifications to the collective bargaining agreement for the 2015-2017 fiscal biennium, as set forth in a memorandum of understanding, have been reached between the governor and the union of physicians of Washington, amending the coalition of unions collective bargaining agreement under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. The

memorandum of understanding was necessitated by an emergency and an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees. Funding is provided for assignment pay, additional compensation for extra hours worked, and continuing medical education for physicians and psychiatrists. The legislature rejects the memorandum of understanding as a whole.

(2) If a new memorandum of understanding or agreement that meets the conditions and limitations in section 204(2)(o) of this act is reached between the governor and the union of physicians of Washington by June 30, 2016, funding for the memorandum of understanding or agreement shall be considered approved pursuant to RCW 41.80.010, and the parties may execute the memorandum of understanding or agreement retroactive to December 1, 2015. The legislature recognizes that the new memorandum of understanding is necessitated by an emergency and an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees.

(3) This section should not be implemented to allow psychiatric nurse practitioners to engage in activities or perform works and tasks that exceed their scope of practice.

**NEW SECTION. Sec. 902.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:**COLLECTIVE BARGAINING AGREEMENT—SEIU 1199NW**

Modifications to the collective bargaining agreement for the 2015-2017 fiscal biennium, as set forth in memoranda of understanding have been reached between the governor and the service employees international union healthcare 1199nw amending the collective bargaining agreement under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. The memoranda of understanding was necessitated by an emergency and an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees. Funding is provided for a new weekend schedule premium and a recruitment and retention incentive program for nurse classifications.

**NEW SECTION. Sec. 903.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:**UNILATERAL IMPLEMENTATION DUE TO PENDING REPRESENTATION PETITION**

Modifications to the collective bargaining agreement between the governor and the Washington federation of state employees general government for 2015-2017 are necessitated by an emergency and an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees. Due to pending representation petitions filed with the public employment relations commission, the governor may not bargain with the Washington federation of state employees, the united professional social workers, nor the union of Washington state psychologists for the classifications affected by

modifications. Therefore, the state unilaterally implemented modifications to a collective bargaining agreement under the provisions of chapter 41.80 RCW and RCW 41.80.010(9) for the 2015-2017 fiscal biennium, necessitated by the emergency and imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees.

The governor notified the Washington federation of state employees, the union of Washington state psychologists, and the united professional social workers that, due to business necessity, the state has unilaterally implemented modifications to a collective bargaining agreement under the provisions of chapter 41.80 RCW and RCW 41.80.010(9) for the 2015-2017 fiscal biennium, necessitated by the emergency and imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees. Funding is provided for assignment pay for specific medical classes.

**NEW SECTION. Sec. 904.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:**COLLECTIVE BARGAINING AGREEMENT—TEAMSTERS LOCAL 117**

Modifications to the collective bargaining agreement for the 2015-2017 fiscal biennium, as set forth in a memoranda of understanding, have been reached between the governor and the teamsters union local 117 amending the collective bargaining agreement under the provisions of chapter 41.80 RCW for the 2015-2017 fiscal biennium. The memoranda of understanding was necessitated by an emergency and an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety and health of clients and employees. Funding is provided for salary adjustments for the state employee job classifications of psychiatrist, psychiatric social worker, and psychologist.

**NEW SECTION. Sec. 905.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:**SUPPLEMENTAL COLLECTIVE BARGAINING AGREEMENT FOR NONSTATE EMPLOYEES—SEIU LOCAL 925 CHILDCARE WORKERS**

(1) An agreement was reached between the governor and the service employees international union local 925 through an interest arbitration decision and under the provisions of chapter 41.56 RCW for the 2015-2017 fiscal biennium. In the 2015 3rd sp.s., the legislature approved the request for funds necessary to implement the compensation and benefit provisions of the agreement. The agreement included two reopener provisions that required the state and union to enter into bargaining to bargain over quality improvement awards and tiered reimbursement subsidy rates for fiscal year 2017 based on the results of the pilot program.

(2) Pursuant to the reopener provisions, a supplemental agreement has been reached for fiscal year 2017 between the governor and the service employees

international union local 925 under the provisions of chapter 41.56 RCW. Funding is provided for a variable base rate increase relative to the 2015 market rate survey, an increase to the tiered reimbursement rates at levels three through five, an increase in the quality improvement awards, a new training and quality improvement committee and fund, and a slot based pilot project.

**NEW SECTION. Sec. 906.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:**TARGETED COMPENSATION INCREASES**

Funding is provided within agency appropriations for fiscal year 2017 for salary adjustments for targeted classified state employee job classifications, except those represented by a collective bargaining unit under chapter 41.80 RCW. The targeted job classifications are related to the job classifications targeted in the modifications to the collective bargaining agreement for 2015-2017, as described in sections 901 through 904 of this act. The job classifications include physicians, psychiatrists, psychologists, psychiatric social workers, and registered nurses.

**NEW SECTION. Sec. 907.** A new section is added to 2015 3rd sp.s. c 4 (uncodified) to read as follows:**COMPENSATION—INSURANCE BENEFITS**

Funding rates for employee insurance benefits were established in the 2015-2017 omnibus appropriations act for represented and nonrepresented employees. The funding rates adopted in that act assume the maintenance of reserves for the public employee benefits program. A reserve rate of seven percent for the premium stabilization account has been established by the legislature, which has been determined to be sufficient under RCW 41.05.140 for the 2015-2017 fiscal biennium.

**Sec. 908.** 2015 3rd sp.s. c 4 s 932 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES—SUPER COALITION—INSURANCE BENEFITS**

An agreement has been reached for the 2015-2017 fiscal biennium between the governor and the health care super coalition under the provisions of chapter 41.80 RCW. Appropriations in this act for state agencies, including institutions of higher education, are sufficient to implement the provisions of the 2015-2017 collective bargaining agreement and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan shall not exceed \$840 per eligible employee for fiscal year 2016. For fiscal year 2017, the monthly employer funding rate shall not exceed (~~(\$894)~~) \$888 per eligible employee.

(b) Except as provided by the parties' health care agreement, in order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee

premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2016 and 2017, the subsidy shall be up to \$150.00 per month.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2015, must be reserved for funding employee health benefits in the 2017-2019 fiscal biennium.

**Sec. 909.** 2015 3rd sp.s. c 4 s 933 (uncodified) is amended to read as follows:

**COMPENSATION—REPRESENTED EMPLOYEES OUTSIDE SUPER COALITION—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for represented employees outside the super coalition for health benefits, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan shall not exceed \$840 per eligible employee for fiscal year 2016. For fiscal year 2017, the monthly employer funding rate shall not exceed (~~(\$894)~~) \$888 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group

health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2016 and 2017, the subsidy shall be up to \$150.00 per month.

(3) All savings resulting from reduced claim costs or other factors identified after June 1, 2015, must be reserved for funding employee health benefits in the 2017-2019 fiscal biennium.

**Sec. 910.** 2015 3rd sp.s. c 4 s 938 (uncodified) is amended to read as follows:

**COMPENSATION—NONREPRESENTED EMPLOYEES—INSURANCE BENEFITS**

Appropriations for state agencies in this act are sufficient for nonrepresented state employee health benefits for state agencies, including institutions of higher education, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$840 per eligible employee for fiscal year 2016. For fiscal year 2017, the monthly employer funding rate shall not exceed (~~(\$894)~~) \$888 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require or make any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065. The board shall collect a twenty-five dollar per month surcharge payment from members who use tobacco products and a surcharge payment of not less than fifty dollars per month from members who cover a spouse or domestic partner where the spouse or domestic partner has chosen not to enroll in another employer-based group health insurance that has benefits and premiums with an actuarial value of not less than 95 percent of the actuarial value of the public employees' benefits board plan with the largest enrollment. The surcharge payments shall be collected in addition to the member premium payment.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a

result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. For calendar years 2016 and 2017, the subsidy shall be up to \$150 per month.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$65.25 per month beginning September 1, 2015, and (~~(\$70.45)~~) \$64.39 beginning September 1, 2016; and

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$65.25 each month beginning September 1, 2015, and (~~(\$70.45)~~) \$64.39 beginning September 1, 2016, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection (3) shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(4) All savings resulting from reduced claim costs or other factors identified after June 1, 2015, must be reserved for funding employee health benefits in the 2017-2019 fiscal biennium.

**Sec. 911.** 2015 3rd sp.s. c 4 s 944 (uncodified) is amended to read as follows:

**IT PROJECT OVERSIGHT AND BUDGETING TASK FORCE**

(1) The IT project oversight and budgeting task force is created. It is comprised of the chairs and ranking minority members, or their designees, of the house of representatives appropriations committee and the senate ways and means committee, and one member each from the two largest caucuses of the senate and the two largest caucuses of the house of representatives. The director of financial management and the state chief information officer, or their designees, are members of the task force. The task force is chaired jointly by the chair of the house of representatives appropriations committee and the chair of the senate ways and means committee. The task force is staffed by the house of representatives office of program research and senate committee services. The task force shall coordinate its activities with the technology services board created in RCW 43.41A.070 and use board members, their experience and expertise as a resource in task force activities.

(2) The task force will review the current IT project development, project oversight, and budgeting processes in

Washington state, as well as processes used in other states and large private sector organizations. The task force will review options to increase enterprise wide IT solutions, improve project development and oversight processes in Washington, and to better integrate these processes with the budget process. The committee will also review budgeting for IT projects and make recommendations regarding how budgeting for IT spending in Washington might be more efficient. In its review, the task force should consider options such as a separate IT budget as a subset of the operating budget or a more long-term planning process like the 10- year capital budget project planning process.

(3) The task force will report on any findings and recommendations it develops by December 2015 to the house of representatives appropriations committee, the house of representatives general government and information technology committee, the senate ways and means committee, the senate government operating and security committee, and the governor.

(4) This section expires on December 31, ~~((2015))~~ 2016.

**Sec. 912.** RCW 18.20.430 and 2012 c 10 s 32 are each amended to read as follows:

The assisted living facility temporary management account is created in the custody of the state treasurer. All receipts from civil penalties imposed under this chapter must be deposited into the account. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used only for the protection of the health, safety, welfare, or property of residents of assisted living facilities found to be deficient. Uses of the account include, but are not limited to:

(1) Payment for the costs of relocation of residents to other facilities;

(2) Payment to maintain operation of an assisted living facility pending correction of deficiencies or closure, including payment of costs associated with temporary management authorized under this chapter; and

(3) Reimbursement of residents for personal funds or property lost or stolen when the resident's personal funds or property cannot be recovered from the assisted living facility or third-party insurer.

During the 2015-2017 fiscal biennium, the account may be expended for funding the costs associated with the assisted living program.

**Sec. 913.** RCW 18.43.150 and 2013 2nd sp.s. c 4 s 954 are each amended to read as follows:

All fees collected under the provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, and 18.43.130 and fines collected under RCW 18.43.110 shall be paid into the professional engineers' account, which account is hereby established in the state treasury to be used to carry out the purposes and provisions of RCW 18.43.050, 18.43.060, 18.43.080, 18.43.100, 18.43.110, 18.43.120, 18.43.130, and all other duties required for operation and

enforcement of this chapter. During the 2013-2015 and 2015-2017 fiscal biennium, the legislature may transfer moneys from the professional engineers' account to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 914.** RCW 18.85.061 and 2013 2nd sp.s. c 4 s 955 are each amended to read as follows:

All fees required under this chapter shall be set by the director in accordance with RCW 43.24.086 and shall be paid to the state treasurer. All fees paid under the provisions of this chapter shall be placed in the real estate commission account in the state treasury. All money derived from fines imposed under this chapter shall be deposited in the real estate education program account created in RCW 18.85.321. During the 2013-2015 and 2015-2017 fiscal biennium, the legislature may transfer to the state general fund such amounts as reflect the excess fund balance in the real estate commission account.

**Sec. 915.** RCW 18.85.461 and 2015 c 175 s 2 are each amended to read as follows:

(1) The Washington real estate research account is created in the state treasury. All receipts from the fee under RCW 18.85.451 shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of RCW 18.85.471.

(2) During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the real estate research account to the state general fund such amounts as reflect the excess fund balance of the account.

(3) This section expires September 30, 2025.

**Sec. 916.** RCW 19.02.210 and 2013 c 144 s 27 are each amended to read as follows:

The business license account is created in the state treasury. Unless otherwise indicated in RCW 19.02.075, all receipts from handling and business license delinquency fees must be deposited into the account. Moneys in the account may be spent only after appropriation beginning in fiscal year 1993. Expenditures from the account may be used only to administer the business licensing service program. During the 2015-2017 fiscal biennium, moneys from the business license account may be used for operations of the department of revenue.

**Sec. 917.** RCW 28B.122.050 and 2012 c 50 s 7 are each amended to read as follows:

(1) The aerospace training student loan account is created in the custody of the state treasurer. No appropriation is required for expenditures of funds from the account for student loans. An appropriation is required for expenditures of funds from the account for costs associated with program administration by the office. The account is not subject to allotment procedures under chapter 43.88 RCW.

(2) The office shall deposit into the account all moneys received for the program. The account shall be self-sustaining and consist of moneys received for the program by the office, and receipts from participant repayments, including principal and interest.

(3) Expenditures from the account may be used solely for student loans to participants in the program established by this chapter and costs associated with program administration by the office.

(4) Disbursements from the account may be made only on the authorization of the office.

(5) During the 2015-2017 fiscal biennium, the legislature may transfer from the aerospace training student loan account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 918.** RCW 38.52.105 and 2010 2nd sp.s. c 1 s 901 are each amended to read as follows:

The disaster response account is created in the state treasury. Moneys may be placed in the account from legislative appropriations and transfers, federal appropriations, or any other lawful source. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for support of state agency and local government disaster response and recovery efforts and to reimburse the workers' compensation funds and self-insured employers under RCW 51.16.220. During the 2009-2011 fiscal biennium, the legislature may transfer from the disaster response account to the state drought preparedness account such amounts as reflect the excess fund balance of the account to support expenditures related to a state drought declaration. During the 2009-2011 fiscal biennium, the legislature may transfer from the disaster response account to the state general fund such amounts as reflect the excess fund balance of the account. During the 2015-2017 fiscal biennium, expenditures from the disaster response account may be used for military department operations and to support wildland fire suppression preparedness, prevention, and restoration activities by state agencies and local governments. The legislature intends to transfer in the 2017-2019 fiscal biennium from the disaster response account to the state general fund amounts as reflect the excess fund balance of the disaster response account from federal grants and other revenues directed into the account.

**Sec. 919.** RCW 41.06.280 and 2013 2nd sp.s. c 4 s 968 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the "personnel service fund," to be used by the office of financial management as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one and one-half percent of the salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the personnel service fund as the allotments

are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the office of financial management with funds to meet its anticipated expenditures during the allotment period, including the training requirements in RCW 41.06.500 and 41.06.530. All revenues, net of expenditures, previously derived from services provided by the department of enterprise services under RCW 41.06.080 must be transferred to the enterprise services account.

The director shall fix the terms and charges for services rendered by the office of financial management pursuant to RCW 41.06.080, which amounts shall be credited to the personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a monthly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a monthly basis to the state treasurer and deposited in the personnel service fund.

Moneys from the personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the office of financial management.

During the 2013-2015 ~~and 2015-2017~~ fiscal biennium, the legislature may transfer from the personnel service fund to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 920.** RCW 41.16.050 and 2007 c 218 s 22 are each amended to read as follows:

(1) There is hereby created and established in the treasury of each municipality a fund which shall be known and designated as the firefighters' pension fund, which shall consist of: ~~((4))~~ (a) All bequests, fees, gifts, emoluments, or donations given or paid thereto; ~~((2))~~ (b) twenty-five percent of all moneys received by the state from taxes on fire insurance premiums; ~~((3))~~ (c) taxes paid pursuant to the provisions of RCW 41.16.060; ~~((4))~~ (d) interest on the investments of the fund; and ~~((5))~~ (e) contributions by firefighters as provided ~~((for herein))~~ in this section. Except as provided in subsection (2) of this section, the moneys received from the tax on fire insurance premiums under the provisions of this chapter shall be distributed in the proportion that the number of paid firefighters in the city, town, or fire protection district bears to the total number of paid firefighters throughout the state to be ascertained in the following manner: The secretary of the firefighters' pension board of each city, town, and fire protection district now or hereafter coming under the provisions of this chapter shall within thirty days after June 7, 1961, and on or before the fifteenth day of January thereafter, certify to the state treasurer the number of paid firefighters in the fire department in such city, town, or fire protection district. For any city or town annexed by a fire protection district at any time before, on, or after June 9, 1994, the city or town shall continue to certify to the state treasurer the number of paid firefighters in the city or town fire department immediately before annexation until all obligations against the firefighters' pension fund in the city or town have been satisfied. For the purposes of the calculation in this section,

the state treasurer shall subtract the number certified by the annexed city or town from the number of paid firefighters certified by an annexing fire protection district. The state treasurer shall on or before the first day of June of each year deliver to the treasurer of each city, town, and fire protection district coming under the provisions of this chapter his or her warrant, payable to each city, town, or fire protection district for the amount due such city, town or fire protection district ascertained as herein provided and the treasurer of each such city, town, or fire protection district shall place the amount thereof to the credit of the firefighters' pension fund of such city, town, or fire protection district.

(2)(a) For fiscal year 2017, twenty-five percent of all moneys received by the state from taxes on fire insurance premiums shall be distributed to eligible cities, towns, and fire protection districts in the amount of two thousand dollars for each firefighter eligible to receive benefits from the fund or the amount of funds distributed to that city or town during fiscal year 2016, whichever is less.

(b) To be eligible for a distribution, a city or town must demonstrate that the tax levy under RCW 41.16.060 is being levied at the rate of twenty-two and one-half cents per thousand dollars of assessed value and that the total proceeds from this levy cannot meet the estimated demands on the fund or maintain the actuarial soundness of the fund. If any portion of the tax levy under RCW 41.16.060 has been reduced, in whole or in part, or if the levy is being used for any other municipal purpose, the city or town is not eligible for a distribution under (a) of this subsection.

(c) The secretary of the firefighters' pension board of each city, town, and fire protection district under the provisions of this chapter on the effective date of this section shall by the thirtieth day of each January certify to the state treasurer the number of firefighters eligible to receive benefits from its fund in the preceding calendar year, the total amount of benefits paid from the fund, the moneys deposited into the fund to maintain its actuarial soundness, and the total amount of moneys collected from the tax levy under RCW 41.16.060 the preceding calendar year. To assist the state treasurer, the department of revenue must audit the tax levy information provided by the city or town by the first business day of May.

(d) If the state treasurer determines a distribution is due, the state treasurer shall by the first business day of June of each year deliver to the treasurer of each city, town, and fire protection district a warrant payable to each city, town, or fire protection district for the amount due under this section and the treasurer of each city, town, or fire protection district shall deposit the warrant into the firefighters' pension fund of such city, town, or fire protection district. If any amount remains after distributions to cities, towns, and fire protection districts, the excess amount shall be deposited into the disaster response account in RCW 38.52.105.

(e) It is the intent of the legislature to continue the policy under this subsection during the 2017-2019 fiscal biennium as it investigates whether this distribution should continue or be modified or terminated.

**Sec. 921.** RCW 41.26.802 and 2015 3rd sp.s. c 4 s 950 are each amended to read as follows:

(1) By September 30, 2011, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer five million dollars to the local public safety enhancement account.

(2) By September 30, 2017, and by September 30 of each odd-numbered year thereafter, if the prior fiscal biennium's general state revenues exceed the previous fiscal biennium's revenues by more than five percent, subject to appropriation by the legislature, the state treasurer shall transfer the lesser of one-third of the increase, or fifty million dollars, to the local public safety enhancement account.

(3) It is the intent of the legislature to fund the portion of the distribution in 2017 dedicated to the local law enforcement officers' and firefighters' retirement system benefits improvement account through alternate means, which may include transfers from the law enforcement officers' and firefighters' plan 2 retirement fund.

**Sec. 922.** RCW 41.45.035 and 2012 1st sp.s. c 7 s 7 are each amended to read as follows:

(1) Beginning July 1, 2001, the following long-term economic assumptions shall be used by the state actuary for the purposes of RCW 41.45.030:

(a) The growth in inflation assumption shall be 3.5 percent;

(b) The growth in salaries assumption, exclusive of merit or longevity increases, shall be 4.5 percent;

(c) The investment rate of return assumption shall be 8 percent; ~~(and)~~

(d) The growth in system membership assumption shall be 1.25 percent for the public employees' retirement system, the public safety employees' retirement system, the school employees' retirement system, and the law enforcement officers' and firefighters' retirement system. The assumption shall be .90 percent for the teachers' retirement system; and

(e) From July 1, 2016, until July 1, 2017, the growth in system membership for the teachers' retirement system shall be 1.25 percent. It is the intent of the legislature to continue this growth rate assumption in the 2017-2019 fiscal biennium.

(2) Beginning July 1, 2009, the growth in salaries assumption for the public employees' retirement system, the public safety employees' retirement system, the teachers' retirement system, the school employees' retirement system, plan 1 of the law enforcement officers' and firefighters' retirement system, and the Washington state patrol retirement system, exclusive of merit or longevity increases, shall be the sum of:

(a) The growth in inflation assumption in subsection (1)(a) of this section; and

(b) The productivity growth assumption of 0.5 percent.

(3) The following investment rate of return assumptions for the public employees' retirement system,

the public safety employees' retirement system, the teachers' retirement system, the school employees' retirement system, plan 1 of the law enforcement officers' and firefighters' retirement system, and the Washington state patrol retirement system, shall be used by the state actuary for the purposes of RCW 41.45.030:

(a) Beginning July 1, 2013, the investment rate of return assumption shall be 7.9 percent.

(b) Beginning July 1, 2015, the investment rate of return assumption shall be 7.8 percent.

(c) Beginning July 1, 2017, the investment rate of return assumption shall be 7.7 percent.

(d) For valuation purposes, the state actuary shall only use the assumptions in (a) through (c) of this subsection after the effective date in (a) through (c) of this subsection.

(e) By June 1, 2017, the state actuary shall submit to the council information regarding the experience and financial condition of each state retirement system, and make recommendations regarding the long-term investment rate of return assumptions set forth in this subsection. The council shall review this and such other information as it may require.

(4)(a) Beginning with actuarial studies done after July 1, 2003, changes to plan asset values that vary from the long-term investment rate of return assumption shall be recognized in the actuarial value of assets over a period that varies up to eight years depending on the magnitude of the deviation of each year's investment rate of return relative to the long-term rate of return assumption. Beginning with actuarial studies performed after July 1, 2004, the actuarial value of assets shall not be greater than one hundred thirty percent of the market value of assets as of the valuation date or less than seventy percent of the market value of assets as of the valuation date. Beginning April 1, 2004, the council, by affirmative vote of four councilmembers, may adopt changes to this asset value smoothing technique. Any changes adopted by the council shall be subject to revision by the legislature.

(b) The state actuary shall periodically review the appropriateness of the asset smoothing method in this section and recommend changes to the council as necessary. Any changes adopted by the council shall be subject to revision by the legislature.

**Sec. 923.** RCW 41.80.010 and 2013 2nd sp.s. c 4 s 971 are each amended to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee, except as provided for institutions of higher education in subsection (4) of this section.

(2)(a) If an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with each employer representative as designated in subsection (1) of this section one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents. For those exclusive bargaining representatives who represent fewer than a total of five hundred employees each, negotiation

shall be by a coalition of all those exclusive bargaining representatives. The coalition shall bargain for a master collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. This section does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(b) This subsection (2) does not apply to exclusive bargaining representatives who represent employees of institutions of higher education, except when the institution of higher education has elected to exercise its option under subsection (4) of this section to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(c) If five hundred or more employees of an independent state elected official listed in RCW 43.01.010 are organized in a bargaining unit or bargaining units under RCW 41.80.070, the official shall be consulted by the governor or the governor's designee before any agreement is reached under (a) of this subsection concerning supplemental bargaining of agency specific issues affecting the employees in such bargaining unit.

(3) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. Requests for funds necessary to implement the provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the requests are to be considered; and

(b) Have been certified by the director of the office of financial management as being feasible financially for the state.

The legislature shall approve or reject the submission of the request for funds as a whole. The legislature shall not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 41.80.090.

(4)(a)(i) For the purpose of negotiating agreements for institutions of higher education, the employer shall be the respective governing board of each of the universities, colleges, or community colleges or a designee chosen by the board to negotiate on its behalf.

(ii) A governing board of a university or college may elect to have its negotiations conducted by the governor or governor's designee under the procedures

provided for general government agencies in subsections (1) through (3) of this section, except that:

(A) The governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of a university or college that the representative represents; or

(B) If the parties mutually agree, the governor or the governor's designee and an exclusive bargaining representative shall negotiate one master collective bargaining agreement for all of the bargaining units of employees of more than one university or college that the representative represents.

(iii) A governing board of a community college may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(b) Prior to entering into negotiations under this chapter, the institutions of higher education or their designees shall consult with the director of the office of financial management regarding financial and budgetary issues that are likely to arise in the impending negotiations.

(c)(i) In the case of bargaining agreements reached between institutions of higher education other than the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of the bargaining agreements, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in (c)(iii) of this subsection.

(ii) In the case of bargaining agreements reached between the University of Washington and exclusive bargaining representatives agreed to under the provisions of this chapter, if appropriations are necessary to implement the compensation and fringe benefit provisions of a bargaining agreement, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section, except as provided in this subsection (4)(c)(ii) and as provided in (c)(iii) of this subsection.

(A) If appropriations of less than ten thousand dollars are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered.

(B) If appropriations of ten thousand dollars or more are necessary to implement the provisions of a bargaining agreement, a request for such funds shall not be submitted to the legislature by the governor unless the request:

(I) Has been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the request is to be considered; and

(II) Has been certified by the director of the office of financial management as being feasible financially for the state.

(C) If the director of the office of financial management does not certify a request under (c)(ii)(B) of this subsection as being feasible financially for the state, the parties shall enter into collective bargaining solely for the purpose of reaching a mutually agreed upon modification of the agreement necessary to address the absence of those requested funds. The legislature may act upon the compensation and fringe benefit provisions of the modified collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(iii) In the case of a bargaining unit of employees of institutions of higher education in which the exclusive bargaining representative is certified during or after the conclusion of a legislative session, the legislature may act upon the compensation and fringe benefit provisions of the unit's initial collective bargaining agreement if those provisions are agreed upon and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating budget by the sitting legislature.

(5) There is hereby created a joint committee on employment relations, which consists of two members with leadership positions in the house of representatives, representing each of the two largest caucuses; the chair and ranking minority member of the house appropriations committee, or its successor, representing each of the two largest caucuses; two members with leadership positions in the senate, representing each of the two largest caucuses; and the chair and ranking minority member of the senate ways and means committee, or its successor, representing each of the two largest caucuses. The governor shall periodically consult with the committee regarding appropriations necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreements, and upon completion of negotiations, advise the committee on the elements of the agreements and on any legislation necessary to implement the agreements.

(6) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(7) After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(8) For the 2013-2015 fiscal biennium, a collective bargaining agreement related to employee health care benefits negotiated between the employer and coalition pursuant to RCW 41.80.020(3) regarding the dollar amount expended on behalf of each employee shall be a separate agreement for which the governor may request funds

necessary to implement the agreement. The legislature may act upon a 2013-2015 collective bargaining agreement related to employee health care benefits if an agreement is reached and submitted to the office of financial management and legislative budget committees before final legislative action on the biennial or supplemental operating appropriations act by the sitting legislature.

(9)(a) For the 2015-2017 fiscal biennium, the governor may request funds to implement:

(i) Modifications to collective bargaining agreements as set forth in a memorandum of understanding negotiated between the employer and the service employees international union healthcare 1199nw, an exclusive bargaining representative, that was necessitated by an emergency situation or an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety or health of the clients, employees, or both the clients and employees.

(ii) Unilaterally implemented modifications to collective bargaining agreements, resulting from the employer being prohibited from negotiating with an exclusive bargaining representative due to a pending representation petition, necessitated by an emergency situation or an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety or health of the clients, employees, or both the clients and employees.

(iii) Modifications to collective bargaining agreements as set forth in a memorandum of understanding negotiated between the employer and the union of physicians of Washington, an exclusive bargaining representative, that was necessitated by an emergency situation or an imminent jeopardy determination by the center for medicare and medicaid services that relates to the safety or health of the clients, employees, or both the clients and employees. If the memorandum of understanding submitted to the legislature as part of the governor's budget document is rejected by the legislature, and the parties reach a new memorandum of understanding by June 30, 2016, within the funds, conditions, and limitations provided in section 204 of this act, the new memorandum of understanding shall be considered approved by the legislature and may be retroactive to December 1, 2015.

(iv) Modifications to collective bargaining agreements as set forth in a memorandum of understanding negotiated between the employer and the teamsters union local 117, an exclusive bargaining representative, for salary adjustments for the state employee job classifications of psychiatrist, psychiatric social worker and psychologist.

(b) For the 2015-2017 fiscal biennium, the legislature may act upon the request for funds for modifications to a 2015-2017 collective bargaining agreement under (a)(i), (ii), (iii), and (iv) of this subsection if funds are requested by the governor before final legislative action on the supplemental omnibus appropriations act by the sitting legislature.

(c) The request for funding made under this subsection and any action by the legislature taken pursuant to this subsection is limited to the modifications described in this subsection and may not otherwise affect the original terms of the 2015-2017 collective bargaining agreement.

(d) Subsections (3)(a) and (b) of this section do not apply to requests for funding made pursuant to this subsection.

**Sec. 924.** RCW 41.80.140 and 2002 c 354 s 322 are each amended to read as follows:

(1) The office of financial management's labor relations service account is created in the custody of the state treasurer to be used as a revolving fund for the payment of labor relations services required for the negotiation of the collective bargaining agreements entered into under this chapter. An amount not to exceed one-tenth of one percent of the approved allotments of salaries and wages for all bargaining unit positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher education, shall be charged to the operations appropriations of each agency and credited to the office of financial management's labor relations service account as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director of financial management from time to time. Payment for services rendered under this chapter shall be made on a quarterly basis to the state treasurer and deposited into the office of financial management's labor relations service account.

(2) Moneys from the office of financial management's labor relations service account shall be disbursed by the state treasurer by warrants on vouchers authorized by the director of financial management or the director's designee. An appropriation is not required.

(3) During the 2015-2017 fiscal biennium, the legislature may transfer moneys from the office of financial management's labor relations service account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 925.** RCW 43.09.475 and 2015 3rd sp.s. c 4 s 954 are each amended to read as follows:

The performance audits of government account is hereby created in the custody of the state treasurer. Revenue identified in RCW 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money in the account shall be used to fund the performance audits and follow-up performance audits under RCW 43.09.470 and shall be expended by the state auditor in accordance with chapter 1, Laws of 2006. Only the state auditor or the state auditor's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2013-2015 and 2015-2017 fiscal biennia, the performance audits of government account may be appropriated for the joint legislative audit and review committee, the legislative evaluation and accountability program committee, the office of financial management, the superintendent of public instruction, and audits of school districts. In addition, during the 2013-2015 and 2015-2017 fiscal biennia the account may be used to fund the office of financial management's contract for the

compliance audit of the state auditor and audit activities at the department of revenue. In addition, during the 2015-2017 fiscal biennium, the legislature may transfer from the performance audits of government account to the state general fund such amounts as reflect the excess fund balance of the fund.

**Sec. 926.** RCW 43.10.220 and 2002 c 371 s 907 are each amended to read as follows:

The attorney general is authorized to expend from the antitrust revolving fund, created by RCW 43.10.210 through 43.10.220, such funds as are necessary for the payment of costs, expenses and charges incurred in the preparation, institution and maintenance of antitrust actions under the state and federal antitrust acts. During the ~~((2001-03))~~ 2015-2017 fiscal biennium, the attorney general may expend from the antitrust revolving fund for the purposes of the consumer protection activities of the office.

**NEW SECTION. Sec. 927.** A new section is added to chapter 43.41 RCW to read as follows:

The office of financial management central service account is created in the state treasury. The account is to be used by the office as a revolving fund for the payment of salaries, wages, and other costs required for the operation and maintenance of statewide budgeting, accounting, forecasting, and functions and activities in the office. All receipts from agency fees and charges for services collected from public agencies must be deposited into the account. The director shall fix the terms and charges to agencies based on each agency's share of the office statewide cost allocation plan for federal funds. Moneys in the account may be spent only after appropriation.

**Sec. 928.** RCW 43.43.839 and 2015 3rd sp.s. c 4 s 955 are each amended to read as follows:

The fingerprint identification account is created in the custody of the state treasurer. All receipts from incremental charges of fingerprint checks requested for noncriminal justice purposes and electronic background requests shall be deposited in the account. Receipts for fingerprint checks by the federal bureau of investigation may also be deposited in the account. Expenditures from the account may be used only for the cost of record checks. Only the chief of the state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. No appropriation is required for expenditures prior to July 1, 1997. After June 30, 1997, the account shall be subject to appropriation. During the 2009-2011 fiscal biennium, the legislature may transfer from the fingerprint identification account to the state general fund such amounts as reflect the excess fund balance of the account. During the 2013-2015 fiscal biennium, funds in the account may be used for expenditures that support the criminal records management division of the state patrol. During the 2015-2017 fiscal biennium, funds in the account may be used for expenditures related to the upgrade of the state patrol's criminal history system. During the 2015-2017

fiscal biennium, the legislature may transfer from the fingerprint identification account to the sexual assault kit account and the account may be used for building the sexual assault kit tracking system in such amounts as reflect the excess fund balance of the account.

**Sec. 929.** RCW 43.43.944 and 2012 c 173 s 1 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The primary purpose of the account is firefighter training for both volunteer and career firefighters. The fund shall consist of:

(a) All fees received by the Washington state patrol for fire service training;

(b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940;

(c) Twenty percent of all moneys received by the state on fire insurance premiums; and

(d) General fund—state moneys appropriated into the account by the legislature.

(2) Moneys in the account may be appropriated for:

(a) Fire service training; (b) school fire prevention activities within the Washington state patrol; and (c) the maintenance, operations, and capital projects of the state fire training academy. However, expenditures for purposes of (b) and (c) of this subsection may only be made to the extent that these expenditures do not adversely affect expenditures for the purpose of (a) of this subsection. The state patrol may use amounts appropriated from the fire service training account under this section to contract with the Washington state firefighters apprenticeship trust for the operation of the firefighter joint apprenticeship training program. The contract may call for payments on a monthly basis.

(3) Any general fund—state moneys appropriated into the account shall be allocated solely to the firefighter joint apprenticeship training program. The Washington state patrol may contract with outside entities for the administration and delivery of the firefighter joint apprenticeship training program.

(4) During the 2015-2017 fiscal biennium, the fire services training account may be used for the Washington state fire service resource mobilization costs of the Washington state patrol.

**Sec. 930.** RCW 43.79.201 and 2011 1st sp.s. c 50 s 945 are each amended to read as follows:

(1) The charitable, educational, penal and reformatory institutions account is hereby created, in the state treasury, into which account there shall be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893.

(2) If feasible, not less than one-half of all income to the charitable, educational, penal, and reformatory institutions account shall be appropriated for the purpose of providing housing, including repair and renovation of state institutions, for persons with mental illness or developmental disabilities, or youth who are blind, deaf, or otherwise disabled. If moneys are appropriated for community-based housing, the moneys shall be appropriated to the department of commerce for the housing assistance program under chapter 43.185 RCW. During the ~~((2009-2011 and 2011-2013))~~ 2015-2017 fiscal ~~((biennia))~~ biennium, the legislature may transfer from the charitable, educational, penal and reformatory institutions account to the state general fund such amounts as reflect excess fund balance of the account.

**Sec. 931.** RCW 43.79.445 and 2013 2nd sp.s. c 4 s 979 are each amended to read as follows:

There is established an account in the state treasury referred to as the "death investigations account" which shall exist for the purpose of receiving, holding, investing, and disbursing funds appropriated or provided in RCW 70.58.107 and any moneys appropriated or otherwise provided thereafter.

Moneys in the death investigations account shall be disbursed by the state treasurer once every year on December 31 and at any other time determined by the treasurer. The treasurer shall make disbursements to: The state toxicology laboratory, counties for the cost of autopsies, the state patrol for providing partial funding for the state dental identification system, the criminal justice training commission for training county coroners, medical examiners and their staff, and the state forensic investigations council. Funds from the death investigations account may be appropriated during the 2013-2015 fiscal biennium for the activities of the state crime laboratory within the Washington state patrol. During the 2015-2017 fiscal biennium, the legislature may transfer from the death investigations account to the sexual assault kit account such amounts as reflect the excess fund balance of the account.

**Sec. 932.** RCW 43.79.460 and 2011 2nd sp.s. c 9 s 908 are each amended to read as follows:

(1) The savings incentive account is created in the custody of the state treasurer. The account shall consist of all moneys appropriated to the account by the legislature. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account.

(2) Within the savings incentive account, the state treasurer may create subaccounts to be credited with incentive savings attributable to individual state agencies, as determined by the office of financial management in consultation with the legislative fiscal committees. Moneys deposited in the subaccounts may be expended only on the authorization of the agency's executive head or designee and only for the purpose of one-time expenditures to improve the quality, efficiency, and effectiveness of services to customers of the state, such as one-time expenditures for employee training, employee incentives,

technology improvements, new work processes, or performance measurement. Funds may not be expended from the account to establish new programs or services, expand existing programs or services, or incur ongoing costs that would require future expenditures.

(3) For purposes of this section, "incentive savings" means state general fund appropriations that are unspent as of June 30th of a fiscal year, excluding any amounts included in across-the-board reductions under RCW 43.88.110 and excluding unspent appropriations for:

(a) Caseload and enrollment in entitlement programs, except to the extent that an agency has clearly demonstrated that efficiencies have been achieved in the administration of the entitlement program. "Entitlement program," as used in this section, includes programs for which specific sums of money are appropriated for pass-through to third parties or other entities;

(b) Enrollments in state institutions of higher education;

(c) Except for fiscal year 2011, a specific amount contained in a condition or limitation to an appropriation in the biennial appropriations act, if the agency did not achieve the specific purpose or objective of the condition or limitation;

(d) Debt service on state obligations; and

(e) State retirement system obligations.

(4) The office of financial management, after consulting with the legislative fiscal committees, shall report the amount of savings incentives achieved.

(5) For fiscal year 2010, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2009. For fiscal year 2011, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2010. For fiscal year 2011, the legislature may transfer from the savings incentive account to the state general fund eight million dollars or as much as reflects the fund balance of the account attributable to unspent agency credits prior to fiscal year 2009. Credits for legislative and judicial agencies are not included in this action, with the exception and upon consent of the supreme court, court of appeals, office of public defense, and office of civil legal aid.

(6) For fiscal years 2012 and 2013, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent general fund appropriations for fiscal years 2011 and 2012.

(7) For fiscal year 2016, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent agency credit. Credits for legislative and judicial agencies are not included in this action.

**Sec. 933.** RCW 43.83B.430 and 2011 c 5 s 911 are each amended to read as follows:

The state drought preparedness account is created in the state treasury. All receipts from appropriated funds designated for the account and funds transferred from the state emergency water projects revolving account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for drought preparedness. During the 2009-2011 fiscal biennium, the legislature may transfer from the state drought preparedness account to the state general fund such amounts as reflect the excess fund balance of the account. For the 2015-2017 fiscal biennium, the account may also accept revenue collected from emergency drought well-related water service contracts and may be used for drought response.

**Sec. 934.** RCW 43.135.045 and 2013 2nd sp.s. c 9 s 5 are each amended to read as follows:

The education construction fund is hereby created in the state treasury.

(1) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(2) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection must result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and does not affect any subsequent fiscal period.

(3) Notwithstanding subsection (2) of this section, during the 2015-2017 fiscal biennium, the fund may be used for maintenance and operations at community and technical colleges.

**Sec. 935.** RCW 43.155.050 and 2015 3rd sp.s. c 4 s 959 are each amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. During the 2015-2017 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund, the water pollution control revolving account, and the

drinking water assistance account such amounts as reflect the excess fund balance of the account. During the 2013-2015 fiscal biennium, the legislature may transfer from the public works assistance account to the education legacy trust account such amounts as specified by the legislature. During the 2015-2017 fiscal biennium, the legislature may appropriate moneys from the account for activities related to the growth management act and the voluntary stewardship program. During the 2015-2017 fiscal biennium, the legislature may transfer from the public works assistance account to the state general fund such amounts as specified by the legislature. In the 2017-2019 fiscal biennium the legislature intends to continue the policy since 2013 of not authorizing new loans from the account and to allocate ((seventy-three million)) the available two hundred twenty-seven million three hundred sixty-seven thousand dollars of future loan repayments paid into the public works assistance account to support basic education.

**Sec. 936.** RCW 43.185.030 and 1991 sp.s. c 13 s 87 are each amended to read as follows:

There is hereby created in the state treasury an account to be known as the Washington housing trust fund. The housing trust fund shall include revenue from the sources established by this chapter, appropriations by the legislature, private contributions, repayment of loans, and all other sources. During the 2015-2017 fiscal biennium, the legislature may transfer from the Washington housing trust fund to the home security fund account and to the state general fund such amounts as reflect the excess balance in the fund.

**Sec. 937.** RCW 43.350.070 and 2011 c 5 s 916 are each amended to read as follows:

The life sciences discovery fund is created in the custody of the state treasurer. Only the board or the board's designee may authorize expenditures from the fund. Expenditures from the fund may be made only for purposes of this chapter. Administrative expenses of the authority, including staff support, may be paid only from the fund. Revenues to the fund consist of transfers made by the legislature from strategic contribution payments deposited in the tobacco settlement account under RCW 43.79.480, moneys received pursuant to contribution agreements entered into pursuant to RCW 43.350.030, moneys received from gifts, grants, and bequests, and interest earned on the fund. During the ~~((2009-2011))~~ 2015-2017 fiscal biennium, the legislature may transfer to other state funds or accounts such amounts as represent the excess balance of the life sciences discovery fund.

**Sec. 938.** RCW 43.372.070 and 2013 c 318 s 3 are each amended to read as follows:

(1) The marine resources stewardship trust account is created in the state treasury. All receipts from income derived from the investment of amounts credited to the account, any grants, gifts, or donations to the state for the purposes of marine management planning, marine spatial

planning, data compilation, research, or monitoring, and any appropriations made to the account must be deposited in the account. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may only be used for the purposes of marine management planning, marine spatial planning, research, monitoring, and implementation of the marine management plan.

(3) Except as provided in subsection (5) of this section, until July 1, 2016, expenditures from the account may only be used for the purposes of:

(a) Conducting ecosystem assessment and mapping activities in marine waters consistent with RCW 43.372.040(6) (a) and (c), with a focus on assessment and mapping activities related to marine resource uses and developing potential economic opportunities;

(b) Developing a marine management plan for the state's coastal waters as that term is defined in RCW 43.143.020; and

(c) Coordination under the west coast governors' agreement on ocean health, entered into on September 18, 2006, and other regional planning efforts consistent with RCW 43.372.030.

(4) Expenditures from the account on projects and activities relating to the state's coastal waters, as defined in RCW 43.143.020, must be made, to the maximum extent possible, consistent with the recommendations of the Washington coastal marine advisory council as provided in RCW 43.143.060. If expenditures relating to coastal waters are made in a manner that differs substantially from the Washington coastal marine advisory council's recommendations, the responsible agency receiving the appropriation shall provide the council and appropriate committees of the legislature with a written explanation.

(5) During the 2015-2017 fiscal biennium, the legislature may transfer from the marine resources stewardship trust account to the aquatic lands enhancement account such amounts as reflect the excess fund balance of the account.

**Sec. 939.** RCW 46.08.160 and 1961 c 12 s 46.08.160 are each amended to read as follows:

The chief of the Washington state patrol shall be the chief enforcing officer to assure the proper enforcement of such rules and regulations. In addition to the Washington state patrol, in the 2015-2017 fiscal biennium, the director of enterprise services may also contract with the city of Olympia to provide enforcement of rules and regulations for the control of vehicular and pedestrian traffic and the parking of motor vehicles on the east state capitol campus, including but not limited to the plaza garage, and the north and south diagonals on the state capitol grounds under RCW 46.08.150 to increase revenue to the state agency parking account under RCW 43.01.240. The contract may address jurisdictional issues related to such enforcement.

**Sec. 940.** RCW 50.16.010 and 2014 c 221 s 920 are each amended to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this

state an unemployment compensation fund and an administrative contingency fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304);

(viii) The portion of the additional penalties as provided in RCW 50.20.070(2) that is fifteen percent of the amount of benefits overpaid or deemed overpaid; and

(ix) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title, except the portion of the additional penalties as provided in RCW 50.20.070(2) that is fifteen percent of the amount of benefits overpaid or deemed overpaid;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) Except as provided in (d) of this subsection, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d)(i) During the 2007-2009 fiscal biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature for: (A) The cost of the job skills or worker retraining programs at the community and technical colleges and administrative costs at the state board for community and technical colleges; and (B) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of commerce. The remaining appropriation may be expended as specified in (c) of this subsection.

(ii) During the 2013-2015 and 2015-2017 fiscal biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature (~~(for)~~): (A) For the department of social and health services for employment and training services and programs in the WorkFirst program; (B) for the administrative costs of state agencies participating in the WorkFirst program; and (C) by the commissioner for the work group on agricultural and agricultural-related issues as provided in the 2013-2015 omnibus operating appropriations act. The remaining appropriation may be expended as specified in (c) of this subsection.

(4) Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

**Sec. 941.** RCW 50.24.014 and 2011 c 4 s 11 are each amended to read as follows:

(1)(a) A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at a

basic rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

(b) A separate and identifiable account is established in the administrative contingency fund for financing the employment security department's administrative costs under RCW 50.22.150 and 50.22.155 and the costs under RCW 50.22.150(11) and 50.22.155 (1)(m) and (2)(m). All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, those employers described under RCW 50.29.025(2)(d), and those qualified employers assigned rate class 20 or rate class 40, as applicable, under RCW 50.29.025, at a basic rate of one one-hundredth of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010. Any amount of contributions payable under this subsection (1)(b) that exceeds the amount that would have been collected at a rate of four one-thousandths of one percent must be deposited in the account created in (a) of this subsection.

(2)(a) Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(b) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

(4) During the 2015-2017 fiscal biennium, the legislature may transfer into the unrestricted administrative contingency fund and into the state general fund from the account in subsection (1)(b) of this section such amounts as reflect the excess fund balance of the account.

**Sec. 942.** RCW 69.50.530 and 2015 2nd sp.s. c 4 s 1101 are each amended to read as follows:

The dedicated marijuana account is created in the state treasury. All moneys received by the state liquor and cannabis board, or any employee thereof, from marijuana-related activities must be deposited in the account. Unless otherwise provided in chapter 4, Laws of 2015 2nd sp. sess., all marijuana excise taxes collected from sales of marijuana, useable marijuana, marijuana concentrates, and marijuana-infused products under RCW 69.50.535, and the license fees, penalties, and forfeitures derived under this chapter from marijuana producer, marijuana processor, marijuana researcher, and marijuana retailer licenses, must

be deposited in the account. Moneys in the account may only be spent after appropriation. During the 2015-2017 fiscal biennium, the legislature may transfer from the dedicated marijuana account to the basic health plan trust account such amounts as reflect the excess fund balance of the account.

**Sec. 943.** RCW 70.105D.070 and 2015 3rd sp.s. c 4 s 969 and 2015 3rd sp.s. c 3 s 7035 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2)(a) Moneys collected under RCW 82.21.030 must be deposited as follows: Fifty-six percent to the state toxics control account under subsection (3) of this section and forty-four percent to the local toxics control account under subsection (4) of this section. When the cumulative amount of deposits made to the state and local toxics control accounts under this section reaches the limit during a fiscal year as established in (b) of this subsection, the remainder of the moneys collected under RCW 82.21.030 during that fiscal year must be deposited into the environmental legacy stewardship account created in RCW 70.105D.170.

(b) The limit on distributions of moneys collected under RCW 82.21.030 to the state and local toxics control accounts for the fiscal year beginning July 1, 2013, is one hundred forty million dollars.

(c) In addition to the funds required under (a) of this subsection, the following moneys must be deposited into the state toxics control account: (i) The costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (ii) penalties collected or recovered under this chapter; and (iii) any other money appropriated or transferred to the account by the legislature.

(3) Moneys in the state toxics control account must be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(a) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(b) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(c) The hazardous waste clean-up program required under this chapter;

(d) State matching funds required under federal cleanup law;

(e) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(f) State government programs for the safe reduction, recycling, or disposal of paint and hazardous wastes from households, small businesses, and agriculture;

(g) Oil and hazardous materials spill prevention, preparedness, training, and response activities;

(h) Water and environmental health protection and monitoring programs;

(i) Programs authorized under chapter 70.146 RCW;

(j) A public participation program;

(k) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both: (i) A substantially more expeditious or enhanced cleanup than would otherwise occur; and (ii) the prevention or mitigation of unfair economic hardship;

(l) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150;

(m) State agriculture and health programs for the safe use, reduction, recycling, or disposal of pesticides;

(n) Storm water pollution control projects and activities that protect or preserve existing remedial actions or prevent hazardous clean-up sites;

(o) Funding requirements to maintain receipt of federal funds under the federal solid waste disposal act (42 U.S.C. Sec. 6901 et seq.);

(p) Air quality programs and actions for reducing public exposure to toxic air pollution;

(q) Public funding to assist prospective purchasers to pay for the costs of remedial action in compliance with clean-up standards under RCW 70.105D.030(2)(e) if:

(i) The facility is located within a redevelopment opportunity zone designated under RCW 70.105D.150;

(ii) The amount and terms of the funding are established under a settlement agreement under RCW 70.105D.040(5); and

(iii) The director has found the funding meets any additional criteria established in rule by the department, will achieve a substantially more expeditious or enhanced cleanup than would otherwise occur, and will provide a public benefit in addition to cleanup commensurate with the scope of the public funding;

(r) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters;

(s) Appropriations to the local toxics control account or the environmental legacy stewardship account created in RCW 70.105D.170, if the legislature determines that priorities for spending exceed available funds in those accounts;

(t) During the 2013-2015 and 2015-2017 fiscal biennia, the department of ecology's water quality, shorelands, environmental assessment, administration, and air quality programs;

(u) During the 2013-2015 fiscal biennium, actions at the state conservation commission to improve water quality for shellfish;

(v) During the 2013-2015 and 2015-2017 fiscal biennia, actions at the University of Washington for reducing ocean acidification;

(w) During the 2015-2017 fiscal biennium, for the University of Washington Tacoma soil remediation project;

(x) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be spent on projects in section 3160, chapter 19, Laws of 2013 2nd sp. sess. and for transfer to the local toxics control account;

(y) For the 2013-2015 fiscal biennium, moneys in the state toxics control account may be transferred to the radioactive mixed waste account; and

(z) For the 2015-2017 fiscal biennium, forest practices regulation at the department of natural resources.

(4)(a) The department shall use moneys deposited in the local toxics control account for grants or loans to local governments for the following purposes in descending order of priority:

(i) Extended grant agreements entered into under (e)(i) of this subsection;

(ii) Remedial actions, including planning for adaptive reuse of properties as provided for under (e)(iv) of this subsection. The department must prioritize funding of remedial actions at:

(A) Facilities on the department's hazardous sites list with a high hazard ranking for which there is an approved remedial action work plan or an equivalent document under federal cleanup law;

(B) Brownfield properties within a redevelopment opportunity zone if the local government is a prospective purchaser of the property and there is a department-approved remedial action work plan or equivalent document under the federal cleanup law;

(iii) Storm water pollution source projects that: (A) Work in conjunction with a remedial action; (B) protect completed remedial actions against recontamination; or (C) prevent hazardous clean-up sites;

(iv) Hazardous waste plans and programs under chapter 70.105 RCW;

(v) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) Petroleum-based plastic or expanded polystyrene foam debris cleanup activities in fresh or marine waters; and

(vii) Appropriations to the state toxics control account or the environmental legacy stewardship account created in RCW 70.105D.170, if the legislature determines that priorities for spending exceed available funds in those accounts.

(b) Funds for plans and programs must be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW.

(c) During the 2013-2015 fiscal biennium, the local toxics control account may also be used for local government storm water planning and implementation activities.

(d) During the 2013-2015 fiscal biennium, the legislature may transfer from the local toxics control account to the state general fund, such amounts as reflect the excess fund balance in the account.

(e) To expedite cleanups throughout the state, the department may use the following strategies when providing grants to local governments under this subsection:

(i) Enter into an extended grant agreement with a local government conducting remedial actions at a facility

where those actions extend over multiple biennia and the total eligible cost of those actions exceeds twenty million dollars. The agreement is subject to the following limitations:

(A) The initial duration of such an agreement may not exceed ten years. The department may extend the duration of such an agreement upon finding substantial progress has been made on remedial actions at the facility;

(B) Extended grant agreements may not exceed fifty percent of the total eligible remedial action costs at the facility; and

(C) The department may not allocate future funding to an extended grant agreement unless the local government has demonstrated to the department that funds awarded under the agreement during the previous biennium have been substantially expended or contracts have been entered into to substantially expend the funds;

(ii) Enter into a grant agreement with a local government conducting a remedial action that provides for periodic reimbursement of remedial action costs as they are incurred as established in the agreement;

(iii) Enter into a grant agreement with a local government prior to it acquiring a property or obtaining necessary access to conduct remedial actions, provided the agreement is conditioned upon the local government acquiring the property or obtaining the access in accordance with a schedule specified in the agreement;

(iv) Provide integrated planning grants to local governments to fund studies necessary to facilitate remedial actions at brownfield properties and adaptive reuse of properties following remediation. Eligible activities include, but are not limited to: Environmental site assessments; remedial investigations; health assessments; feasibility studies; site planning; community involvement; land use and regulatory analyses; building and infrastructure assessments; economic and fiscal analyses; and any environmental analyses under chapter 43.21C RCW;

(v) Provide grants to local governments for remedial actions related to area-wide groundwater contamination. To receive the funding, the local government does not need to be a potentially liable person or be required to seek reimbursement of grant funds from a potentially liable person;

(vi) The director may alter grant matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational opportunities, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of brownfield property under RCW 70.105D.040(5) that would not otherwise occur;

(vii) When pending grant applications under (e)(iv) and (v) of this subsection (4) exceed the amount of funds available, designated redevelopment opportunity zones must receive priority for distribution of available funds.

(f) To expedite multiparty clean-up efforts, the department may purchase remedial action cost-cap insurance. For the 2013-2015 fiscal biennium, moneys in the local toxics control account may be spent on projects in sections 3024, 3035, 3036, and 3059, chapter 19, Laws of 2013 2nd sp. sess.

(5) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(6) No moneys deposited into either the state or local toxics control account may be used for: Natural disasters where there is no hazardous substance contamination; high performance buildings; solid waste incinerator facility feasibility studies, construction, maintenance, or operation; or after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310. However, this subsection does not prevent an appropriation from the state toxics control account to the department of revenue to enforce compliance with the hazardous substance tax imposed in chapter 82.21 RCW.

(7) Except during the 2011-2013 ~~and the 2015-2017~~ fiscal (~~biennium~~) ~~biennia~~, one percent of the moneys collected under RCW 82.21.030 shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation that are not expended at the close of any biennium revert to the state toxics control account.

(8) The department shall adopt rules for grant or loan issuance and performance. To accelerate both remedial action and economic recovery, the department may expedite the adoption of rules necessary to implement chapter 1, Laws of 2013 2nd sp. sess. using the expedited procedures in RCW 34.05.353. The department shall initiate the award of financial assistance by August 1, 2013. To ensure the adoption of rules will not delay financial assistance, the department may administer the award of financial assistance through interpretive guidance pending the adoption of rules through July 1, 2014.

(9) Except as provided under subsection (3)(k) and (q) of this section, nothing in chapter 1, Laws of 2013 2nd sp. sess. affects the ability of a potentially liable person to receive public funding.

(10) During the 2015-2017 fiscal biennium the local toxics control account may also be used for the centennial clean water program and for the storm water financial assistance program administered by the department of ecology.

**Sec. 944.** RCW 70.128.160 and 2015 c 266 s 1 are each amended to read as follows:

(1) The department is authorized to take one or more of the actions listed in subsection (2) of this section in any case in which the department finds that an adult family home provider has:

(a) Failed or refused to comply with the requirements of this chapter or the rules adopted under this chapter;

(b) Operated an adult family home without a license or under a revoked license;

(c) Knowingly or with reason to know made a false statement of material fact on his or her application for license or any data attached thereto, or in any matter under investigation by the department; or

(d) Willfully prevented or interfered with any inspection or investigation by the department.

(2) When authorized by subsection (1) of this section, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Impose reasonable conditions on a license, such as correction within a specified time, training, and limits on the type of clients the provider may admit or serve;

(c) Impose civil penalties of at least one hundred dollars per day per violation;

(d) Impose civil penalties of up to three thousand dollars for each incident that violates adult family home licensing laws and rules, including, but not limited to, chapters 70.128, 70.129, 74.34, and 74.39A RCW and related rules. Each day upon which the same or substantially similar action occurs is a separate violation subject to the assessment of a separate penalty;

(e) Impose civil penalties of up to ten thousand dollars for a current or former licensed provider who is operating an unlicensed home;

(f) Suspend, revoke, or refuse to renew a license; or

(g) Suspend admissions to the adult family home by imposing stop placement.

(3) When the department orders stop placement, the facility shall not admit any person until the stop placement order is terminated. The department may approve readmission of a resident to the facility from a hospital or nursing home during the stop placement. The department shall terminate the stop placement only after: (a) The violations necessitating the stop placement have been corrected; and (b) the provider exhibits the capacity to maintain correction of the violations previously found deficient. However, if upon the revisit the department finds new violations that the department reasonably believes will result in a new stop placement, the previous stop placement shall remain in effect until the new stop placement is imposed. In order to protect the home's existing residents from potential ongoing neglect, when the provider has been cited for a violation that is repeated, uncorrected, pervasive, or presents a threat to the health, safety, or welfare of one or more residents, and the department has imposed a stop placement, the department shall also impose a condition on license or other remedy to facilitate or spur prompt compliance if the violation has not been corrected, and the provider has not exhibited the capacity to maintain correction, within sixty days of the stop placement.

(4) Nothing in subsection (3) of this section is intended to apply to stop placement imposed in conjunction with a license revocation or summary suspension or to prevent the department from imposing a condition on license or other remedy prior to sixty days after a stop placement, if the department considers it necessary to protect one or more residents' well-being. After a department finding of a violation for which a stop placement has been imposed, the department shall make an on-site revisit of the provider within fifteen working days from the request for revisit, to ensure correction of the violation. For violations that are serious or recurring or uncorrected following a previous citation, and create actual or threatened harm to one or more residents' well-being, including violations of residents' rights, the department shall make an on-site revisit as soon as appropriate to ensure correction of the violation. Verification of correction of all other violations may be made by either a department on-site revisit or by written or photographic documentation found by the department to be credible. This subsection does not prevent the department from enforcing license suspensions or revocations. Nothing in this subsection shall interfere with or diminish the department's authority and duty to ensure that the provider adequately cares for residents, including to make departmental on-site revisits as needed to ensure that the provider protects residents, and to enforce compliance with this chapter.

(5) Chapter 34.05 RCW applies to department actions under this section, except that orders of the department imposing license suspension, stop placement, or conditions for continuation of a license are effective immediately upon notice and shall continue in effect pending a hearing, which must commence no later than sixty days after receipt of a request for a hearing. The time for commencement of a hearing may be extended by agreement of the parties or by the presiding officer for good cause shown by either party, but must commence no later than one hundred twenty days after receipt of a request for a hearing.

(6) A separate adult family home account is created in the custody of the state treasurer. All receipts from civil penalties imposed under this chapter must be deposited into the account. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The department shall use the special account only for promoting the quality of life and care of residents living in adult family homes. During the 2015-2017 fiscal biennium, the account may be expended for funding costs associated with the adult family home program.

(7) The department shall by rule specify criteria as to when and how the sanctions specified in this section must be applied. The criteria must provide for the imposition of incrementally more severe penalties for deficiencies that are repeated, uncorrected, pervasive, or present a threat to the health, safety, or welfare of one or more residents. The criteria shall be tiered such that those homes consistently found to have deficiencies will be subjected to increasingly severe penalties. The department shall implement prompt and specific enforcement remedies without delay for providers found to have delivered care or

failed to deliver care resulting in problems that are repeated, uncorrected, pervasive, or present a threat to the health, safety, or welfare of one or more residents. In the selection of remedies, the health, safety, and well-being of residents must be of paramount importance.

**Sec. 945.** RCW 72.09.090 and 2011 1st sp.s. c 21 s 36 are each amended to read as follows:

The correctional industries account is established in the state treasury. The department of corrections shall deposit in the account all moneys collected and all profits that accrue from the industrial and agricultural operations of the department and any moneys appropriated to the account. Moneys in the account may be spent only for expenses arising in the correctional industries operations.

The division's net profits from correctional industries' sales and contracts shall be reinvested, without appropriation, in the expansion and improvement of correctional industries. However, the secretary shall annually recommend that some portion of the profits from correctional industries be returned to the state general fund.

The secretary shall request appropriations or increased appropriations whenever it appears that additional money is needed to provide for the establishment and operation of a comprehensive correctional industries program. During the 2015-2017 fiscal biennium, the legislature may appropriate from the correctional industries account for increased caseload costs at the department of corrections such amounts as reflect the excess fund balance of the account.

**Sec. 946.** RCW 72.09.465 and 2007 c 483 s 403 are each amended to read as follows:

(1) The department shall, if funds are appropriated for the specific purpose, implement postsecondary education degree programs within state correctional institutions, including the state correctional institution with the largest population of female inmates. During the 2015-2017 fiscal biennium, the department may implement postsecondary degree programs within state institutions, including the state correctional institution with the largest population of females, within its existing funds and under the limitations in this section, to include any funding provided under subsection (3) of this section. The department shall consider for inclusion in any postsecondary education degree program, any postsecondary education degree program from an accredited community college, college, or university that is part of an associate of arts, baccalaureate, masters of arts, or other graduate degree program.

(2) Except as provided in subsection (3) of this section, inmates shall be required to pay the costs for participation in any postsecondary education degree programs established under this subsection H:\DATA\2016 JOURNAL\Journal2016\LegDay020\section.doc, including books, fees, tuition, or any other appropriate ancillary costs, by one or more of the following means:

(a) The inmate who is participating in the postsecondary education degree program shall, during

confinement, provide the required payment or payments to the department; or

(b) A third party shall provide the required payment or payments directly to the department on behalf of an inmate, and such payments shall not be subject to any of the deductions as provided in this chapter.

(3) The department may accept any and all donations and grants of money, equipment, supplies, materials, and services from any third party, including but not limited to nonprofit entities, and may receive, utilize, and dispose of same to provide postsecondary education to inmates.

(4) During the 2015-2017 fiscal biennium, an inmate may be selected to participate in a state-funded postsecondary education degree program, based on priority criteria determined by the department, in which the following conditions may be considered:

(a) Priority should be given to inmates within five years of release;

(b) The inmate does not already possess a postsecondary education degree; and

(c) The inmate's individual reentry plan includes participation in a postsecondary education degree program that is:

(i) Offered at the inmate's state correctional institution; and

(ii) Approved by the department as an eligible and effective postsecondary education degree program.

(5) Any funds collected by the department under this section (~~and RCW 72.09.450(4)~~) shall be used solely for the creation, maintenance, or expansion of inmate postsecondary education degree programs.

**Sec. 947.** RCW 77.12.201 and 2013 2nd sp.s. c 4 s 998 are each amended to read as follows:

The legislative authority of a county may elect, by giving written notice to the director and the treasurer prior to January 1st of any year, to obtain for the following year an amount in lieu of real property taxes on game lands as provided in RCW 77.12.203. Upon the election, the county shall keep a record of all fines, forfeitures, reimbursements, and costs assessed and collected, in whole or in part, under this title for violations of law or rules adopted pursuant to this title, with the exception of the 2011-2013 (~~and~~), 2013-2015 and 2015-2017 fiscal biennia, and shall monthly remit an amount equal to the amount collected to the state treasurer for deposit in the state general fund. The election shall continue until the department is notified differently prior to January 1st of any year.

**Sec. 948.** RCW 79A.80.090 and 2011 c 320 s 10 are each amended to read as follows:

(1) The recreation access pass account is created in the state treasury. All moneys received from the sale of discover passes and day-use permits must be deposited into the account.

(2) Each fiscal biennium, the first seventy-one million dollars in revenue must be distributed to the agencies in the following manner:

(a) Eight percent to the department of fish and wildlife and deposited into the state wildlife account created in RCW 77.12.170;

(b) Eight percent to the department of natural resources and deposited into the park land trust revolving fund created in RCW 43.30.385; (~~and~~)

(c) Eighty-four percent to the state parks and recreation commission and deposited into the state parks renewal and stewardship account created in RCW 79A.05.215;

(d) During the 2015-2017 fiscal biennium, expenditures from the recreation access pass account may be used for Skamania county court costs and for the state parks and recreation commission, in partnership with the departments of fish and wildlife and natural resources, to develop options and recommendations to improve recreational access fee systems.

(3) Each fiscal biennium, revenues in excess of seventy-one million dollars must be distributed equally among the agencies to the accounts identified in subsection (2) of this section.

**Sec. 949.** RCW 90.03.650 and 2010 c 285 s 4 are each amended to read as follows:

The water rights processing account is created in the state treasury. All receipts from the fees collected under RCW 90.03.655, 90.03.665, and 90.44.540 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account may only be used to support the processing of water right applications for a new appropriation, change, transfer, or amendment of a water right as provided in this chapter and chapters 90.42 and 90.44 RCW or for the examination, certification, and renewal of certification of water right examiners as provided in RCW 90.03.665. During the 2015-2017 fiscal biennium the legislature may transfer from the water rights processing account to the state drought preparedness account.

**Sec. 950.** RCW 90.56.335 and 2003 c 264 s 3 are each amended to read as follows:

The vessel response account is created in the state treasury. Grants, gifts, and federal funds may be deposited into the account. Oil spill penalties assessed against ships under RCW 90.56.330 and 90.48.144 shall also be deposited into the account as well as the money distributed under RCW 46.68.020(2). Moneys in the account may be spent only after appropriation. The department of ecology is authorized to utilize the vessel response account to preposition a dedicated rescue tug at the entrance to the Strait of Juan de Fuca to reduce the risk of major maritime accidents and oil spills on the outer coast and western strait. Prior to authorizing the rescue tug to respond to a distressed vessel, the department shall work with the United States coast guard and industry to determine if another capable, unencumbered commercial tug is available in the area that can respond. If such a tug can respond without increasing the risk of a casualty, it should be deployed as the tug of choice and the state-contracted rescue tug should not be taken off standby duty. The department is also authorized

to spot charter tugs as needed during major storms and other high risk periods to protect maritime commerce and the environment anywhere in state waters.

The department shall not proceed with rule making related to emergency towing pursuant to chapter 88.46 RCW, so long as the deposit of the fee into the vessel response account under RCW 46.68.020(2) is continued and is appropriated for the purpose of the dedicated rescue tug.

During the 2015-2017 fiscal biennium, the legislature may transfer from the vessel response account to the environmental legacy stewardship account such amounts as reflect the excess fund balance of the account.

**NEW SECTION. Sec. 951.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 952.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 18.20.430, 18.43.150, 18.85.061, 18.85.461, 19.02.210, 28B.122.050, 38.52.105, 41.06.280, 41.16.050, 41.26.802, 41.45.035, 41.80.010, 41.80.140, 43.09.475, 43.10.220, 43.43.839, 43.43.944, 43.79.201, 43.79.445, 43.79.460, 43.83B.430, 43.135.045, 43.155.050, 43.185.030, 43.350.070, 43.372.070, 46.08.160, 50.16.010, 50.24.014, 69.50.530, 70.128.160, 72.09.090, 72.09.465, 77.12.201, 79A.80.090, 90.03.650, and 90.56.335; amending 2015 3rd sp.s. c 4 ss 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 504, 505, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 601, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 701, 704, 705, 712, 725, 722, 801, 802, 803, 805, 806, 932, 933, 938, and 944 (uncodified); reenacting and amending RCW 70.105D.070; adding a new section to chapter 43.41 RCW; adding new sections to 2015 3rd sp.s. c 4 (uncodified); repealing 2015 3rd sp.s. c 4 s 715 (uncodified); making appropriations; and declaring an emergency."

Amendment (978) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Ormsby, Chandler, Magendanz, Lytton, Stanford, Parker, Pollet and Sullivan spoke in favor of the passage of the bill.

Representatives Wylie and Pike spoke against the passage of the bill.

## MOTIONS

On motion of Representative Van De Wege, Representatives Hurst and Moscoso were excused. On motion of Representative Harris, Representative Hargrove was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 2376.

## ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 2376, and the bill passed the House by the following vote: Yeas, 78; Nays, 17; Absent, 0; Excused, 3.

Voting yea: Representatives Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Hawkins, Hayes, Hickel, Hudgins, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Walkinshaw, Walsh, Wilcox, Zeiger and Mr. Speaker.

Voting nay: Representatives Appleton, Condotta, Harris, Holy, Hunt, Klippert, McCabe, McCaslin, Moeller, Pike, Scott, Shea, Taylor, Vick, Wilson, Wylie and Young.

Excused: Representatives Hargrove, Hurst and Moscoso.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

## THIRD READING

There being no objection, the rules were suspended, and SECOND SUBSTITUTE HOUSE BILL NO. 1713 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

## SECOND READING

**SECOND SUBSTITUTE HOUSE BILL NO. 1713,  
by House Committee on Judiciary (originally sponsored  
by Representatives Cody, Harris, Jinkins, Moeller,  
Tharinger, Appleton, Ortiz-Self and Pollet)**

**Integrating the treatment systems for mental health  
and chemical dependency.**

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 1713 was substituted for Second Substitute House Bill No. 1713 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 1713 was read the second time.

Representative Cody moved the adoption of amendment (980):

Strike everything after the enacting clause and insert the following:

**"PART I  
CHEMICAL DEPENDENCY INVOLUNTARY  
TREATMENT PROVISIONS**

**Sec. 101.** RCW 70.96A.020 and 2014 c 225 s 20 are each reenacted and amended to read as follows:

For the purposes of this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(2) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(3) "Behavioral health organization" means a county authority or group of county authorities or other entity recognized by the secretary in contract in a defined regional service area.

(4) "Behavioral health program" has the same meaning as in RCW 71.24.025.

(5) "Behavioral health services" means mental health services as described in chapters 71.24 and 71.36 RCW and chemical dependency treatment services as described in this chapter.

~~((5))~~ (6) "Chemical dependency" means: (a) Alcoholism; (b) drug addiction; or (c) dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

~~((6))~~ "Chemical dependency program" means expenditures and activities of the department designed and

~~conducted to prevent or treat alcoholism and other drug addiction, including reasonable administration and overhead.~~)

(7) "Department" means the department of social and health services.

(8) "Designated chemical dependency specialist" or "specialist" means a person designated by the behavioral health organization or by the county (~~(alcoholism and other drug addiction)~~) substance use disorder treatment program coordinator designated (~~(under RCW 70.96A.310)~~) by the behavioral health organization to perform the commitment duties described in RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.

(9) (~~"Director" means the person administering the substance use disorder program within the department.~~

~~(10))~~ (10) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

~~((11))~~ "Emergency service patrol" means a patrol established under RCW 70.96A.170.

~~(12))~~ (10) "Gravely disabled by alcohol or other psychoactive chemicals" or "gravely disabled" means that a person, as a result of the use of alcohol or other psychoactive chemicals: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by a repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving care as essential for his or her health or safety.

~~((13))~~ (11) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility, or a long-term alcoholism or drug treatment facility, or in confinement.

~~((14))~~ (12) "Incapacitated by alcohol or other psychoactive chemicals" means that a person, as a result of the use of alcohol or other psychoactive chemicals, is gravely disabled or presents a likelihood of serious harm to himself or herself, to any other person, or to property.

~~((15))~~ (13) "Incompetent person" means a person who has been adjudged incompetent by the superior court.

~~((16))~~ (14) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

~~((17))~~ (15) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

~~((18))~~ (16) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self; (ii) physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused the harm or that places another person or persons in reasonable fear of sustaining the harm;

or (iii) physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The individual has threatened the physical safety of another and has a history of one or more violent acts.

~~((19))~~ (17) "Medical necessity" for inpatient care of a minor means a requested certified inpatient service that is reasonably calculated to: (a) Diagnose, arrest, or alleviate a chemical dependency; or (b) prevent the progression of substance use disorders that endanger life or cause suffering and pain, or result in illness or infirmity or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no adequate less restrictive alternative available.

~~((20))~~ (18) "Minor" means a person less than eighteen years of age.

~~((21))~~ (19) "Parent" means the parent or parents who have the legal right to custody of the child. Parent includes custodian or guardian.

~~((22))~~ (20) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

~~((23))~~ (21) "Person" means an individual, including a minor.

~~((24))~~ (22) "Professional person in charge" or "professional person" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

~~((25))~~ (23) "Secretary" means the secretary of the department of social and health services.

~~((26))~~ (24) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

~~((27))~~ (25) "Treatment" means the broad range of emergency, withdrawal management, residential, and outpatient services and care, including diagnostic evaluation, ~~((chemical dependency))~~ substance use disorder education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons.

~~((28))~~ (26) "Substance use disorder treatment program" means an organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of persons with substance use ~~((disorder))~~ disorders.

~~((29))~~ (27) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

(28) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(29) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of chapter 71.05 RCW.

(30) "Physician assistant" means a person licensed as a physician assistant under chapter 18.57A or 18.71A RCW.

(31) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing.

**Sec. 102.** RCW 70.96A.140 and 2014 c 225 s 29 are each amended to read as follows:

(1)(a) When a designated chemical dependency specialist receives information alleging that a person presents a likelihood of serious harm or is gravely disabled as a result of chemical dependency, the designated chemical dependency specialist, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court, district court, or in another court permitted by court rule.

If a petition for commitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the designated chemical dependency specialist's report.

If the designated chemical dependency specialist finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to either a designated mental health professional or an evaluation and treatment facility as defined in RCW 71.05.020 or 71.34.020.

(b) If placement in a chemical dependency program is available and deemed appropriate, the petition shall allege that: The person is chemically dependent and presents a likelihood of serious harm or is gravely disabled by alcohol or drug addiction, or that the person has twice before in the preceding twelve months been admitted for withdrawal management, sobering services, or chemical dependency treatment pursuant to RCW 70.96A.110 or 70.96A.120, and is in need of a more sustained treatment program, or that the person is chemically dependent and has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment, by itself, does not constitute evidence of lack of judgment as to the need for treatment. ~~((The petition shall be accompanied by a certificate of a licensed physician who has examined the person within five days before submission of the petition,~~

~~unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning program or the department is eligible to be the certifying physician.)~~

(c) If involuntary detention is sought, the petition must state facts that support a finding of the grounds identified in (b) of this subsection and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition must state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition must state facts that support a finding of the grounds for commitment identified in (b) of this subsection and set forth the proposed less restrictive alternative.

(d)(i) The petition must be signed by:

(A) Two physicians;

(B) One physician and a mental health professional;

(C) One physician assistant and a mental health professional; or

(D) One psychiatric advanced registered nurse practitioner and a mental health professional.

(ii) The persons signing the petition must have examined the person.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than two and no more than seven days after the date the petition was filed unless the person petitioned against is presently being detained in a program, pursuant to RCW 70.96A.120, 71.05.210, or 71.34.710, in which case the hearing shall be held within seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified seventy-two hours shall be computed by excluding Saturdays, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the designated chemical dependency specialist on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony(,) including, if possible, the testimony, which may be telephonic, of at least one licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or mental health professional who has examined the person whose commitment is sought. Communications otherwise deemed privileged under the laws of this state are deemed to be waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that the waiver is necessary to protect either the detained person or the public. The waiver of a privilege under this section is limited to records or

testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person, or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical, nursing, or psychological records of detained persons so long as the requirements of RCW 5.45.020 are met, except that portions of the record that contain opinions as to whether the detained person is chemically dependent shall be deleted from the records unless the person offering the opinions is available for cross-examination. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or mental health professional, he or she shall be given an opportunity to be examined by a court appointed licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or other professional person qualified to provide such services. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4)(a) If, after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by ~~((clear, cogent, and convincing proof))~~ a preponderance of the evidence and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interest of the person or others, it shall make an order of commitment to an approved substance use disorder treatment program. It shall not order commitment of a person unless it determines that an approved substance use disorder treatment program is available and able to provide adequate and appropriate treatment for him or her.

(b) If the court finds that the grounds for commitment have been established by a preponderance of the evidence, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive course of treatment. The less restrictive order may impose treatment conditions and other conditions that are in the best interest of the respondent and others. A copy of the less restrictive order must be given to the respondent, the designated chemical dependency specialist, and any program designated to provide less restrictive treatment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. The court may not order commitment of a person to a less restrictive course of treatment unless it determines that an approved substance use disorder treatment program is available and

able to provide adequate and appropriate treatment for him or her.

(5) A person committed to inpatient treatment under this section shall remain in the program for treatment for a period of ~~((sixty))~~ fourteen days unless sooner discharged. A person committed to a less restrictive course of treatment under this section shall remain in the program of treatment for a period of ninety days unless sooner discharged. At the end of the ~~((sixty))~~ fourteen-day period, or ninety-day period in the case of a less restrictive alternative to inpatient treatment, he or she shall be discharged automatically unless the program or the designated chemical dependency specialist, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days of inpatient treatment or ninety days of less restrictive alternative treatment unless sooner discharged. The petition for ninety-day inpatient or less restrictive alternative treatment must be filed with the clerk of the court at least three days before expiration of the fourteen-day period of intensive treatment.

If a petition for recommitment is not filed in the case of a minor, the parent, guardian, or custodian who has custody of the minor may seek review of that decision made by the designated chemical dependency specialist in superior or district court. The parent, guardian, or custodian shall file notice with the court and provide a copy of the treatment progress report.

If a person has been committed because he or she is chemically dependent and likely to inflict physical harm on another, the program or designated chemical dependency specialist shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) Upon the filing of a petition for recommitment under subsection (5) of this section, the court shall fix a date for hearing no less than two and no more than seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the court, shall be served by the treatment program on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsections (3) and (4) of this section, except that the burden of proof upon a hearing for recommitment must be proof by clear, cogent, and convincing evidence.

(7) The approved substance use disorder treatment program shall provide for adequate and appropriate treatment of a person committed to its custody on an inpatient or outpatient basis. A person committed under this section may be transferred from one approved public treatment program to another if transfer is medically advisable.

(8) A person committed to ~~((the custody of))~~ a program for treatment shall be discharged at any time

before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of a chemically dependent person committed on the grounds of likelihood of infliction of physical harm upon himself, herself, or another, the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of a chemically dependent person committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(9) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician ~~((of his or her choice)),~~ psychiatric advanced registered nurse practitioner, physician assistant, or other professional person of his or her choice who is qualified to provide such services. If the person is unable to obtain a ~~((licensed physician))~~ qualified person and requests an examination ~~((by a physician)),~~ the court shall employ a licensed physician, psychiatric advanced registered nurse practitioner, physician assistant, or other professional person to conduct an examination and testify on behalf of the person.

(10) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(11) The venue for proceedings under this section is the county in which person to be committed resides or is present.

(12) When in the opinion of the professional person in charge of the program providing involuntary inpatient treatment under this chapter, the committed patient can be appropriately served by less restrictive treatment before expiration of the period of commitment, then the less restrictive care may be required as a condition for early release for a period which, when added to the initial treatment period, does not exceed the period of commitment. If the program designated to provide the less restrictive treatment is other than the program providing the initial involuntary treatment, the program so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated chemical dependency specialist of original commitment, and the court of original commitment. The program designated to provide less restrictive care may modify the conditions for continued release when the modifications are in the best interests of

the patient. If the program providing less restrictive care and the designated chemical dependency specialist determine that a conditionally released patient is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the patient's functioning has occurred, then the designated chemical dependency specialist shall notify the court of original commitment and request a hearing to be held no less than two and no more than seven days after the date of the request to determine whether or not the person should be returned to more restrictive care. The designated chemical dependency specialist shall file a petition with the court stating the facts substantiating the need for the hearing along with the treatment recommendations. The patient shall have the same rights with respect to notice, hearing, and counsel as for the original involuntary treatment proceedings. The issues to be determined at the hearing are whether the conditionally released patient did or did not adhere to the terms and conditions of his or her release to less restrictive care or that substantial deterioration of the patient's functioning has occurred and whether the conditions of release should be modified or the person should be returned to a more restrictive program. The hearing may be waived by the patient and his or her counsel and his or her guardian or conservator, if any, but may not be waived unless all such persons agree to the waiver. Upon waiver, the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions. The grounds and procedures for revocation of less restrictive alternative treatment ordered by the court must be the same as those set forth in this section for less restrictive care arranged by an approved substance use disorder treatment program as a condition for early release.

**Sec. 103.** RCW 70.96A.145 and 1993 c 137 s 1 are each amended to read as follows:

The prosecuting attorney of the county in which such action is taken (~~may, at the discretion of the prosecuting attorney,~~) shall represent the designated chemical dependency specialist or treatment program in judicial proceedings under RCW 70.96A.140 for the involuntary commitment or recommitment of an individual, including any judicial proceeding where the individual sought to be committed or recommitted challenges the action. The costs of mandated representation shall be reimbursed by the behavioral health organization or full integration region.

**Sec. 104.** RCW 70.96A.230 and 1998 c 296 s 24 are each amended to read as follows:

Any provider of outpatient treatment who provides outpatient treatment to a minor thirteen years of age or older shall provide notice of the minor's request for treatment to the minor's parents if: (1) The minor signs a written consent authorizing the disclosure; or (2) the treatment program director determines that the minor lacks capacity to make a rational choice regarding consenting to disclosure. ~~(The)~~ A provider of outpatient treatment may, at his or her discretion, provide notice of a minor's request for treatment to the minor's parents if the provider

determines that notice is in the best interest of the minor in achieving recovery. Any notice under this section shall be made within seven days of the request for treatment, excluding Saturdays, Sundays, and holidays, and shall contain the name, location, and telephone number of the facility providing treatment, and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for treatment with the parent.

## PART II INTEGRATED SYSTEM

**NEW SECTION. Sec. 201.** A new section is added to chapter 71.05 RCW to read as follows:

(1)(a) By April 1, 2018, the department, by rule, must combine the functions of a designated mental health professional and designated chemical dependency specialist by establishing a designated crisis responder who is authorized to conduct investigations, detain persons up to seventy-two hours to the proper facility, and carry out the other functions identified in this chapter and chapter 71.34 RCW. The behavioral health organizations shall provide training to the designated crisis responders as required by the department.

(b)(i) To qualify as a designated crisis responder, a person must have received chemical dependency training as determined by the department and be a:

(A) Psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker;

(B) Person with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university and who have, in addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the direction of a mental health professional;

(C) Person who meets the waiver criteria of RCW 71.24.260, which waiver was granted before 1986;

(D) Person who had an approved waiver to perform the duties of a mental health professional that was requested by the regional support network and granted by the department before July 1, 2001; or

(E) Person who has been granted an exception of the minimum requirements of a mental health professional by the department consistent with rules adopted by the secretary.

(ii) Training must include chemical dependency training specific to the duties of a designated crisis responder, including diagnosis of substance abuse and dependence and assessment of risk associated with substance use.

(c) The department must develop a transition process for any person who has been designated as a designated mental health professional or a designated chemical dependency specialist before April 1, 2018, to be converted to a designated crisis responder. The behavioral health organizations shall provide training, as required by the department, to persons converting to designated crisis responders, which must include both mental health and

chemical dependency training applicable to the designated crisis responder role.

(2)(a) The department must ensure that at least one sixteen-bed secure detoxification facility is operational by April 1, 2018, and that at least two sixteen-bed secure detoxification facilities are operational by April 1, 2019.

(b) If, at any time during the implementation of secure detoxification facility capacity, federal funding becomes unavailable for federal match for services provided in secure detoxification facilities, then the department must cease any expansion of secure detoxification facilities until further direction is provided by the legislature.

**NEW SECTION. Sec. 202.** A new section is added to chapter 71.05 RCW to read as follows:

(1) The Washington state institute for public policy shall evaluate the effect of the integration of the involuntary treatment systems for substance use disorders and mental health and make preliminary reports to appropriate committees of the legislature by December 1, 2020, and June 30, 2021, and a final report by June 30, 2023.

(2) The evaluation must include an assessment of whether the integrated system:

(a) Has increased efficiency of evaluation and treatment of persons involuntarily detained for substance use disorders;

(b) Is cost-effective, including impacts on health care, housing, employment, and criminal justice costs;

(c) Results in better outcomes for persons involuntarily detained;

(d) Increases the effectiveness of the crisis response system statewide;

(e) Has an impact on commitments based upon mental disorders;

(f) Has been sufficiently resourced with enough involuntary treatment beds, less restrictive alternative treatment options, and state funds to provide timely and appropriate treatment for all individuals interacting with the integrated involuntary treatment system; and

(g) Has diverted from the mental health involuntary treatment system a significant number of individuals whose risk results from substance abuse, including an estimate of the net savings from serving these clients into the appropriate substance abuse treatment system.

(3) This section expires August 1, 2023.

**Sec. 203.** RCW 71.05.010 and 2015 c 269 s 1 are each amended to read as follows:

(1) The provisions of this chapter are intended by the legislature:

(a) To protect the health and safety of persons suffering from mental disorders and substance use disorders and to protect public safety through use of the *parens patriae* and police powers of the state;

(b) To prevent inappropriate, indefinite commitment of mentally disordered persons and persons with substance use disorders and to eliminate legal disabilities that arise from such commitment;

(c) To provide prompt evaluation and timely and appropriate treatment of persons with serious mental disorders and substance use disorders;

(d) To safeguard individual rights;

(e) To provide continuity of care for persons with serious mental disorders and substance use disorders;

(f) To encourage the full use of all existing agencies, professional personnel, and public funds to prevent duplication of services and unnecessary expenditures; and

(g) To encourage, whenever appropriate, that services be provided within the community.

(2) When construing the requirements of this chapter the court must focus on the merits of the petition, except where requirements have been totally disregarded, as provided in *In re C.W.*, 147 Wn.2d 259, 281 (2002). A presumption in favor of deciding petitions on their merits furthers both public and private interests because the mental and physical well-being of individuals as well as public safety may be implicated by the decision to release an individual and discontinue his or her treatment.

**Sec. 204.** RCW 71.05.020 and 2015 c 269 s 14 and 2015 c 250 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(8) "Department" means the department of social and health services;



or in confinement as a result of a criminal conviction is excluded from the thirty-six month calculation;

~~((24))~~ (22) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

~~((25))~~ (23) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health and substance use disorder service providers under RCW 71.05.130;

~~((26))~~ (24) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585;

~~((27))~~ (25) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

~~((28))~~ (26) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated ~~(mental health professional)~~ crisis responder;

~~((29))~~ (27) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

~~((30))~~ (28) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((31))~~ (29) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders or substance use disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or ~~(community mental)~~ behavioral health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, approved substance use disorder treatment programs as defined in this section, secure detoxification facilities as defined in this section, and correctional facilities operated by state and local governments;

~~((32))~~ (30) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

~~((33))~~ (31) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons ~~((who are mentally ill))~~ with mental illness, substance use disorders, or both mental illness and substance use disorders;

~~((34))~~ (32) "Professional person" means a mental health professional or designated crisis responder and shall also mean a physician, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((35))~~ (33) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

~~((36))~~ (34) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

~~((37))~~ (35) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

~~((38))~~ (36) "Public agency" means any evaluation and treatment facility or institution, secure detoxification facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders, if the agency is operated directly by ~~(;)~~ federal, state, county, or municipal government, or a combination of such governments;

~~((39))~~ (37) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness or substance use disorders;

~~((40))~~ (38) "Release" means legal termination of the commitment under the provisions of this chapter;

~~((41))~~ (39) "Resource management services" has the meaning given in chapter 71.24 RCW;

~~((42))~~ (40) "Secretary" means the secretary of the department of social and health services, or his or her designee;

~~((43))~~ (41) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

~~((44))~~ (42) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010;

~~((45))~~ (43) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

~~((46))~~ (44) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others;

~~((47))~~ (45) "Triage facility" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, which is designed as a facility to assess and stabilize an individual or determine the need for involuntary commitment of an individual, and must meet department of health residential treatment facility standards. A triage facility may be structured as a voluntary or involuntary placement facility;

~~((48))~~ (46) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property;

(47) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(48) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(49) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more psychoactive chemicals, as the context requires;

(50) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW;

(51) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(52) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as

a result of the use of alcohol or other psychoactive chemicals;

(53) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(54) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated persons:

(i) Evaluation and assessment, provided by certified chemical dependency professionals;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is certified as such by the department;

(55) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

**Sec. 205.** RCW 71.05.025 and 2014 c 225 s 80 are each amended to read as follows:

The legislature intends that the procedures and services authorized in this chapter be integrated with those in chapter 71.24 RCW to the maximum extent necessary to assure a continuum of care to persons with mental illness or who have mental disorders or substance use disorders, as defined in either or both this chapter and chapter 71.24 RCW. To this end, behavioral health organizations established in accordance with chapter 71.24 RCW shall institute procedures which require timely consultation with resource management services by designated ~~((mental health professionals and))~~ crisis responders, evaluation and treatment facilities, secure detoxification facilities, and approved substance use disorder treatment programs to assure that determinations to admit, detain, commit, treat, discharge, or release persons with mental disorders or substance use disorders under this chapter are made only after appropriate information regarding such person's treatment history and current treatment plan has been sought from resource management services.

**Sec. 206.** RCW 71.05.026 and 2014 c 225 s 81 are each amended to read as follows:

(1) Except for monetary damage claims which have been reduced to final judgment by a superior court, this section applies to all claims against the state, state agencies, state officials, or state employees that exist on or arise after March 29, 2006.

(2) Except as expressly provided in contracts entered into between the department and the behavioral health organizations after March 29, 2006, the entities

identified in subsection (3) of this section shall have no claim for declaratory relief, injunctive relief, judicial review under chapter 34.05 RCW, or civil liability against the state or state agencies for actions or inactions performed pursuant to the administration of this chapter with regard to the following: (a) The allocation or payment of federal or state funds; (b) the use or allocation of state hospital beds; or (c) financial responsibility for the provision of inpatient mental health care or inpatient substance use disorder treatment.

(3) This section applies to counties, behavioral health organizations, and entities which contract to provide behavioral health organization services and their subcontractors, agents, or employees.

**Sec. 207.** RCW 71.05.050 and 2015 c 269 s 5 are each amended to read as follows:

(1) Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment of a mental disorder or substance use disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his or her request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall orally be advised of the right to immediate discharge, and further advised of such rights in writing as are secured to them pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one hundred eighty days for evaluation as to the need for further treatment or possible discharge, at which time they shall again be advised of their right to discharge upon request.

(2) If the professional staff of any public or private agency or hospital regards a person voluntarily admitted who requests discharge as presenting, as a result of a mental disorder or substance use disorder, an imminent likelihood of serious harm, or is gravely disabled, they may detain such person for sufficient time to notify the designated ~~((mental health professional))~~ crisis responder of such person's condition to enable the designated ~~((mental health professional))~~ crisis responder to authorize such person being further held in custody or transported to an evaluation and treatment center, secure detoxification facility, or approved substance use disorder treatment program pursuant to the provisions of this chapter, which shall in ordinary circumstances be no later than the next judicial day.

(3) If a person is brought to the emergency room of a public or private agency or hospital for observation or treatment, the person refuses voluntary admission, and the professional staff of the public or private agency or hospital regard such person as presenting as a result of a mental disorder or substance use disorder an imminent likelihood of serious harm, or as presenting an imminent danger because of grave disability, they may detain such person for sufficient time to notify the designated ~~((mental health professional))~~ crisis responder of such person's condition to enable the designated ~~((mental health professional))~~ crisis responder to authorize such person being further held in

custody or transported to an evaluation treatment center, secure detoxification facility, or approved substance use disorder treatment program pursuant to the conditions in this chapter, but which time shall be no more than six hours from the time the professional staff notify the designated ~~((mental health professional))~~ crisis responder of the need for evaluation, not counting time periods prior to medical clearance.

(4) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated ~~((mental health professional))~~ crisis responder has totally disregarded the requirements of this section.

**Sec. 208.** RCW 71.05.120 and 2000 c 94 s 4 are each amended to read as follows:

(1) No officer of a public or private agency, nor the superintendent, professional person in charge, his or her professional designee, or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person pursuant to this chapter, nor any ~~((county))~~ designated ~~((mental health professional))~~ crisis responder, nor the state, a unit of local government, ~~((or))~~ an evaluation and treatment facility, a secure detoxification facility, or an approved substance use disorder treatment program shall be civilly or criminally liable for performing duties pursuant to this chapter with regard to the decision of whether to admit, discharge, release, administer antipsychotic medications, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

(2) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

**Sec. 209.** RCW 71.05.132 and 2004 c 166 s 12 are each amended to read as follows:

When any court orders a person to receive treatment under this chapter, the order shall include a statement that if the person is, or becomes, subject to supervision by the department of corrections, the person must notify the treatment provider and the person's mental health treatment information and substance use disorder treatment information must be shared with the department of corrections for the duration of the offender's incarceration and supervision, under RCW 71.05.445. Upon a petition by a person who does not have a history of one or more violent acts, the court may, for good cause,

find that public safety would not be enhanced by the sharing of this person's information.

**Sec. 210.** RCW 71.05.150 and 2015 c 250 s 3 are each amended to read as follows:

(1)(a) When a designated ~~((mental health professional))~~ crisis responder receives information alleging that a person, as a result of a mental disorder~~((+ (i)))~~, substance use disorder, or both presents a likelihood of serious harm~~((+ (ii)))~~ or is gravely disabled~~((+ (iii)))~~, that a person is in need of assisted outpatient mental health treatment; the designated ~~((mental health professional))~~ crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient evaluation, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention or involuntary outpatient evaluation. If the petition is filed solely on the grounds that the person is in need of assisted outpatient mental health treatment, the petition may only be for an involuntary outpatient evaluation. An involuntary outpatient evaluation may be conducted by any combination of licensed professionals authorized to petition for involuntary commitment under RCW 71.05.230 and must include involvement or consultation with the agency or facility which will provide monitoring or services under the proposed less restrictive alternative treatment order. If the petition is for an involuntary outpatient evaluation and the person is being held in a hospital emergency department, the person may be released once the hospital has satisfied federal and state legal requirements for appropriate screening and stabilization of patients.

(b) Before filing the petition, the designated ~~((mental health professional))~~ crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, ~~((or))~~ triage facility, or approved substance use disorder treatment program.

(2)(a) An order to detain ~~((to))~~ a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure detoxification facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period, or an order for an involuntary outpatient evaluation, may be issued by a judge of the superior court upon request of a designated ~~((mental health professional))~~ crisis responder, subject to (d) of this subsection, whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention or involuntary outpatient evaluation, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court

in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(d) A court may not issue an order to detain a person to a secure detoxification facility or approved substance use disorder treatment program unless there is an available secure detoxification facility or approved substance use disorder treatment program that has adequate space for the person.

(3) The designated ~~((mental health professional))~~ crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention or involuntary outpatient evaluation. After service on such person the designated ~~((mental health professional))~~ crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, and the designated attorney. The designated ~~((mental health professional))~~ crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated ~~((mental health professional))~~ crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

**Sec. 211.** RCW 71.05.150 and 2016 1st sp.s. c ... s 210 (section 210 of this act) are each amended to read as follows:

(1)(a) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, substance use disorder, or both presents a likelihood of serious harm or is gravely disabled, or that a person is in need of assisted outpatient mental health treatment; the designated crisis responder may, after investigation and evaluation of the specific facts alleged

and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient evaluation, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention or involuntary outpatient evaluation. If the petition is filed solely on the grounds that the person is in need of assisted outpatient mental health treatment, the petition may only be for an involuntary outpatient evaluation. An involuntary outpatient evaluation may be conducted by any combination of licensed professionals authorized to petition for involuntary commitment under RCW 71.05.230 and must include involvement or consultation with the agency or facility which will provide monitoring or services under the proposed less restrictive alternative treatment order. If the petition is for an involuntary outpatient evaluation and the person is being held in a hospital emergency department, the person may be released once the hospital has satisfied federal and state legal requirements for appropriate screening and stabilization of patients.

(b) Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program.

(2)(a) An order to detain a person with a mental disorder to a designated evaluation and treatment facility, or to detain a person with a substance use disorder to a secure detoxification facility or approved substance use disorder treatment program, for not more than a seventy-two-hour evaluation and treatment period, or an order for an involuntary outpatient evaluation, may be issued by a judge of the superior court upon request of a designated crisis responder ~~((, subject to (d) of this subsection,))~~ whenever it appears to the satisfaction of a judge of the superior court:

(i) That there is probable cause to support the petition; and

(ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily.

(b) The petition for initial detention or involuntary outpatient evaluation, signed under penalty of perjury, or sworn telephonic testimony may be considered by the court in determining whether there are sufficient grounds for issuing the order.

(c) The order shall designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

~~((d) A court may not issue an order to detain a person to a secure detoxification facility or approved substance use disorder treatment program unless there is an available secure detoxification facility or approved substance use disorder treatment program that has adequate space for the person.))~~

(3) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order together with a notice of rights, and a petition for initial detention or involuntary outpatient evaluation. After service on such

person the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. The person shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(4) The designated crisis responder may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program. At the time such person is taken into custody there shall commence to be served on such person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of rights and a petition for initial detention.

**Sec. 212.** RCW 71.05.153 and 2015 c 269 s 6 are each amended to read as follows:

(1) When a designated ~~((mental health professional))~~ crisis responder receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated ~~((mental health professional))~~ crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(2) When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure detoxification facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180, if a secure detoxification facility or approved

substance use disorder treatment program is available and has adequate space for the person.

~~(3)(a)~~ Subject to (b) of this subsection, a peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure detoxification facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

~~((a))~~ (i) Pursuant to subsection (1) or (2) of this section; or

~~((b))~~ (ii) When he or she has reasonable cause to believe that such person is suffering from a mental disorder or substance use disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

~~((3))~~ (b) A peace officer's delivery of a person, based on a substance use disorder, to a secure detoxification facility or approved substance use disorder treatment program is subject to the availability of a secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.

(4) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, ~~((e))~~ triage facility that has elected to operate as an involuntary facility, secure detoxification facility, or approved substance use disorder treatment program by peace officers pursuant to subsection ~~((2))~~ (3) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

~~((4))~~ (5) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated ~~((mental health professional))~~ crisis responder must determine whether the individual meets detention criteria. If the individual is detained, the designated ~~((mental health professional))~~ crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person. If the individual is released to the community, the mental health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

~~((5))~~ (6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated mental health professional has totally disregarded the requirements of this section.

**Sec. 213.** RCW 71.05.153 and 2016 1st sp.s. c ... s 212 (section 212 of this act) are each amended to read as follows:

(1) When a designated crisis responder receives information alleging that a person, as the result of a mental

disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(2) When a designated crisis responder receives information alleging that a person, as the result of substance use disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken, into emergency custody in a secure detoxification facility or approved substance use disorder treatment program for not more than seventy-two hours as described in RCW 71.05.180~~((, if a secure detoxification facility or approved substance use disorder treatment program is available and has adequate space for the person)).~~

~~((a))~~ Subject to (b) of this subsection, A peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, secure detoxification facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances:

~~((i))~~ (a) Pursuant to subsection (1) or (2) of this section; or

~~((ii))~~ (b) When he or she has reasonable cause to believe that such person is suffering from a mental disorder or substance use disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

~~((b))~~ A peace officer's delivery of a person, based on a substance use disorder, to a secure detoxification facility or approved substance use disorder treatment program is subject to the availability of a secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.)

(4) Persons delivered to a crisis stabilization unit, evaluation and treatment facility, emergency department of a local hospital, triage facility that has elected to operate as an involuntary facility, secure detoxification facility, or approved substance use disorder treatment program by peace officers pursuant to subsection (3) of this section may be held by the facility for a period of up to twelve hours, not counting time periods prior to medical clearance.

(5) Within three hours after arrival, not counting time periods prior to medical clearance, the person must be examined by a mental health professional. Within twelve hours of notice of the need for evaluation, not counting time periods prior to medical clearance, the designated crisis responder must determine whether the individual meets detention criteria. If the individual is detained, the designated crisis responder shall file a petition for detention or a supplemental petition as appropriate and commence service on the designated attorney for the detained person.

If the individual is released to the community, the mental health service provider shall inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and provided contact information to the provider.

(6) Dismissal of a commitment petition is not the appropriate remedy for a violation of the timeliness requirements of this section based on the intent of this chapter under RCW 71.05.010 except in the few cases where the facility staff or designated mental health professional has totally disregarded the requirements of this section.

**Sec. 214.** RCW 71.05.154 and 2013 c 334 s 1 are each amended to read as follows:

A designated (~~mental health professional~~) crisis responder conducting an evaluation of a person under RCW 71.05.150 or 71.05.153 must consult with any examining emergency room physician regarding the physician's observations and opinions relating to the person's condition, and whether, in the view of the physician, detention is appropriate. The designated (~~mental health professional~~) crisis responder shall take serious consideration of observations and opinions by examining emergency room physicians in determining whether detention under this chapter is appropriate. The designated (~~mental health professional~~) crisis responder must document the consultation with an examining emergency room physician, including the physician's observations or opinions regarding whether detention of the person is appropriate.

**Sec. 215.** RCW 71.05.156 and 2015 c 250 s 4 are each amended to read as follows:

A designated (~~mental health professional~~) crisis responder who conducts an evaluation for imminent likelihood of serious harm or imminent danger because of being gravely disabled under RCW 71.05.153 must also evaluate the person under RCW 71.05.150 for likelihood of serious harm or grave disability that does not meet the imminent standard for emergency detention, and to determine whether the person is in need of assisted outpatient mental health treatment.

**Sec. 216.** RCW 71.05.157 and 2007 c 375 s 9 are each amended to read as follows:

(1) When a designated (~~mental health professional~~) crisis responder is notified by a jail that a defendant or offender who was subject to a discharge review under RCW 71.05.232 is to be released to the community, the designated (~~mental health professional~~) crisis responder shall evaluate the person within seventy-two hours of release.

(2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the designated (~~mental health professional~~) crisis responder

and the department of corrections of the violation and request an evaluation for purposes of revocation of the less restrictive alternative.

(3) When a designated (~~mental health professional~~) crisis responder becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision that relates to public safety, or the designated (~~mental health professional~~) crisis responder detains a person under this chapter, the designated (~~mental health professional~~) crisis responder shall notify the person's treatment provider and the department of corrections.

(4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.

(5) Nothing in this section creates a duty on any treatment provider or designated (~~mental health professional~~) crisis responder to provide offender supervision.

(6) No jail or state correctional facility may be considered a less restrictive alternative to an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program.

**Sec. 217.** RCW 71.05.160 and 2007 c 375 s 13 are each amended to read as follows:

Any facility receiving a person pursuant to RCW 71.05.150 or 71.05.153 shall require the designated (~~mental health professional~~) crisis responder to prepare a petition for initial detention stating the circumstances under which the person's condition was made known and stating that there is evidence, as a result of his or her personal observation or investigation, that the actions of the person for which application is made constitute a likelihood of serious harm, or that he or she is gravely disabled, and stating the specific facts known to him or her as a result of his or her personal observation or investigation, upon which he or she bases the belief that such person should be detained for the purposes and under the authority of this chapter.

If a person is involuntarily placed in an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program pursuant to RCW 71.05.150 or 71.05.153, on the next judicial day following the initial detention, the designated (~~mental health professional~~) crisis responder shall file with the court and serve the designated attorney of the detained person the petition or supplemental petition for initial detention, proof of service of notice, and a copy of a notice of emergency detention.

**Sec. 218.** RCW 71.05.170 and 2000 c 94 s 5 are each amended to read as follows:

Whenever the ~~((county))~~ designated ~~((mental health professional))~~ crisis responder petitions for detention of a person whose actions constitute a likelihood of serious harm, or who is gravely disabled, the facility providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. The facility shall then evaluate the person's condition and admit, detain, transfer, or discharge such person in accordance with RCW 71.05.210. The facility shall notify in writing the court and the ~~((county))~~ designated ~~((mental health professional))~~ crisis responder of the date and time of the initial detention of each person involuntarily detained in order that a probable cause hearing shall be held no later than seventy-two hours after detention.

The duty of a state hospital to accept persons for evaluation and treatment under this section shall be limited by chapter 71.24 RCW.

**Sec. 219.** RCW 71.05.180 and 1997 c 112 s 12 are each amended to read as follows:

If the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program admits the person, it may detain him or her for evaluation and treatment for a period not to exceed seventy-two hours from the time of acceptance as set forth in RCW 71.05.170. The computation of such seventy-two hour period shall exclude Saturdays, Sundays and holidays.

**Sec. 220.** RCW 71.05.190 and 2011 c 305 s 3 are each amended to read as follows:

If the person is not approved for admission by a facility providing seventy-two hour evaluation and treatment, and the individual has not been arrested, the facility shall furnish transportation, if not otherwise available, for the person to his or her place of residence or other appropriate place. If the individual has been arrested, the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program shall detain the individual for not more than eight hours at the request of the peace officer. The facility shall make reasonable attempts to contact the requesting peace officer during this time to inform the peace officer that the person is not approved for admission in order to enable a peace officer to return to the facility and take the individual back into custody.

**Sec. 221.** RCW 71.05.195 and 2010 c 208 s 1 are each amended to read as follows:

(1) A civil commitment may be initiated under the procedures described in RCW 71.05.150 or 71.05.153 for a person who has been found not guilty by reason of insanity in a state other than Washington and who has fled from detention, commitment, or conditional release in that state, on the basis of a request by the state in which the person was found not guilty by reason of insanity for the person to be detained and transferred back to the custody or care of

the requesting state. A finding of likelihood of serious harm or grave disability is not required for a commitment under this section. The detention may occur at either an evaluation and treatment facility or a state hospital. The petition for seventy-two hour detention filed by the designated ~~((mental health professional))~~ crisis responder must be accompanied by the following documents:

(a) A copy of an order for detention, commitment, or conditional release of the person in a state other than Washington on the basis of a judgment of not guilty by reason of insanity;

(b) A warrant issued by a magistrate in the state in which the person was found not guilty by reason of insanity indicating that the person has fled from detention, commitment, or conditional release in that state and authorizing the detention of the person within the state in which the person was found not guilty by reason of insanity;

(c) A statement from the executive authority of the state in which the person was found not guilty by reason of insanity requesting that the person be returned to the requesting state and agreeing to facilitate the transfer of the person to the requesting state.

(2) The person shall be entitled to a probable cause hearing within the time limits applicable to other detentions under this chapter and shall be afforded the rights described in this chapter including the right to counsel. At the probable cause hearing, the court shall determine the identity of the person and whether the other requirements of this section are met. If the court so finds, the court may order continued detention in a treatment facility for up to thirty days for the purpose of the transfer of the person to the custody or care of the requesting state. The court may order a less restrictive alternative to detention only under conditions which ensure the person's safe transfer to the custody or care of the requesting state within thirty days without undue risk to the safety of the person or others.

(3) For the purposes of this section, "not guilty by reason of insanity" shall be construed to include any provision of law which is generally equivalent to a finding of criminal insanity within the state of Washington; and "state" shall be construed to mean any state, district, or territory of the United States.

**Sec. 222.** RCW 71.05.201 and 2015 c 258 s 2 are each amended to read as follows:

(1) If a designated ~~((mental health professional))~~ crisis responder decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated ~~((mental health professional))~~ crisis responder received a request for investigation and the designated ~~((mental health professional))~~ crisis responder has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2)(a) The petition must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for

evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated ~~((mental health professional))~~ crisis responder.

(3) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated ~~((mental health professional))~~ crisis responder agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information material to the designated ~~((mental health professional's))~~ crisis responder's current decision.

(4) Following the filing of the petition and before the court reaches a decision, any person, including a mental health professional, may submit a sworn declaration to the court in support of or in opposition to initial detention.

(5) The court shall dismiss the petition at any time if it finds that a designated ~~((mental health professional))~~ crisis responder has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(6) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention if the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(7) If the court enters an order for initial detention, it shall provide the order to the designated ~~((mental health professional))~~ crisis responder agency, which shall execute the order without delay. An order for initial detention under this section expires one hundred eighty days from issuance.

(8) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

(9) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

**Sec. 223.** RCW 71.05.203 and 2015 c 258 s 3 are each amended to read as follows:

(1) The department and each ~~((regional support network))~~ behavioral health organization or agency employing designated ~~((mental health professionals))~~ crisis responders shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator to petition for court review of a detention decision under RCW 71.05.201.

(2) A designated ~~((mental health professional))~~ crisis responder or designated ~~((mental health professional))~~ crisis responder agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator who would be eligible to petition under RCW 71.05.201. If the designated ~~((mental health professional))~~ crisis responder decides not to detain the person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since the request for investigation was received and the designated ~~((mental health professional))~~ crisis responder has not taken action to have the person detained, the designated ~~((mental health professional))~~ crisis responder or designated ~~((mental health professional))~~ crisis responder agency must inform the immediate family member, guardian, or conservator who made the request for investigation about the process to petition for court review under RCW 71.05.201.

**Sec. 224.** RCW 71.05.210 and 2015 c 269 s 7 and 2015 c 250 s 20 are each reenacted and amended to read as follows:

Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program (1) shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by (a) a licensed physician who may be assisted by a physician assistant according to chapter 18.71A RCW and a mental health professional, (b) an advanced registered nurse practitioner according to chapter 18.79 RCW and a mental health professional, or (c) a licensed physician and a psychiatric advanced registered nurse practitioner and (2) shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (a) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (b) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the mental health professional and licensed physician or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and treatment facility, would be better served by placement in a ~~((chemical dependency))~~ substance use disorder treatment facility, or, if detained to a secure detoxification facility or

approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to ((an approved treatment program defined under RCW 70.96A.020)) the more appropriate placement; however, a person may only be referred to a secure detoxification facility or approved substance use disorder treatment program if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.

An evaluation and treatment center, secure detoxification facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated ~~((mental health professional))~~ crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

**Sec. 225.** RCW 71.05.210 and 2016 1st sp.s. c ... s 224 (section 224 of this act) are each amended to read as follows:

Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program (1) shall, within twenty-four hours of his or her admission or acceptance at the facility, not counting time periods prior to medical clearance, be examined and evaluated by (a) a licensed physician who may be assisted by a physician assistant according to chapter 18.71A RCW and a mental health professional, (b) an advanced registered nurse practitioner according to chapter 18.79 RCW and a mental health professional, or (c) a licensed physician and a psychiatric advanced registered nurse practitioner and (2) shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may refuse psychiatric medications, but may not refuse: (a) Any other medication previously prescribed by a person licensed under Title 18 RCW; or (b) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the mental health professional and licensed physician or psychiatric advanced registered nurse practitioner determine that the initial needs of the person, if detained to an evaluation and

treatment facility, would be better served by placement in a substance use disorder treatment facility, or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility then the person shall be referred to the more appropriate placement(~~(; however, a person may only be referred to a secure detoxification facility or approved substance use disorder treatment program if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person))~~).

An evaluation and treatment center, secure detoxification facility, or approved substance use disorder treatment program admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated crisis responder and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

**Sec. 226.** RCW 71.05.212 and 2015 c 250 s 5 are each amended to read as follows:

(1) Whenever a designated ~~((mental health professional))~~ crisis responder or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

(a) Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

(b) Historical behavior, including history of one or more violent acts;

(c) Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

(d) Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated ~~((mental health professional))~~ crisis responder relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated ~~((mental health professional))~~ crisis responder or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm, or a finding that the person is in need of assisted outpatient mental health treatment, when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

(4) When conducting an evaluation for offenders identified under RCW 72.09.370, the designated ~~((mental health professional))~~ crisis responder or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

**Sec. 227.** RCW 71.05.214 and 1998 c 297 s 26 are each amended to read as follows:

The department shall develop statewide protocols to be utilized by professional persons and ~~((county))~~ designated ~~((mental health professionals))~~ crisis responders in administration of this chapter and chapter 10.77 RCW. The protocols shall be updated at least every three years. The protocols shall provide uniform development and application of criteria in evaluation and commitment recommendations, of persons who have, or are alleged to have, mental disorders or substance use disorders and are subject to this chapter.

The initial protocols shall be developed not later than September 1, 1999. The department shall develop and update the protocols in consultation with representatives of ~~((county))~~ designated ~~((mental health professionals))~~ crisis responders, local government, law enforcement, county and city prosecutors, public defenders, and groups concerned with mental illness and substance use disorders. The protocols shall be submitted to the governor and legislature upon adoption by the department.

**Sec. 228.** RCW 71.05.215 and 2008 c 156 s 2 are each amended to read as follows:

(1) A person found to be gravely disabled or presents a likelihood of serious harm as a result of a mental disorder or substance use disorder has a right to refuse antipsychotic medication unless it is determined that the failure to medicate may result in a likelihood of serious harm or substantial deterioration or substantially prolong the length of involuntary commitment and there is no less intrusive course of treatment than medication in the best interest of that person.

(2) The department shall adopt rules to carry out the purposes of this chapter. These rules shall include:

(a) An attempt to obtain the informed consent of the person prior to administration of antipsychotic medication.

(b) For short-term treatment up to thirty days, the right to refuse antipsychotic medications unless there is an additional concurring medical opinion approving medication by a psychiatrist, psychiatric advanced registered nurse practitioner, or physician in consultation with a mental health professional with prescriptive authority.

(c) For continued treatment beyond thirty days through the hearing on any petition filed under RCW

71.05.217, the right to periodic review of the decision to medicate by the medical director or designee.

(d) Administration of antipsychotic medication in an emergency and review of this decision within twenty-four hours. An emergency exists if the person presents an imminent likelihood of serious harm, and medically acceptable alternatives to administration of antipsychotic medications are not available or are unlikely to be successful; and in the opinion of the physician or psychiatric advanced registered nurse practitioner, the person's condition constitutes an emergency requiring the treatment be instituted prior to obtaining a second medical opinion.

(e) Documentation in the medical record of the attempt by the physician or psychiatric advanced registered nurse practitioner to obtain informed consent and the reasons why antipsychotic medication is being administered over the person's objection or lack of consent.

**Sec. 229.** RCW 71.05.220 and 1997 c 112 s 17 are each amended to read as follows:

At the time a person is involuntarily admitted to an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, the professional person in charge or his or her designee shall take reasonable precautions to inventory and safeguard the personal property of the person detained. A copy of the inventory, signed by the staff member making it, shall be given to the person detained and shall, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained person. For purposes of this section, "responsible relative" includes the guardian, conservator, attorney, spouse, parent, adult child, or adult brother or sister of the person. The facility shall not disclose the contents of the inventory to any other person without the consent of the patient or order of the court.

**Sec. 230.** RCW 71.05.230 and 2015 c 250 s 6 are each amended to read as follows:

A person detained or committed for seventy-two hour evaluation and treatment or for an outpatient evaluation for the purpose of filing a petition for a less restrictive alternative treatment order may be committed for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative to involuntary intensive treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder or substance use disorder and results in a likelihood of serious harm, results in the person being gravely disabled, or results in the person being in need of assisted outpatient mental health treatment, and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility

has evidence that he or she has not in good faith volunteered; and

(3) The agency or facility providing intensive treatment or which proposes to supervise the less restrictive alternative is certified to provide such treatment by the department; and

(4) The professional staff of the agency or facility or the designated ~~((mental health professional))~~ crisis responder has filed a petition with the court for a fourteen day involuntary detention or a ninety day less restrictive alternative. The petition must be signed either by:

(a) Two physicians;

(b) One physician and a mental health professional;

(c) Two psychiatric advanced registered nurse practitioners;

(d) One psychiatric advanced registered nurse practitioner and a mental health professional; or

(e) A physician and a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined the person. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of a mental disorder or as a result of a substance use disorder, presents a likelihood of serious harm, is gravely disabled, or is in need of assisted outpatient mental health treatment, and shall set forth a plan for the less restrictive alternative treatment proposed by the facility in accordance with RCW 71.05.585; and

(5) A copy of the petition has been served on the detained or committed person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The petition reflects that the person was informed of the loss of firearm rights if involuntarily committed for mental health treatment; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated ~~((mental health professional))~~ crisis responder may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide less restrictive alternative treatment is other than the facility providing involuntary treatment, the outpatient facility so designated to provide less restrictive alternative treatment has agreed to assume such responsibility.

**Sec. 231.** RCW 71.05.235 and 2015 1st sp.s. c 7 s 14 are each amended to read as follows:

(1) If an individual is referred to a designated ~~((mental health professional))~~ crisis responder under RCW 10.77.088(1)(c)(i), the designated ~~((mental health professional))~~ crisis responder shall examine the individual within forty-eight hours. If the designated ~~((mental health professional))~~ crisis responder determines it is not appropriate to detain the individual or petition for a ninety-day less restrictive alternative under RCW 71.05.230(4), that decision shall be immediately presented to the superior court for hearing. The court shall hold a hearing to consider the decision of the designated ~~((mental health professional))~~ crisis responder not later than the next judicial day. At the hearing the superior court shall review the determination of the designated ~~((mental health professional))~~ crisis responder and determine whether an order should be entered requiring the person to be evaluated at an evaluation and treatment facility. No person referred to an evaluation and treatment facility may be held at the facility longer than seventy-two hours.

(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.088(1)(c)(ii), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under this chapter ~~((71.05 RCW))~~. Before expiration of the seventy-two hour evaluation period authorized under RCW 10.77.088(1)(c)(ii), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period and direct the individual to appear at a surety hearing before that court within seventy-two hours, or the court may release the individual but direct the individual to appear at a surety hearing set before that court within eleven days, at which time the prosecutor may file a petition under this chapter for ninety-day inpatient or outpatient treatment. If a petition is filed by the prosecutor, the court may order that the person named in the petition be detained at the evaluation and treatment facility that performed the evaluation under this subsection or order the respondent to be in outpatient treatment. If a petition is filed but the individual fails to appear in court for the surety hearing, the court shall order that a mental health professional or peace officer shall take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility to be brought before the court the next judicial day after detention. Upon the individual's first appearance in court after a petition has been filed, proceedings under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the prosecutor or professional person may directly file a petition for ninety-day inpatient or outpatient

treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.

The court shall conduct the hearing on the petition filed under this subsection within five judicial days of the date the petition is filed. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the date of the filing of the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9).

During the proceeding the person named in the petition shall continue to be detained and treated until released by order of the court. If no order has been made within thirty days after the filing of the petition, not including any extensions of time requested by the detained person or his or her attorney, the detained person shall be released.

(3) If a designated ~~((mental health professional))~~ crisis responder or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the individual does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the individual, if in custody, shall be released.

(4) The individual shall have the rights specified in RCW 71.05.360 (8) and (9).

**Sec. 232.** RCW 71.05.240 and 2015 c 250 s 7 are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention or involuntary outpatient evaluation of such person as determined in RCW 71.05.180. If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

(2) If the petition is for mental health treatment, the court at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing~~((:~~

~~((a)))~~ if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious

harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department.

(b) Commitment for up to fourteen days based on a substance use disorder must be to either a secure detoxification facility or an approved substance use disorder treatment program. A court may only enter a commitment order based on a substance use disorder if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for not to exceed ninety days~~((:))~~.

~~((b)))~~ (d) If the court finds by a preponderance of the evidence that such person, as the result of a mental disorder, is in need of assisted outpatient mental health treatment, and that the person does not present a likelihood of serious harm or grave disability, the court shall order an appropriate less restrictive alternative course of treatment not to exceed ninety days, and may not order inpatient treatment.

~~((c)))~~ (e) An order for less restrictive alternative treatment must identify the services the person will receive, in accordance with RCW 71.05.585. The court may order additional evaluation of the person if necessary to identify appropriate services.

(4) The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310. If the commitment is for mental health treatment, the court shall also state to the person and provide written notice that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

**Sec. 233.** RCW 71.05.240 and 2016 1st sp.s. c ... s 232 (section 232 of this act) are each amended to read as follows:

(1) If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention or involuntary outpatient evaluation of such person as determined in RCW 71.05.180. If requested by the person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in

RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

(2) If the petition is for mental health treatment, the court at the time of the probable cause hearing and before an order of commitment is entered shall inform the person both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.05.230 will result in the loss of his or her firearm rights if the person is subsequently detained for involuntary treatment under this section.

(3)(a) Subject to (b) of this subsection, at the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department.

(b) Commitment for up to fourteen days based on a substance use disorder must be to either a secure detoxification facility or an approved substance use disorder treatment program. ~~((A court may only enter a commitment order based on a substance use disorder if there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the person.))~~

(c) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of a mental disorder or substance use disorder, presents a likelihood of serious harm, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive alternative course of treatment for not to exceed ninety days.

(d) If the court finds by a preponderance of the evidence that such person, as the result of a mental disorder, is in need of assisted outpatient mental health treatment, and that the person does not present a likelihood of serious harm or grave disability, the court shall order an appropriate less restrictive alternative course of treatment not to exceed ninety days, and may not order inpatient treatment.

(e) An order for less restrictive alternative treatment must identify the services the person will receive, in accordance with RCW 71.05.585. The court may order additional evaluation of the person if necessary to identify appropriate services.

(4) The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310. If the commitment is for mental health treatment, the court shall also state to the person and provide written notice that the person is barred from the possession of firearms and that the prohibition remains in effect until a court restores his or her right to possess a firearm under RCW 9.41.047.

**Sec. 234.** RCW 71.05.280 and 2015 c 250 s 9 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be committed for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of mental disorder or substance use disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of mental disorder or substance use disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.086(4), and has committed acts constituting a felony, and as a result of a mental disorder, presents a substantial likelihood of repeating similar acts.

(a) In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime;

(b) For any person subject to commitment under this subsection where the charge underlying the finding of incompetence is for a felony classified as violent under RCW 9.94A.030, the court shall determine whether the acts the person committed constitute a violent offense under RCW 9.94A.030; or

(4) Such person is gravely disabled; or

(5) Such person is in need of assisted outpatient mental health treatment.

**Sec. 235.** RCW 71.05.290 and 2015 c 250 s 10 are each amended to read as follows:

(1) At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated ~~((mental health professional))~~ crisis responder may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2) The petition shall summarize the facts which support the need for further commitment and shall be supported by affidavits signed by:

(a) Two examining physicians;

(b) One examining physician and examining mental health professional;

(c) Two psychiatric advanced registered nurse practitioners;

(d) One psychiatric advanced registered nurse practitioner and a mental health professional; or

(e) An examining physician and an examining psychiatric advanced registered nurse practitioner. The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are

alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter. If less restrictive alternative treatment is sought, the petition shall set forth a proposed plan for less restrictive alternative treatment in accordance with RCW 71.05.585.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(4), then the professional person in charge of the treatment facility or his or her professional designee or the designated ~~((mental health professional))~~ crisis responder may directly file a petition for one hundred eighty day treatment under RCW 71.05.280(3). No petition for initial detention or fourteen day detention is required before such a petition may be filed.

**Sec. 236.** RCW 71.05.300 and 2014 c 225 s 84 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated ~~((mental health professional))~~ crisis responder. The designated ~~((mental health professional))~~ crisis responder shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the behavioral health organization administrator, and provide a copy of the petition to such persons as soon as possible. The behavioral health organization administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney, his or her right to a jury trial, and, if the petition is for commitment for mental health treatment, his or her loss of firearm rights if involuntarily committed. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, psychiatric advanced registered nurse practitioner, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW 10.77.086(4), then the appointed professional person under this section shall be a developmental disabilities professional.

(4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

**Sec. 237.** RCW 71.05.320 and 2015 c 250 s 11 are each amended to read as follows:

(1)~~(a)~~ Subject to (b) of this subsection, if the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

(b) If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. The court may only enter an order for commitment based on a substance use disorder if there is an available approved substance use disorder treatment program with adequate space for the person.

(c) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the order for less restrictive treatment is based on a substance use disorder, treatment must be provided by an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must identify the services the person will receive, in accordance with RCW 71.05.585. The court may order additional evaluation of the person if necessary to identify appropriate services.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated ~~((mental health professional))~~ crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of

a mental disorder, substance use disorder, or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder, substance use disorder, or developmental disability a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty day period whenever the petition presents prima facie evidence that the person continues to suffer from a mental disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the mental disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient mental health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth a proposed plan for less restrictive alternative services in accordance with RCW 71.05.585.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, subject to subsection (1)(b) of this section, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must identify the services the person will receive, in accordance with RCW 71.05.585. The court

may order additional evaluation of the person if necessary to identify appropriate services.

(b) At the end of the one hundred eighty day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

**Sec. 238.** RCW 71.05.320 and 2016 1st sp.s. c ... s 237 (section 237 of this act) are each amended to read as follows:

(1)~~((a) Subject to (b) of this subsection,))~~ If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment.

~~((b))~~ If the order for inpatient treatment is based on a substance use disorder, treatment must take place at an approved substance use disorder treatment program. ~~((The court may only enter an order for commitment based on a substance use disorder if there is an available approved substance use disorder treatment program with adequate space for the person.~~

~~((c))~~ If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment. If the order for less restrictive treatment is based on a substance use disorder, treatment must be provided by an approved substance use disorder treatment program. If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment. If the court or jury finds that the grounds

set forth in RCW 71.05.280(5) have been proven, and provide the only basis for commitment, the court must enter an order for less restrictive alternative treatment for up to ninety days from the date of judgment and may not order inpatient treatment.

(3) An order for less restrictive alternative treatment entered under subsection (2) of this section must identify the services the person will receive, in accordance with RCW 71.05.585. The court may order additional evaluation of the person if necessary to identify appropriate services.

(4) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated crisis responder, files a new petition for involuntary treatment on the grounds that the committed person:

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of a mental disorder, substance use disorder, or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder, substance use disorder, or developmental disability a likelihood of serious harm; or

(c)(i) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability continues to present a substantial likelihood of repeating acts similar to the charged criminal behavior, when considering the person's life history, progress in treatment, and the public safety.

(ii) In cases under this subsection where the court has made an affirmative special finding under RCW 71.05.280(3)(b), the commitment shall continue for up to an additional one hundred eighty day period whenever the petition presents prima facie evidence that the person continues to suffer from a mental disorder or developmental disability that results in a substantial likelihood of committing acts similar to the charged criminal behavior, unless the person presents proof through an admissible expert opinion that the person's condition has so changed such that the mental disorder or developmental disability no longer presents a substantial likelihood of the person committing acts similar to the charged criminal behavior. The initial or additional commitment period may include transfer to a specialized program of intensive support and treatment, which may be initiated prior to or after discharge from the state hospital; or

(d) Continues to be gravely disabled; or

(e) Is in need of assisted outpatient mental health treatment.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to prove such conduct again.

If less restrictive alternative treatment is sought, the petition shall set forth a proposed plan for less restrictive alternative services in accordance with RCW 71.05.585.

(5) A new petition for involuntary treatment filed under subsection (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6)(a) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this section are present, (~~subject to subsection (1)(b) of this section,~~) the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment, except as provided in subsection (7) of this section. If the court's order is based solely on the grounds identified in subsection (4)(e) of this section, the court may enter an order for less restrictive alternative treatment not to exceed one hundred eighty days from the date of judgment, and may not enter an order for inpatient treatment. An order for less restrictive alternative treatment must identify the services the person will receive, in accordance with RCW 71.05.585. The court may order additional evaluation of the person if necessary to identify appropriate services.

(b) At the end of the one hundred eighty day period of commitment, or one-year period of commitment if subsection (7) of this section applies, the committed person shall be released unless a petition for an additional one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this section. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment.

(7) An order for less restrictive treatment entered under subsection (6) of this section may be for up to one year when the person's previous commitment term was for intensive inpatient treatment in a state hospital.

(8) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length except as provided in subsection (7) of this section.

**Sec. 239.** RCW 71.05.325 and 2000 c 94 s 7 are each amended to read as follows:

(1) Before a person committed under grounds set forth in RCW 71.05.280(3) is released because a new petition for involuntary treatment has not been filed under RCW 71.05.320(~~(2)~~) (3), the superintendent, professional person, or designated (~~mental health professional~~) crisis responder responsible for the decision whether to file a new petition shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision not to file a new petition for involuntary treatment. Notice shall be provided at least forty-five days before the period of commitment expires.

(2)(a) Before a person committed under grounds set forth in RCW 71.05.280(3) is permitted temporarily to leave a treatment facility pursuant to RCW 71.05.270 for any period of time without constant accompaniment by facility staff, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county of the person's destination and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed. The notice shall be provided at least forty-five days before the anticipated leave and shall describe the conditions under which the leave is to occur.

(b) The provisions of RCW 71.05.330(2) apply to proposed leaves, and either or both prosecuting attorneys receiving notice under this subsection may petition the court under RCW 71.05.330(2).

(3) Nothing in this section shall be construed to authorize detention of a person unless a valid order of commitment is in effect.

(4) The existence of the notice requirements in this section will not require any extension of the leave date in the event the leave plan changes after notification.

(5) The notice requirements contained in this section shall not apply to emergency medical transfers.

(6) The notice provisions of this section are in addition to those provided in RCW 71.05.425.

**Sec. 240.** RCW 71.05.340 and 2015 c 250 s 12 are each amended to read as follows:

(1)(a) When, in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient treatment prior to or at the expiration of the period of commitment, then such outpatient care may be required as a term of conditional release for a period which, when added to the inpatient treatment period, shall not exceed the period of commitment. If the facility or agency designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such responsibility. A copy of the terms of conditional release shall be given to the patient, the designated (~~mental health professional~~) crisis responder in the county in which the patient is to receive outpatient treatment, and to the court of original commitment.

(b) Before a person committed under grounds set forth in RCW 71.05.280(3) or 71.05.320(4)(c) is conditionally released under (a) of this subsection, the superintendent or professional person in charge of the hospital or facility providing involuntary treatment shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision to conditionally release the person. Notice and a copy of the terms of conditional release shall be provided at least thirty days before the person is released from inpatient care. Within twenty days after receiving notice, the prosecuting attorney may petition the court in the county that issued the commitment order to hold a hearing to determine whether the person may be

conditionally released and the terms of the conditional release. The prosecuting attorney shall provide a copy of the petition to the superintendent or professional person in charge of the hospital or facility providing involuntary treatment, the attorney, if any, and guardian or conservator of the committed person, and the court of original commitment. If the county in which the committed person is to receive outpatient treatment is the same county in which the criminal charges against the committed person were dismissed, then the court shall, upon the motion of the prosecuting attorney, transfer the proceeding to the court in that county. The court shall conduct a hearing on the petition within ten days of the filing of the petition. The committed person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as set forth in this subsection and except that there shall be no right to jury trial. The issue to be determined at the hearing is whether or not the person may be conditionally released without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security. If the court disapproves of the conditional release, it may do so only on the basis of substantial evidence. Pursuant to the determination of the court upon the hearing, the conditional release of the person shall be approved by the court on the same or modified conditions or the person shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed, or otherwise in accordance with the provisions of this chapter.

(2) The facility or agency designated to provide outpatient care or the secretary may modify the conditions for continued release when such modification is in the best interest of the person. Notification of such changes shall be sent to all persons receiving a copy of the original conditions. Enforcement or revocation proceedings related to a conditional release order may occur as provided under RCW 71.05.590.

**Sec. 241.** RCW 71.05.585 and 2015 c 250 s 16 are each amended to read as follows:

(1) Less restrictive alternative treatment, at a minimum, includes the following services:

- (a) Assignment of a care coordinator;
- (b) An intake evaluation with the provider of the less restrictive alternative treatment;
- (c) A psychiatric evaluation;
- (d) Medication management;
- (e) A schedule of regular contacts with the provider of the less restrictive alternative treatment services for the duration of the order;
- (f) A transition plan addressing access to continued services at the expiration of the order; and
- (g) An individual crisis plan.

(2) Less restrictive alternative treatment may additionally include requirements to participate in the following services:

- (a) Psychotherapy;
- (b) Nursing;
- (c) Substance abuse counseling;
- (d) Residential treatment; and

(e) Support for housing, benefits, education, and employment.

(3) Less restrictive alternative treatment must be administered by a provider that is certified or licensed to provide or coordinate the full scope of services required under the less restrictive alternative order and that has agreed to assume this responsibility.

(4) For the purpose of this section, "care coordinator" means a clinical practitioner who coordinates the activities of less restrictive alternative treatment. The care coordinator coordinates activities with the designated ~~((mental health professionals))~~ crisis responders that are necessary for enforcement and continuation of less restrictive alternative orders and is responsible for coordinating service activities with other agencies and establishing and maintaining a therapeutic relationship with the individual on a continuing basis.

**Sec. 242.** RCW 71.05.590 and 2015 c 250 s 13 are each amended to read as follows:

(1) An agency or facility designated to monitor or provide services under a less restrictive alternative or conditional release order or a designated ~~((mental health professional))~~ crisis responder may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order if the agency, facility, or designated ~~((mental health professional))~~ crisis responder determines that:

- (a) The person is failing to adhere to the terms and conditions of the court order;
- (b) Substantial deterioration in the person's functioning has occurred;
- (c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or
- (d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

- (a) To counsel, advise, or admonish the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;
- (b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;
- (c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for

clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated ~~((mental health professional))~~ crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility with available space or an approved substance use disorder treatment program with available space if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated ~~((mental health professional))~~ crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated ~~((mental health professional))~~ crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated ~~((mental health professional))~~ crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this ~~((section))~~ chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment ~~((or initiate))~~ if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment and has adequate space. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated ~~((mental health~~

~~professional~~) crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated (~~mental health professional~~) crisis responder or secretary shall notify the court that originally ordered commitment within two judicial days of a person's detention and file a revocation petition and order of apprehension and detention with the court and serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings regarding a petition for modification or revocation must be in the county in which the petition was filed.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in the original court order. A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated (~~mental health professional~~) crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 243.** RCW 71.05.590 and 2016 1st sp.s. c ... s 242 (section 242 of this act) are each amended to read as follows:

(1) An agency or facility designated to monitor or provide services under a less restrictive alternative or conditional release order or a designated crisis responder may take action to enforce, modify, or revoke a less restrictive alternative or conditional release order if the

agency, facility, or designated crisis responder determines that:

(a) The person is failing to adhere to the terms and conditions of the court order;

(b) Substantial deterioration in the person's functioning has occurred;

(c) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further evaluation, intervention, or treatment; or

(d) The person poses a likelihood of serious harm.

(2) Actions taken under this section must include a flexible range of responses of varying levels of intensity appropriate to the circumstances and consistent with the interests of the individual and the public in personal autonomy, safety, recovery, and compliance. Available actions may include, but are not limited to, any of the following:

(a) To counsel, advise, or admonish the person as to their rights and responsibilities under the court order, and to offer appropriate incentives to motivate compliance;

(b) To increase the intensity of outpatient services provided to the person by increasing the frequency of contacts with the provider, referring the person for an assessment for assertive community services, or by other means;

(c) To request a court hearing for review and modification of the court order. The request must be made to the court with jurisdiction over the order and specify the circumstances that give rise to the request and what modification is being sought. The county prosecutor shall assist the agency or facility in requesting this hearing and issuing an appropriate summons to the person. This subsection does not limit the inherent authority of a treatment provider to alter conditions of treatment for clinical reasons, and is intended to be used only when court intervention is necessary or advisable to secure the person's compliance and prevent decompensation or deterioration;

(d) To cause the person to be transported by a peace officer, designated crisis responder, or other means to the agency or facility monitoring or providing services under the court order, or to a triage facility, crisis stabilization unit, emergency department, or to an evaluation and treatment facility if the person is committed for mental health treatment, or to a secure detoxification facility (~~(with available space)~~) or an approved substance use disorder treatment program (~~(with available space)~~) if the person is committed for substance use disorder treatment. The person may be detained at the facility for up to twelve hours for the purpose of an evaluation to determine whether modification, revocation, or commitment proceedings are necessary and appropriate to stabilize the person and prevent decompensation, deterioration, or physical harm. Temporary detention for evaluation under this subsection is intended to occur only following a pattern of noncompliance or the failure of reasonable attempts at outreach and engagement, and may occur only when in the clinical judgment of a designated crisis responder or the professional person in charge of an agency or facility designated to monitor less restrictive alternative services temporary detention is appropriate. This subsection does not limit the ability or obligation to

pursue revocation procedures under subsection (4) of this section in appropriate circumstances; and

(e) To initiate revocation procedures under subsection (4) of this section.

(3) The facility or agency designated to provide outpatient treatment shall notify the secretary or designated crisis responder when a person fails to adhere to terms and conditions of court ordered treatment or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm.

(4)(a) A designated crisis responder or the secretary may upon their own motion or notification by the facility or agency designated to provide outpatient care order a person subject to a court order under this chapter to be apprehended and taken into custody and temporary detention in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment if the person is committed for mental health treatment, or, if the person is committed for substance use disorder treatment, in a secure detoxification facility or approved substance use disorder treatment program if either is available in or near the county in which he or she is receiving outpatient treatment ~~((and has adequate space))~~. Proceedings under this subsection (4) may be initiated without ordering the apprehension and detention of the person.

(b) A person detained under this subsection (4) must be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been released. If the person is not detained, the hearing must be scheduled within five days of service on the person. The designated crisis responder or the secretary may modify or rescind the order at any time prior to commencement of the court hearing.

(c) The designated crisis responder or secretary shall notify the court that originally ordered commitment within two judicial days of a person's detention and file a revocation petition and order of apprehension and detention with the court and serve the person and their attorney, guardian, and conservator, if any. The person has the same rights with respect to notice, hearing, and counsel as in any involuntary treatment proceeding, except as specifically set forth in this section. There is no right to jury trial. The venue for proceedings regarding a petition for modification or revocation must be in the county in which the petition was filed.

(d) The issues for the court to determine are whether: (i) The person adhered to the terms and conditions of the court order; (ii) substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the above conditions apply, whether the court should reinstate or modify the person's less restrictive alternative or conditional release order or order the person's detention for inpatient treatment. The person may waive the court hearing and allow the court to enter a stipulated order upon the agreement of all parties. If the court orders detention for inpatient treatment, the treatment period may be for no longer than the period authorized in

the original court order. ~~((A court may not issue an order to detain a person for inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program under this subsection unless there is a secure detoxification facility or approved substance use disorder treatment program available and with adequate space for the person.))~~

(e) Revocation proceedings under this subsection (4) are not allowable if the current commitment is solely based on the person being in need of assisted outpatient mental health treatment. In order to obtain a court order for detention for inpatient treatment under this circumstance, a petition must be filed under RCW 71.05.150 or 71.05.153.

(5) In determining whether or not to take action under this section the designated crisis responder, agency, or facility must consider the factors specified under RCW 71.05.212 and the court must consider the factors specified under RCW 71.05.245 as they apply to the question of whether to enforce, modify, or revoke a court order for involuntary treatment.

**Sec. 244.** RCW 71.05.360 and 2009 c 217 s 5 are each amended to read as follows:

(1)(a) Every person involuntarily detained or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter, which shall be prominently posted in the facility, and shall retain all rights not denied him or her under this chapter except as chapter 9.41 RCW may limit the right of a person to purchase or possess a firearm or to qualify for a concealed pistol license if the person is committed under RCW 71.05.240 or 71.05.320 for mental health treatment.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder or substance use disorder, under this chapter or any prior laws of this state dealing with mental illness or substance use disorders. Competency shall not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(c) Any person who leaves a public or private agency following evaluation or treatment for a mental disorder or substance use disorder shall be given a written statement setting forth the substance of this section.

(2) Each person involuntarily detained or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician, psychiatric advanced registered nurse practitioner, or other professional person qualified to provide such services.

(5) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both the person and, if possible, a responsible member of his or her immediate family, personal representative, guardian, or conservator, if any, shall be advised as soon as possible in writing or orally, by the officer or person taking him or her into

custody or by personnel of the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program where the person is detained that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention:

(a) A judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain the person after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that the person is a person whose mental disorder or substance use disorder presents a likelihood of serious harm or that the person is gravely disabled;

(b) The person has a right to communicate immediately with an attorney; has a right to have an attorney appointed to represent him or her before and at the probable cause hearing if he or she is indigent; and has the right to be told the name and address of the attorney that the mental health professional has designated pursuant to this chapter;

(c) The person has the right to remain silent and that any statement he or she makes may be used against him or her;

(d) The person has the right to present evidence and to cross-examine witnesses who testify against him or her at the probable cause hearing; and

(e) The person has the right to refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) When proceedings are initiated under RCW 71.05.153, no later than twelve hours after such person is admitted to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program the personnel of the (~~evaluation and treatment~~) facility or the designated (~~mental health professional~~) crisis responder shall serve on such person a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on the designated attorney.

(7) The judicial hearing described in subsection (5) of this section is hereby authorized, and shall be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(8) At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

(a) To present evidence on his or her behalf;

(b) To cross-examine witnesses who testify against him or her;

(c) To be proceeded against by the rules of evidence;

(d) To remain silent;

(e) To view and copy all petitions and reports in the court file.

(9) Privileges between patients and physicians, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic

medications. As to other proceedings under this chapter, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(10) Insofar as danger to the person or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) To discuss treatment plans and decisions with professional persons;

(h) Not to consent to the administration of antipsychotic medications and not to thereafter be administered antipsychotic medications unless ordered by a court under RCW 71.05.217 or pursuant to an administrative hearing under RCW 71.05.215;

(i) Not to consent to the performance of electroconvulsant therapy or surgery, except emergency lifesaving surgery, unless ordered by a court under RCW 71.05.217;

(j) Not to have psychosurgery performed on him or her under any circumstances;

(k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue.

(11) Every person involuntarily detained shall immediately be informed of his or her right to a hearing to review the legality of his or her detention and of his or her right to counsel, by the professional person in charge of the

facility providing evaluation and treatment, or his or her designee, and, when appropriate, by the court. If the person so elects, the court shall immediately appoint an attorney to assist him or her.

(12) A person challenging his or her detention or his or her attorney shall have the right to designate and have the court appoint a reasonably available independent physician, psychiatric advanced registered nurse practitioner, or licensed mental health professional to examine the person detained, the results of which examination may be used in the proceeding. The person shall, if he or she is financially able, bear the cost of such expert examination, otherwise such expert examination shall be at public expense.

(13) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for release.

(14) Nothing in this chapter shall prohibit a person committed on or prior to January 1, 1974, from exercising a right available to him or her at or prior to January 1, 1974, for obtaining release from confinement.

(15) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

**Sec. 245.** RCW 71.05.380 and 1973 1st ex.s. c 142 s 43 are each amended to read as follows:

All persons voluntarily entering or remaining in any facility, institution, or hospital providing evaluation and treatment for mental disorders or substance use disorders shall have no less than all rights secured to involuntarily detained persons by RCW 71.05.360 and ~~((71.05.370))~~ 71.05.217.

**Sec. 246.** RCW 71.05.435 and 2010 c 280 s 4 are each amended to read as follows:

(1) Whenever a person who is the subject of an involuntary commitment order under this chapter is discharged from an evaluation and treatment facility ~~((or))~~, state hospital, ~~((the evaluation and treatment facility or state hospital shall provide notice of the person's discharge to the designated mental health professional))~~ secure detoxification facility, or approved substance use disorder treatment program providing involuntary treatment services, the entity discharging the person shall provide notice of the person's discharge to the designated crisis responder office responsible for the initial commitment and the designated ((mental health professional)) crisis responder office that serves the county in which the person is expected to reside. The ((evaluation and treatment facility or state hospital)) entity discharging the person must also provide these offices with a copy of any less restrictive order or conditional release order entered in conjunction with the discharge of the person, unless the ~~((evaluation and treatment facility or state hospital))~~ entity discharging the person has entered into a memorandum of understanding obligating another entity to provide these documents.

(2) The notice and documents referred to in subsection (1) of this section shall be provided as soon as possible and no later than one business day following the discharge of the person. Notice is not required under this section if the discharge is for the purpose of transferring the person for continued detention and treatment under this chapter at another treatment facility.

(3) The department shall maintain and make available an updated list of contact information for designated ~~((mental health professional))~~ crisis responder offices around the state.

**Sec. 247.** RCW 71.05.530 and 1998 c 297 s 23 are each amended to read as follows:

Evaluation and treatment facilities and secure detoxification facilities authorized pursuant to this chapter may be part of the comprehensive community mental health services program conducted in counties pursuant to chapter 71.24 RCW, and may receive funding pursuant to the provisions thereof.

**Sec. 248.** RCW 71.05.560 and 1998 c 297 s 24 are each amended to read as follows:

The department shall adopt such rules as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to evaluation of the quality of the program and facilities operating pursuant to this chapter, evaluation of the effectiveness and cost effectiveness of such programs and facilities, and procedures and standards for certification and other action relevant to evaluation and treatment facilities, secure detoxification facilities, and approved substance use disorder treatment programs.

**Sec. 249.** RCW 71.05.620 and 2015 c 269 s 16 are each amended to read as follows:

(1) The files and records of court proceedings under this chapter and chapter ~~((s 70.96A,))~~ 71.34 ~~((, and 70.96B))~~ RCW shall be closed but shall be accessible to:

- The department;
- The state hospitals as defined in RCW 72.23.010;
- Any person who is the subject of a petition;
- The ~~((person's))~~ attorney or guardian of the person;
- Resource management services for that person; and
- Service providers authorized to receive such information by resource management services.

(2) The department shall adopt rules to implement this section.

**Sec. 250.** RCW 71.05.700 and 2007 c 360 s 2 are each amended to read as follows:

No designated ~~((mental health professional))~~ crisis responder or crisis intervention worker shall be required to respond to a private home or other private location to stabilize or treat a person in crisis, or to evaluate a person

for potential detention under the state's involuntary treatment act, unless a second trained individual, determined by the clinical team supervisor, on-call supervisor, or individual professional acting alone based on a risk assessment for potential violence, accompanies them. The second individual may be a law enforcement officer, a mental health professional, a mental health paraprofessional who has received training under RCW 71.05.715, or other first responder, such as fire or ambulance personnel. No retaliation may be taken against a worker who, following consultation with the clinical team, refuses to go on a home visit alone.

**Sec. 251.** RCW 71.05.705 and 2007 c 360 s 3 are each amended to read as follows:

Each provider of designated ~~((mental health professional))~~ crisis responder or crisis outreach services shall maintain a written policy that, at a minimum, describes the organization's plan for training, staff backup, information sharing, and communication for crisis outreach staff who respond to private homes or nonpublic settings.

**Sec. 252.** RCW 71.05.745 and 2015 c 269 s 2 are each amended to read as follows:

(1) The department may use a single bed certification process as outlined in rule to provide additional treatment capacity for a person suffering from a mental disorder for whom an evaluation and treatment bed is not available. The facility that is the proposed site of the single bed certification must be a facility that is willing and able to provide the person with timely and appropriate treatment either directly or by arrangement with other public or private agencies.

(2) A single bed certification must be specific to the patient receiving treatment.

(3) A designated ~~((mental health professional))~~ crisis responder who submits an application for a single bed certification for treatment at a facility that is willing and able to provide timely and appropriate mental health treatment in good faith belief that the single bed certification is appropriate may presume that the single bed certification will be approved for the purpose of completing the detention process and responding to other emergency calls.

(4) The department may adopt rules implementing this section and continue to enforce rules it has already adopted except where inconsistent with this section.

**Sec. 253.** RCW 71.05.750 and 2015 c 269 s 3 are each amended to read as follows:

(1) A designated ~~((mental health professional))~~ crisis responder shall make a report to the department when he or she determines a person meets detention criteria under RCW 71.05.150, 71.05.153, 71.34.700, or 71.34.710 and there are not any beds available at an evaluation and treatment facility, the person has not been provisionally accepted for admission by a facility, and the person cannot be served on a single bed certification or less restrictive alternative. Starting at the time when the designated

~~((mental health professional))~~ crisis responder determines a person meets detention criteria and the investigation has been completed, the designated ~~((mental health professional))~~ crisis responder has twenty-four hours to submit a completed report to the department.

(2) The report required under subsection (1) of this section must contain at a minimum:

(a) The date and time that the investigation was completed;

(b) The identity of the responsible ~~((regional support network or))~~ behavioral health organization;

(c) The county in which the person met detention criteria;

(d) A list of facilities which refused to admit the person; and

(e) Identifying information for the person, including age or date of birth.

(3) The department shall develop a standardized reporting form or modify the current form used for single bed certifications for the report required under subsection (2) of this section and may require additional reporting elements as it determines are necessary or supportive. The department shall also determine the method for the transmission of the completed report from the designated ~~((mental health professional))~~ crisis responder to the department.

(4) The department shall create quarterly reports displayed on its web site that summarize the information reported under subsection (2) of this section. At a minimum, the reports must display data by county and by month. The reports must also include the number of single bed certifications granted by category. The categories must include all of the reasons that the department recognizes for issuing a single bed certification, as identified in rule.

(5) The reports provided according to this section may not display "protected health information" as that term is used in the federal health insurance portability and accountability act of 1996, nor information contained in "mental health treatment records" as that term is used in chapter 70.02 RCW or elsewhere in state law, and must otherwise be compliant with state and federal privacy laws.

(6) For purposes of this section, the term "single bed certification" means a situation in which an adult on a seventy-two hour detention, fourteen-day commitment, ninety-day commitment, or one hundred eighty-day commitment is detained to a facility that is:

(a) Not certified as an inpatient evaluation and treatment facility; or

(b) A certified inpatient evaluation and treatment facility that is already at capacity.

**Sec. 254.** RCW 71.34.020 and 2011 c 89 s 16 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(2) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(3) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(4) "Department" means the department of social and health services.

(5) (~~"Designated mental health professional"~~) means a mental health professional designated by one or more counties to perform the functions of a designated mental health professional described in this chapter.

(~~6~~) "Evaluation and treatment facility" means a public or private facility or unit that is certified by the department to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately-operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the department or federal agency does not require certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(~~7~~) (6) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(~~8~~) (7) "Gravely disabled minor" means a minor who, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals, is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(~~9~~) (8) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, (~~residential~~) residential treatment facility certified by the department as an evaluation and treatment facility for minors, secure detoxification facility for minors, or approved substance use disorder treatment program for minors.

(~~10~~) (9) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(~~11~~) (10) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or

inflict physical harm on oneself; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others.

(~~12~~) (11) "Medical necessity" for inpatient care means a requested service which is reasonably calculated to: (a) Diagnose, correct, cure, or alleviate a mental disorder or substance use disorder; or (b) prevent the (~~worsening of mental conditions~~) progression of a substance use disorder that endangers life or causes suffering and pain, or results in illness or infirmity or threatens to cause or aggravate a handicap, or causes physical deformity or malfunction, and there is no adequate less restrictive alternative available.

(~~13~~) (12) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or intellectual disabilities alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(~~14~~) (13) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under this chapter.

(~~15~~) (14) "Minor" means any person under the age of eighteen years.

(~~16~~) (15) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed service(~~s~~) providers as identified by RCW 71.24.025.

(~~17~~) (16) "Parent" means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under a joint custody agreement; or

(b) A person or agency judicially appointed as legal guardian or custodian of the child.

(~~18~~) (17) "Professional person in charge" or "professional person" means a physician (~~or~~) other mental health professional, or other person empowered by an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program with authority to make admission and discharge decisions on behalf of that facility.

(~~19~~) (18) "Psychiatric nurse" means a registered nurse who has a bachelor's degree from an accredited college or university, and who has had, in addition, at least two years' experience in the direct treatment of persons who have a mental illness or who are emotionally disturbed, such experience gained under the supervision of a mental health professional. "Psychiatric nurse" shall also mean any other registered nurse who has three years of such experience.

(~~20~~) (19) "Psychiatrist" means a person having a license as a physician in this state who has completed residency training in psychiatry in a program approved by

the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

~~((21))~~ (20) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

~~((22))~~ (21) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

~~((23))~~ (22) "Secretary" means the secretary of the department or secretary's designee.

~~((24))~~ (23) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

~~((25))~~ (24) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(25) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(26) "Approved substance use disorder treatment program" means a program for minors with substance use disorders provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW.

(27) "Chemical dependency" means:

(a) Alcoholism;

(b) Drug addiction; or

(c) Dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(28) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(29) "Designated crisis responder" means a person designated by a behavioral health organization to perform the duties specified in this chapter.

(30) "Drug addiction" means a disease, characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(31) "Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(32) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, that is conducted

for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders.

(33) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved substance use disorder treatment program that is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, substance use disorders, or both mental illness and substance use disorders if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(34) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that:

(a) Provides for intoxicated minors;

(i) Evaluation and assessment, provided by certified chemical dependency professionals;

(ii) Acute or subacute detoxification services; and

(iii) Discharge assistance provided by certified chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the minor;

(b) Includes security measures sufficient to protect the patients, staff, and community; and

(c) Is certified as such by the department.

(35) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

**Sec. 255.** RCW 71.34.305 and 1996 c 133 s 6 are each amended to read as follows:

School district personnel who contact a mental health or substance use disorder inpatient treatment program or provider for the purpose of referring a student to inpatient treatment shall provide the parents with notice of the contact within forty-eight hours.

**Sec. 256.** RCW 71.34.375 and 2011 c 302 s 1 are each amended to read as follows:

(1) If a parent or guardian, for the purpose of mental health treatment, substance use disorder treatment, or evaluation, brings his or her minor child to an evaluation and treatment facility, a hospital emergency room, an inpatient facility licensed under chapter 72.23 RCW, ~~((or))~~ an inpatient facility licensed under chapter 70.41 or 71.12 RCW operating inpatient psychiatric beds for minors, a secure detoxification facility, or an approved substance use disorder treatment program, the facility is required to promptly provide written and verbal notice of all statutorily available treatment options contained in this chapter. The notice need not be given more than once if written and verbal notice has already been provided and documented by the facility.

(2) The provision of notice must be documented by the facilities required to give notice under subsection (1) of this section and must be accompanied by a signed acknowledgment of receipt by the parent or guardian. The notice must contain the following information:

(a) All current statutorily available treatment options including but not limited to those provided in this chapter; and

(b) The procedures to be followed to utilize the treatment options described in this chapter.

(3) The department shall produce, and make available, the written notification that must include, at a minimum, the information contained in subsection (2) of this section. The department must revise the written notification as necessary to reflect changes in the law.

**Sec. 257.** RCW 71.34.385 and 1992 c 205 s 304 are each amended to read as follows:

The department shall ensure that the provisions of this chapter are applied by the counties in a consistent and uniform manner. The department shall also ensure that, to the extent possible within available funds, the ~~((county-designated mental health professionals))~~ designated crisis responders are specifically trained in adolescent mental health issues, the mental health and substance use disorder civil commitment laws, and the criteria for civil commitment.

**Sec. 258.** RCW 71.34.400 and 1998 c 296 s 11 are each amended to read as follows:

For purposes of eligibility for medical assistance under chapter 74.09 RCW, minors in inpatient mental health or inpatient substance use disorder treatment shall be considered to be part of their parent's or legal guardian's household, unless the minor has been assessed by the department or its designee as likely to require such treatment for at least ninety consecutive days, or is in out-of-home care in accordance with chapter 13.34 RCW, or the parents are found to not be exercising responsibility for care and control of the minor. Payment for such care by the department shall be made only in accordance with rules, guidelines, and clinical criteria applicable to inpatient treatment of minors established by the department.

**Sec. 259.** RCW 71.34.410 and 2005 c 371 s 5 are each amended to read as follows:

No public or private agency or governmental entity, nor officer of a public or private agency, nor the superintendent, or professional person in charge, his or her professional designee or attending staff of any such agency, nor any public official performing functions necessary to the administration of this chapter, nor peace officer responsible for detaining a person under this chapter, nor any ~~((county))~~ designated ((mental health professional)) crisis responder, nor professional person, nor evaluation and treatment facility, nor secure detoxification facility, nor approved substance use disorder treatment program shall be civilly or criminally liable for performing actions authorized in this chapter with regard to the decision of

whether to admit, release, or detain a person for evaluation and treatment: PROVIDED, That such duties were performed in good faith and without gross negligence.

**Sec. 260.** RCW 71.34.420 and 2015 c 269 s 12 are each amended to read as follows:

(1) The department may use a single bed certification process as outlined in rule to provide additional treatment capacity for a minor suffering from a mental disorder for whom an evaluation and treatment bed is not available. The facility that is the proposed site of the single bed certification must be a facility that is willing and able to provide the person with timely and appropriate treatment either directly or by arrangement with other public or private agencies.

(2) A single bed certification must be specific to the minor receiving treatment.

(3) A designated ~~((mental health professional))~~ crisis responder who submits an application for a single bed certification for treatment at a facility that is willing and able to provide timely and appropriate mental health treatment in good faith belief that the single bed certification is appropriate may presume that the single bed certification will be approved for the purpose of completing the detention process and responding to other emergency calls.

(4) The department may adopt rules implementing this section and continue to enforce rules it has already adopted except where inconsistent with this section.

**Sec. 261.** RCW 71.34.500 and 2006 c 93 s 3 are each amended to read as follows:

(1) A minor thirteen years or older may admit himself or herself to an evaluation and treatment facility for inpatient mental health treatment or an approved substance use disorder treatment program for inpatient ~~((mental))~~ substance use disorder treatment~~((;))~~ without parental consent. The admission shall occur only if the professional person in charge of the facility concurs with the need for inpatient treatment. Parental authorization, or authorization from a person who may consent on behalf of the minor pursuant to RCW 7.70.065, is required for inpatient treatment of a minor under the age of thirteen.

(2) When, in the judgment of the professional person in charge of an evaluation and treatment facility or approved substance use disorder treatment program, there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder or substance use disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to ~~((an evaluation and treatment))~~ the facility.

(3) Written renewal of voluntary consent must be obtained from the applicant no less than once every twelve months. The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

**Sec. 262.** RCW 71.34.520 and 2003 c 106 s 1 are each amended to read as follows:

(1) Any minor thirteen years or older voluntarily admitted to an evaluation and treatment facility or approved substance use disorder treatment program under RCW 71.34.500 may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(2) The staff member receiving the notice shall date it immediately, record its existence in the minor's clinical record, and send copies of it to the minor's attorney, if any, the ~~((county designated mental health professional))~~ designated crisis responders, and the parent.

(3) The professional person shall discharge the minor, thirteen years or older, from the facility by the second judicial day following receipt of the minor's notice of intent to leave.

**Sec. 263.** RCW 71.34.600 and 2007 c 375 s 11 are each amended to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her minor child to:

(a) An evaluation and treatment facility or an inpatient facility licensed under chapter 70.41, 71.12, or 72.23 RCW and request that the professional person examine the minor to determine whether the minor has a mental disorder and is in need of inpatient treatment; or

(b) A secure detoxification facility or approved substance use disorder treatment program and request that a substance use disorder assessment be conducted by a professional person to determine whether the minor has a substance use disorder and is in need of inpatient treatment.

(2) The consent of the minor is not required for admission, evaluation, and treatment if the parent brings the minor to the facility.

(3) An appropriately trained professional person may evaluate whether the minor has a mental disorder or has a substance use disorder. The evaluation shall be completed within twenty-four hours of the time the minor was brought to the facility, unless the professional person determines that the condition of the minor necessitates additional time for evaluation. In no event shall a minor be held longer than seventy-two hours for evaluation. If, in the judgment of the professional person, it is determined it is a medical necessity for the minor to receive inpatient treatment, the minor may be held for treatment. The facility shall limit treatment to that which the professional person determines is medically necessary to stabilize the minor's condition until the evaluation has been completed. Within twenty-four hours of completion of the evaluation, the professional person shall notify the department if the child is held for treatment and of the date of admission.

(4) No provider is obligated to provide treatment to a minor under the provisions of this section except that no provider may refuse to treat a minor under the provisions of this section solely on the basis that the minor has not consented to the treatment. No provider may admit a minor to treatment under this section unless it is medically necessary.

(5) No minor receiving inpatient treatment under this section may be discharged from the facility based solely on his or her request.

(6) Prior to the review conducted under RCW 71.34.610, the professional person shall notify the minor of his or her right to petition superior court for release from the facility.

(7) For the purposes of this section "professional person" means "professional person" as defined in RCW 71.05.020.

**Sec. 264.** RCW 71.34.630 and 1998 c 296 s 20 are each amended to read as follows:

If the minor is not released as a result of the petition filed under RCW 71.34.620, he or she shall be released not later than thirty days following the later of: (1) The date of the department's determination under RCW 71.34.610(2); or (2) the filing of a petition for judicial review under RCW 71.34.620, unless a professional person or the ~~((county)) designated ((mental health professional))~~ crisis responder initiates proceedings under this chapter.

**Sec. 265.** RCW 71.34.650 and 1998 c 296 s 18 are each amended to read as follows:

(1) A parent may bring, or authorize the bringing of, his or her minor child to:

(a) A provider of outpatient mental health treatment and request that an appropriately trained professional person examine the minor to determine whether the minor has a mental disorder and is in need of outpatient treatment; or

(b) A provider of outpatient substance use disorder treatment and request that an appropriately trained professional person examine the minor to determine whether the minor has a substance use disorder and is in need of outpatient treatment.

(2) The consent of the minor is not required for evaluation if the parent brings the minor to the provider.

(3) The professional person may evaluate whether the minor has a mental disorder or substance use disorder and is in need of outpatient treatment.

(4) Any minor admitted to inpatient treatment under RCW 71.34.500 or 71.34.600 shall be discharged immediately from inpatient treatment upon written request of the parent.

**Sec. 266.** RCW 71.34.660 and 2005 c 371 s 3 are each amended to read as follows:

A minor child shall have no cause of action against an evaluation and treatment facility, secure detoxification facility, approved substance use disorder treatment program, inpatient facility, or provider of outpatient mental health treatment or outpatient substance use disorder treatment for admitting or accepting the minor in good faith for evaluation or treatment under RCW 71.34.600 or 71.34.650 based solely upon the fact that the minor did not consent to evaluation or treatment if the minor's parent has consented to the evaluation or treatment.

**Sec. 267.** RCW 71.34.700 and 1985 c 354 s 4 are each amended to read as follows:

(1) If a minor, thirteen years or older, is brought to an evaluation and treatment facility or hospital emergency room for immediate mental health services, the professional person in charge of the facility shall evaluate the minor's mental condition, determine whether the minor suffers from a mental disorder, and whether the minor is in need of immediate inpatient treatment.

(2) If a minor, thirteen years or older, is brought to a secure detoxification facility with available space, or a hospital emergency room for immediate substance use disorder treatment, the professional person in charge of the facility shall evaluate the minor's condition, determine whether the minor suffers from substance use disorder, and whether the minor is in need of immediate inpatient treatment.

(3) If it is determined under subsection (1) or (2) of this section that the minor suffers from a mental disorder or substance use disorder, inpatient treatment is required, the minor is unwilling to consent to voluntary admission, and the professional person believes that the minor meets the criteria for initial detention set forth herein, the facility may detain or arrange for the detention of the minor for up to twelve hours in order to enable a ~~((county-designated mental health professional))~~ designated crisis responder to evaluate the minor and commence initial detention proceedings under the provisions of this chapter.

**Sec. 268.** RCW 71.34.700 and 2016 1st sp.s. c ... s 267 (section 267 of this act) are each amended to read as follows:

(1) If a minor, thirteen years or older, is brought to an evaluation and treatment facility or hospital emergency room for immediate mental health services, the professional person in charge of the facility shall evaluate the minor's mental condition, determine whether the minor suffers from a mental disorder, and whether the minor is in need of immediate inpatient treatment.

(2) If a minor, thirteen years or older, is brought to a secure detoxification facility ~~((with available space,))~~ or a hospital emergency room for immediate substance use disorder treatment, the professional person in charge of the facility shall evaluate the minor's condition, determine whether the minor suffers from substance use disorder, and whether the minor is in need of immediate inpatient treatment.

(3) If it is determined under subsection (1) or (2) of this section that the minor suffers from a mental disorder or substance use disorder, inpatient treatment is required, the minor is unwilling to consent to voluntary admission, and the professional person believes that the minor meets the criteria for initial detention set forth herein, the facility may detain or arrange for the detention of the minor for up to twelve hours in order to enable a designated crisis responder to evaluate the minor and commence initial detention proceedings under the provisions of this chapter.

**Sec. 269.** RCW 71.34.710 and 1995 c 312 s 53 are each amended to read as follows:

(1)(a)(i) When a ~~((county-designated mental health professional))~~ designated crisis responder receives information that a minor, thirteen years or older, as a result of a mental disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the ~~((county-designated mental health professional))~~ designated crisis responder may take the minor, or cause the minor to be taken, into custody and transported to an evaluation and treatment facility providing inpatient treatment.

(ii) When a designated crisis responder receives information that a minor, thirteen years or older, as a result of substance use disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the minor, or cause the minor to be taken, into custody and transported to a secure detoxification facility or approved substance use disorder treatment program, if a secure detoxification facility or approved substance use disorder treatment program is available and has adequate space for the minor.

(b) If the minor is not taken into custody for evaluation and treatment, the parent who has custody of the minor may seek review of that decision made by the ~~((county-designated mental health professional))~~ designated crisis responder in court. The parent shall file notice with the court and provide a copy of the ~~((county-designated mental health professional's))~~ designated crisis responder's report or notes.

(2) Within twelve hours of the minor's arrival at the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, the ~~((county-designated mental health professional))~~ designated crisis responder shall serve on the minor a copy of the petition for initial detention, notice of initial detention, and statement of rights. The ~~((county-designated mental health professional))~~ designated crisis responder shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The ~~((county-designated mental health professional))~~ designated crisis responder shall commence service of the petition for initial detention and notice of the initial detention on the minor's parent and the minor's attorney as soon as possible following the initial detention.

(3) At the time of initial detention, the ~~((county-designated mental health professional))~~ designated crisis responder shall advise the minor both orally and in writing that if admitted to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program for inpatient treatment, a commitment hearing shall be held within seventy-two hours of the minor's provisional acceptance to determine whether probable cause exists to commit the minor for further ~~((mental health))~~ treatment.

The minor shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the minor is indigent.

(4) Subject to subsection (5) of this section, whenever the ((county designated mental health professional)) designated crisis responder petitions for detention of a minor under this chapter, an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the minor's arrival, the facility must evaluate the minor's condition and either admit or release the minor in accordance with this chapter.

(5) A designated crisis responder may not petition for detention of a minor to a secure detoxification facility or approved substance use disorder treatment program unless there is a secure detoxification facility or approved substance use disorder treatment program available and that has adequate space for the minor.

(6) If a minor is not approved for admission by the inpatient evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, the facility shall make such recommendations and referrals for further care and treatment of the minor as necessary.

**Sec. 270.** RCW 71.34.710 and 2016 1st sp.s. c ... s 269 (section 269 of this act) are each amended to read as follows:

(1)(a)(i) When a designated crisis responder receives information that a minor, thirteen years or older, as a result of a mental disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the minor, or cause the minor to be taken, into custody and transported to an evaluation and treatment facility providing inpatient treatment.

(ii) When a designated crisis responder receives information that a minor, thirteen years or older, as a result of substance use disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the designated crisis responder may take the minor, or cause the minor to be taken, into custody and transported to a secure detoxification facility or approved substance use disorder treatment program ~~((, if a secure detoxification facility or approved substance use disorder treatment program is available and has adequate space for the minor))~~.

(b) If the minor is not taken into custody for evaluation and treatment, the parent who has custody of the minor may seek review of that decision made by the designated crisis responder in court. The parent shall file

notice with the court and provide a copy of the designated crisis responder's report or notes.

(2) Within twelve hours of the minor's arrival at the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, the designated crisis responder shall serve on the minor a copy of the petition for initial detention, notice of initial detention, and statement of rights. The designated crisis responder shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The designated crisis responder shall commence service of the petition for initial detention and notice of the initial detention on the minor's parent and the minor's attorney as soon as possible following the initial detention.

(3) At the time of initial detention, the designated crisis responder shall advise the minor both orally and in writing that if admitted to the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program for inpatient treatment, a commitment hearing shall be held within seventy-two hours of the minor's provisional acceptance to determine whether probable cause exists to commit the minor for further treatment.

The minor shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the minor is indigent.

(4) ~~((Subject to subsection (5) of this section,))~~ Whenever the designated crisis responder petitions for detention of a minor under this chapter, an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the minor's arrival, the facility must evaluate the minor's condition and either admit or release the minor in accordance with this chapter.

(5) ~~((A designated crisis responder may not petition for detention of a minor to a secure detoxification facility or approved substance use disorder treatment program unless there is a secure detoxification facility or approved substance use disorder treatment program available and that has adequate space for the minor.~~

~~(6))~~ If a minor is not approved for admission by the inpatient evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program, the facility shall make such recommendations and referrals for further care and treatment of the minor as necessary.

**Sec. 271.** RCW 71.34.720 and 2009 c 217 s 16 are each amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a chemical dependency professional, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a

physician or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a ~~((chemical dependency))~~ substance use disorder treatment facility or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to ~~((an approved treatment program defined under RCW 70.96A.020))~~ the more appropriate placement; however a minor may only be referred to a secure detoxification facility or approved substance use disorder treatment program if there is a secure detoxification facility or approved substance use disorder treatment program available and that has adequate space for the minor.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

(5) If the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

**Sec. 272.** RCW 71.34.720 and 2016 1st sp.s. c ... s 271 (section 271 of this act) are each amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist, for minors admitted as a result of a mental disorder, or by a chemical dependency professional, for minors admitted as a result of a substance use disorder, as to the child's mental condition and by a physician or psychiatric advanced registered nurse practitioner as to the child's physical condition within

twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist or substance use disorder specialist and the physician or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor, if detained to an evaluation and treatment facility, would be better served by placement in a substance use disorder treatment facility or, if detained to a secure detoxification facility or approved substance use disorder treatment program, would be better served in an evaluation and treatment facility, then the minor shall be referred to the more appropriate placement~~((; however a minor may only be referred to a secure detoxification facility or approved substance use disorder treatment program if there is a secure detoxification facility or approved substance use disorder treatment program available and that has adequate space for the minor))~~.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

(5) If the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

**Sec. 273.** RCW 71.34.730 and 2009 c 293 s 6 and 2009 c 217 s 17 are each reenacted and amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program where a minor has been admitted involuntarily for the initial seventy-two hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility or, in the case of a minor with a substance use disorder, to a secure detoxification facility or approved substance use disorder treatment program for fourteen-day diagnosis, evaluation, and treatment.

If the professional person in charge of the ~~((treatment and evaluation))~~ facility does not petition to have the minor committed, the parent who has custody of the minor may seek review of that decision in court. The parent shall file notice with the court and provide a copy of the treatment and evaluation facility's report.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is residing or being detained.

(a) A petition for a fourteen-day commitment shall be signed by (i) two physicians, (ii) two psychiatric advanced registered nurse practitioners, (iii) a mental health professional and either a physician or a psychiatric advanced registered nurse practitioner, or (iv) a physician and a psychiatric advanced registered nurse practitioner. The person signing the petition must have examined the minor, and the petition must contain the following:

(A) The name and address of the petitioner;

(B) The name of the minor alleged to meet the criteria for fourteen-day commitment;

(C) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;

(D) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;

(E) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;

(F) If the petition is for mental health treatment, a statement that the minor has been advised of the loss of firearm rights if involuntarily committed;

(G) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and

(H) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(b) A copy of the petition shall be personally delivered to the minor by the petitioner or petitioner's designee. A copy of the petition shall be sent to the minor's attorney and the minor's parent.

**Sec. 274.** RCW 71.34.740 and 2009 c 293 s 7 are each amended to read as follows:

(1) A commitment hearing shall be held within seventy-two hours of the minor's admission, excluding Saturday, Sunday, and holidays, unless a continuance is requested by the minor or the minor's attorney.

(2) The commitment hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the commitment hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the commitment hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the commitment hearing, the minor shall have the following rights:

(a) To be represented by an attorney;

(b) To present evidence on his or her own behalf;

(c) To question persons testifying in support of the petition.

(7) If the hearing is for commitment for mental health treatment, the court at the time of the commitment hearing and before an order of commitment is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently detained for involuntary treatment under this section.

(8) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

(9) Rules of evidence shall not apply in fourteen-day commitment hearings.

(10) For a fourteen-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a mental disorder or substance use disorder and presents a (<sup>(=)</sup>)likelihood of serious harm(<sup>(=)</sup>) or is (<sup>(=)</sup>)gravely disabled(<sup>(=)</sup>);

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor; ~~((and))~~

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment; and

(d) If commitment is for a substance use disorder, there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the minor.

(11) If the court finds that the minor meets the criteria for a fourteen-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

(12) Nothing in this section prohibits the professional person in charge of the ~~((evaluation and treatment))~~ facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

(13) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for one hundred eighty-day commitment is pending before the court.

**Sec. 275.** RCW 71.34.740 and 2016 1st sp.s. c ... s 274 (section 274 of this act) are each amended to read as follows:

(1) A commitment hearing shall be held within seventy-two hours of the minor's admission, excluding Saturday, Sunday, and holidays, unless a continuance is requested by the minor or the minor's attorney.

(2) The commitment hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the commitment hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the commitment hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to court-appointed counsel if they are indigent.

(6) At the commitment hearing, the minor shall have the following rights:

- (a) To be represented by an attorney;
- (b) To present evidence on his or her own behalf;
- (c) To question persons testifying in support of the petition.

(7) If the hearing is for commitment for mental health treatment, the court at the time of the commitment hearing and before an order of commitment is entered shall inform the minor both orally and in writing that the failure to make a good faith effort to seek voluntary treatment as provided in RCW 71.34.730 will result in the loss of his or her firearm rights if the minor is subsequently detained for involuntary treatment under this section.

(8) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

(9) Rules of evidence shall not apply in fourteen-day commitment hearings.

(10) For a fourteen-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a mental disorder or substance use disorder and presents a likelihood of serious harm or is gravely disabled;

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor; and

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment (~~and~~

~~(d) If commitment is for a substance use disorder, there is an available secure detoxification facility or approved substance use disorder treatment program with adequate space for the minor).~~

(11) If the court finds that the minor meets the criteria for a fourteen-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines

that the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

(12) Nothing in this section prohibits the professional person in charge of the facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to reasonable conditions if appropriate.

Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

(13) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for one hundred eighty-day commitment is pending before the court.

**Sec. 276.** RCW 71.34.750 and 2009 c 217 s 18 are each amended to read as follows:

(1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment. The evidence in support of the petition shall be presented by the county prosecutor unless the petition is filed by the professional person in charge of a state-operated facility in which case the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

(a) The name and address of the petitioner or petitioners;

(b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;

(c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program responsible for the treatment of the minor;

(d) The date of the fourteen-day commitment order; and

(e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by (a) two examining physicians, one of whom shall be a child psychiatrist, or two psychiatric advanced registered nurse practitioners, one of whom shall be a child and adolescent or family psychiatric advanced registered nurse practitioner, (b) one children's mental health specialist and either an examining physician or a psychiatric advanced registered nurse practitioner, or (c) an examining physician and a psychiatric advanced registered nurse practitioner, one of which needs to be a child psychiatrist or a child and adolescent psychiatric nurse practitioner. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's

designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition shall be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. The court may continue the hearing upon the written request of the minor or the minor's attorney for not more than ten days. The minor or the parents shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment(~~(7)~~):

(a) The court must find by clear, cogent, and convincing evidence that the minor:

~~((~~(a)~~))~~ (i) Is suffering from a mental disorder or substance use disorder;

~~((~~(b)~~))~~ (ii) Presents a likelihood of serious harm or is gravely disabled; and

~~((~~(c)~~))~~ (iii) Is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

(b) If commitment is for a substance use disorder, the court must find that there is an available approved substance use disorder treatment program that has adequate space for the minor.

(7) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court shall order the minor committed to the custody of the secretary for further inpatient mental health treatment ~~((~~to the custody of the secretary~~))~~, to an approved substance use disorder treatment program for further substance use disorder treatment, or to a private treatment and evaluation facility for inpatient mental health or substance use disorder treatment if the minor's parents have assumed responsibility for payment for the treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

(8) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least five days prior to the expiration of the previous one hundred eighty-day commitment order.

**Sec. 277.** RCW 71.34.750 and 2016 1st sp.s. c ... s 276 (section 276 of this act) are each amended to read as follows:

(1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment. The evidence in support of the petition shall be presented by the county prosecutor unless the petition is filed by the professional person in charge of a state-operated facility in which case the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

(a) The name and address of the petitioner or petitioners;

(b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;

(c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility, secure detoxification facility, or approved substance use disorder treatment program responsible for the treatment of the minor;

(d) The date of the fourteen-day commitment order; and

(e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by (a) two examining physicians, one of whom shall be a child psychiatrist, or two psychiatric advanced registered nurse practitioners, one of whom shall be a child and adolescent or family psychiatric advanced registered nurse practitioner, (b) one children's mental health specialist and either an examining physician or a psychiatric advanced registered nurse practitioner, or (c) an examining physician and a psychiatric advanced registered nurse practitioner, one of which needs to be a child psychiatrist or a child and adolescent psychiatric nurse practitioner. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition shall be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. The court may continue the hearing upon the written request of the minor or the minor's attorney for not more than ten days. The minor or the parents shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment(~~(7)~~), ~~(a)~~, the court must find by clear, cogent, and convincing evidence that the minor:

~~((~~(a)~~))~~ (a) Is suffering from a mental disorder or substance use disorder;

~~((~~(b)~~))~~ (b) Presents a likelihood of serious harm or is gravely disabled; and

~~((~~(c)~~))~~ (c) Is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

~~((~~(b)~~))~~ If commitment is for a substance use disorder, the court must find that there is an available approved substance use disorder treatment program that has adequate space for the minor.

(7) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court

shall order the minor committed to the custody of the secretary for further inpatient mental health treatment, to an approved substance use disorder treatment program for further substance use disorder treatment, or to a private treatment and evaluation facility for inpatient mental health or substance use disorder treatment if the minor's parents have assumed responsibility for payment for the treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

(8) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least five days prior to the expiration of the previous one hundred eighty-day commitment order.

**Sec. 278.** RCW 71.34.760 and 1985 c 354 s 10 are each amended to read as follows:

(1) If a minor is committed for one hundred eighty-day inpatient treatment and is to be placed in a state-supported program, the secretary shall accept immediately and place the minor in a state-funded long-term evaluation and treatment facility or state-funded approved substance use disorder treatment program.

(2) The secretary's placement authority shall be exercised through a designated placement committee appointed by the secretary and composed of children's mental health specialists and chemical dependency professionals, including at least one child psychiatrist who represents the state-funded, long-term, evaluation and treatment facility for minors and one chemical dependency professional who represents the state-funded approved substance use disorder treatment program. The responsibility of the placement committee will be to:

(a) Make the long-term placement of the minor in the most appropriate, available state-funded evaluation and treatment facility or approved substance use disorder treatment program, having carefully considered factors including the treatment needs of the minor, the most appropriate facility able to respond to the minor's identified treatment needs, the geographic proximity of the facility to the minor's family, the immediate availability of bed space, and the probable impact of the placement on other residents of the facility;

(b) Approve or deny requests from treatment facilities for transfer of a minor to another facility;

(c) Receive and monitor reports required under this section;

(d) Receive and monitor reports of all discharges.

(3) The secretary may authorize transfer of minors among treatment facilities if the transfer is in the best interests of the minor or due to treatment priorities.

(4) The responsible state-funded evaluation and treatment facility or approved substance use disorder treatment program shall submit a report to the department's designated placement committee within ninety days of

admission and no less than every one hundred eighty days thereafter, setting forth such facts as the department requires, including the minor's individual treatment plan and progress, recommendations for future treatment, and possible less restrictive treatment.

**Sec. 279.** RCW 71.34.780 and 1985 c 354 s 11 are each amended to read as follows:

(1) If the professional person in charge of an outpatient treatment program, a ~~((county-designated mental health professional))~~ designated crisis responder, or the secretary determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release, or that substantial deterioration in the minor's functioning has occurred, the ~~((county-designated mental health professional))~~ designated crisis responder, or the secretary may order that the minor, if committed for mental health treatment, be taken into custody and transported to an inpatient evaluation and treatment facility or, if committed for substance use disorder treatment, be taken into custody and transported to a secure detoxification facility or approved substance use disorder treatment program if there is an available secure detoxification facility or approved substance use disorder treatment program that has adequate space for the minor.

(2) The ~~((county-designated mental health professional))~~ designated crisis responder or the secretary shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The ~~((county-designated mental health professional))~~ designated crisis responder or the secretary may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the ~~((county-designated mental health professional))~~ designated crisis responder or the secretary with the court in the county ordering the less restrictive alternative treatment. The court shall conduct the hearing in that county. A petition for revocation of conditional release may be filed with the court in the county ordering inpatient treatment or the county where the minor on conditional release is residing. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. Upon motion for good cause, the hearing may be transferred to the county of the minor's residence or to the county in which the alleged violations occurred. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or, subject to subsection (4) of this section, whether the minor should be returned to inpatient

treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned to inpatient treatment. If the minor is returned to inpatient treatment, RCW 71.34.760 regarding the secretary's placement responsibility shall apply. The hearing may be waived by the minor and the minor returned to inpatient treatment or to less restrictive alternative treatment or conditional release on the same or modified conditions.

(4) A court may not order the return of a minor to inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program unless there is a secure detoxification facility or approved substance use disorder treatment program available with adequate space for the minor.

**Sec. 280.** RCW 71.34.780 and 2016 1st sp.s. c ... s 279 (section 279 of this act) are each amended to read as follows:

(1) If the professional person in charge of an outpatient treatment program, a designated crisis responder, or the secretary determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release, or that substantial deterioration in the minor's functioning has occurred, the designated crisis responder, or the secretary may order that the minor, if committed for mental health treatment, be taken into custody and transported to an inpatient evaluation and treatment facility or, if committed for substance use disorder treatment, be taken into custody and transported to a secure detoxification facility or approved substance use disorder treatment program ~~((if there is an available secure detoxification facility or approved substance use disorder treatment program that has adequate space for the minor)).~~

(2) The designated crisis responder or the secretary shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The designated crisis responder or the secretary may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the designated crisis responder or the secretary with the court in the county ordering the less restrictive alternative treatment. The court shall conduct the hearing in that county. A petition for revocation of conditional release may be filed with the court in the county ordering inpatient treatment or the county where the minor on conditional release is residing. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. Upon motion for good cause, the hearing may be transferred to the county of the minor's residence or to the county in which the alleged violations occurred. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor

did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or ~~((subject to subsection (4) of this section.))~~ whether the minor should be returned to inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned to inpatient treatment. If the minor is returned to inpatient treatment, RCW 71.34.760 regarding the secretary's placement responsibility shall apply. The hearing may be waived by the minor and the minor returned to inpatient treatment or to less restrictive alternative treatment or conditional release on the same or modified conditions.

~~((4) A court may not order the return of a minor to inpatient treatment in a secure detoxification facility or approved substance use disorder treatment program unless there is a secure detoxification facility or approved substance use disorder treatment program available with adequate space for the minor.))~~

**Sec. 281.** RCW 9.41.098 and 2003 c 39 s 5 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) In the possession of a person prohibited from possessing the firearm under RCW 9.41.040 or 9.41.045;

(d) In the possession or under the control of a person at the time the person committed or was arrested for committing a felony or committing a nonfelony crime in which a firearm was used or displayed;

(e) In the possession of a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, as defined in chapter 46.61 RCW;

(f) In the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a felony or for a nonfelony crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) In the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 RCW or committed for mental health treatment under chapter 71.05 RCW;

(h) Used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Used in the commission of a felony or of a nonfelony crime in which a firearm was used or displayed.

(2) Upon order of forfeiture, the court in its discretion may order destruction of any forfeited firearm. A court may temporarily retain forfeited firearms needed for evidence.

(a) Except as provided in (b), (c), and (d) of this subsection, firearms that are: (i) Judicially forfeited and no longer needed for evidence; or (ii) forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010; may be disposed of in any manner determined by the local legislative authority. Any proceeds of an auction or trade may be retained by the legislative authority. This subsection (2)(a) applies only to firearms that come into the possession of the law enforcement agency after June 30, 1993.

By midnight, June 30, 1993, every law enforcement agency shall prepare an inventory, under oath, of every firearm that has been judicially forfeited, has been seized and may be subject to judicial forfeiture, or that has been, or may be, forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010.

(b) Except as provided in (c) of this subsection, of the inventoried firearms a law enforcement agency shall destroy illegal firearms, may retain a maximum of ten percent of legal forfeited firearms for agency use, and shall either:

(i) Comply with the provisions for the auction of firearms in RCW 9.41.098 that were in effect immediately preceding May 7, 1993; or

(ii) Trade, auction, or arrange for the auction of, rifles and shotguns. In addition, the law enforcement agency shall either trade, auction, or arrange for the auction of, short firearms, or shall pay a fee of twenty-five dollars to the state treasurer for every short firearm neither auctioned nor traded, to a maximum of fifty thousand dollars. The fees shall be accompanied by an inventory, under oath, of every short firearm listed in the inventory required by (a) of this subsection, that has been neither traded nor auctioned. The state treasurer shall credit the fees to the firearms range account established in RCW 79A.25.210. All trades or auctions of firearms under this subsection shall be to licensed dealers. Proceeds of any auction less costs, including actual costs of storage and sale, shall be forwarded to the firearms range account established in RCW 79A.25.210.

(c) Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States treasury department bureau of alcohol, tobacco, ~~(and)~~ firearms, and explosives are exempt from destruction and shall be disposed of by auction or trade to licensed dealers.

(d) Firearms in the possession of the Washington state patrol on or after May 7, 1993, that are judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.35.020, must be disposed of as follows: (i) Firearms illegal for any person to possess must be destroyed; (ii) the Washington state patrol may retain a maximum of ten percent of legal

firearms for agency use; and (iii) all other legal firearms must be auctioned or traded to licensed dealers. The Washington state patrol may retain any proceeds of an auction or trade.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

### **PART III REPEALERS FOR INTEGRATED SYSTEM**

**NEW SECTION. Sec. 301.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective April 1, 2018:

(1)RCW 70.96A.011 (Legislative finding and intent—Purpose of chapter) and 2014 c 225 s 19 & 1989 c 270 s 1;

(2)RCW 70.96A.020 (Definitions) and 2016 1st sp.s. c . . . s 101 (section 101 of this act), 2014 c 225 s 20, 2001 c 13 s 1, & 1998 c 296 s 22;

(3)RCW 70.96A.095 (Age of consent—Outpatient treatment of minors for chemical dependency) and 1998 c 296 s 23, 1996 c 133 s 34, 1995 c 312 s 47, 1991 c 364 s 9, & 1989 c 270 s 24;

(4)RCW 70.96A.096 (Notice to parents, school contacts for referring students to inpatient treatment) and 1996 c 133 s 5;

(5)RCW 70.96A.097 (Review of admission and inpatient treatment of minors—Determination of medical necessity—Department review—Minor declines necessary treatment—At-risk youth petition—Costs—Public funds) and 1998 c 296 s 28, & 1995 c 312 s 48;

(6)RCW 70.96A.110 (Voluntary treatment of individuals with a substance use disorder) and 2014 c 225 s 28, 1990 c 151 s 7, 1989 c 270 s 25, & 1972 ex.s. c 122 s 11;

(7)RCW 70.96A.120 (Treatment programs and facilities—Admissions—Peace officer duties—Protective custody) and 1991 c 290 s 6, 1990 c 151 s 8, 1989 c 271 s 306, 1987 c 439 s 13, 1977 ex.s. c 62 s 1, 1974 ex.s. c 175 s 1, & 1972 ex.s. c 122 s 12;

(8)RCW 70.96A.140 (Involuntary commitment) and 2016 1st sp.s. c . . . s 102 (section 102 of this act), 2014 c 225 s 29, 2001 c 13 s 3, 1995 c 312 s 49, 1993 c 362 s 1, 1991 c 364 s 10, 1990 c 151 s 3, 1989 c 271 s 307, 1987 c 439 s 14, 1977 ex.s. c 129 s 1, 1974 ex.s. c 175 s 2, & 1972 ex.s. c 122 s 14;

(9)RCW 70.96A.141 (Joinder of petitions for commitment) and 2005 c 504 s 304;

(10)RCW 70.96A.142 (Evaluation by designated chemical dependency specialist—When required—Required notifications) and 2004 c 166 s 15;

(11)RCW 70.96A.145 (Involuntary commitment proceedings—Prosecuting attorney may represent specialist or program) and 2016 1st sp.s. c . . . s 103 (section 103 of this act) & 1993 c 137 s 1;

(12)RCW 70.96A.148 (Detention, commitment duties—Designation of county designated mental health professional) and 2001 c 13 s 4;

(13)RCW 70.96A.155 (Court-ordered treatment—Required notifications) and 2004 c 166 s 13;

(14)RCW 70.96A.157 (Persons subject to court-ordered treatment or supervision—Documentation) and 2005 c 504 s 508;

(15)RCW 70.96A.160 (Visitation and communication with patients) and 1989 c 270 s 29 & 1972 ex.s. c 122 s 16;

(16)RCW 70.96A.180 (Payment for treatment—Financial ability of patients) and 2012 c 117 s 413, 1990 c 151 s 6, 1989 c 270 s 31, & 1972 ex.s. c 122 s 18;

(17)RCW 70.96A.230 (Minor—When outpatient treatment provider must give notice to parents) and 2016 1st sp.s. c . . . s 104 (section 104 of this act) & 1998 c 296 s 24;

(18)RCW 70.96A.235 (Minor—Parental consent for inpatient treatment—Exception) and 1998 c 296 s 25;

(19)RCW 70.96A.240 (Minor—Parent not liable for payment unless consented to treatment—No right to public funds) and 1998 c 296 s 26;

(20)RCW 70.96A.245 (Minor—Parent may request determination whether minor has chemical dependency requiring inpatient treatment—Minor consent not required—Duties and obligations of professional person and facility) and 1998 c 296 s 27;

(21)RCW 70.96A.250 (Minor—Parent may request determination whether minor has chemical dependency requiring outpatient treatment—Consent of minor not required—Discharge of minor) and 1998 c 296 s 29;

(22)RCW 70.96A.255 (Minor—Petition to superior court for release from facility) and 1998 c 296 s 30;

(23)RCW 70.96A.260 (Minor—Not released by petition under RCW 70.96A.255—Release within thirty days—Professional may initiate proceedings to stop release) and 1998 c 296 s 31;

(24)RCW 70.96A.265 (Minor—Eligibility for medical assistance under chapter 74.09 RCW—Payment by department) and 1998 c 296 s 32;

(25)RCW 70.96A.910 (Application—Construction—1972 ex.s. c 122) and 1972 ex.s. c 122 s 22;

(26)RCW 70.96A.915 (Department allocation of funds—Construction) and 1989 c 271 s 309;

(27)RCW 70.96A.920 (Severability—1972 ex.s. c 122) and 1972 ex.s. c 122 s 20;

(28)RCW 70.96A.930 (Section, subsection headings not part of law) and 1972 ex.s. c 122 s 27;

(29)RCW 70.96B.010 (Definitions) and 2014 c 225 s 74, 2011 c 89 s 10, 2008 c 320 s 3, & 2005 c 504 s 202;

(30)RCW 70.96B.020 (Selection of areas for pilot programs—Pilot program requirements) and 2014 c 225 s 75 & 2005 c 504 s 203;

(31)RCW 70.96B.030 (Designated crisis responder—Qualifications) and 2014 c 225 s 76 & 2005 c 504 s 204;

(32)RCW 70.96B.040 (Powers of designated crisis responder) and 2005 c 504 s 205;

(33)RCW 70.96B.045 (Emergency custody—Procedure) and 2007 c 120 s 2;

(34)RCW 70.96B.050 (Petition for initial detention—Order to detain for evaluation and treatment period—Procedure) and 2008 c 320 s 5, 2007 c 120 s 1, & 2005 c 504 s 206;

(35)RCW 70.96B.060 (Exemption from liability) and 2005 c 504 s 207;

(36)RCW 70.96B.070 (Detention period for evaluation and treatment) and 2005 c 504 s 208;

(37)RCW 70.96B.080 (Detention for evaluation and treatment of mental disorder—Chapter 71.05 RCW applies) and 2005 c 504 s 209;

(38)RCW 70.96B.090 (Procedures for additional chemical dependency treatment) and 2005 c 504 s 210;

(39)RCW 70.96B.100 (Detention for involuntary chemical dependency treatment—Petition for less restrictive treatment—Appearance before court—Representation—Hearing—Less restrictive order—Failure to adhere to terms of less restrictive order) and 2008 c 320 s 6 & 2005 c 504 s 211;

(40)RCW 70.96B.110 (Involuntary chemical dependency treatment proceedings—Prosecuting attorney shall represent petitioner) and 2005 c 504 s 212;

(41)RCW 70.96B.120 (Rights of involuntarily detained persons) and 2005 c 504 s 213;

(42)RCW 70.96B.130 (Evaluation by designated crisis responder—When required—Required notifications) and 2005 c 504 s 214;

(43)RCW 70.96B.140 (Secretary may adopt rules) and 2005 c 504 s 215;

(44)RCW 70.96B.150 (Application of RCW 71.05.550) and 2005 c 504 s 216;

(45)RCW 70.96B.800 (Evaluation of pilot programs—Reports) and 2008 c 320 s 2 & 2005 c 504 s 217; and

(46)RCW 71.05.032 (Joinder of petitions for commitment) and 2005 c 504 s 115.

#### PART IV CORRECTIONS TO REFERENCES FOR INTEGRATED SYSTEM

**Sec. 401.** RCW 4.24.558 and 2004 c 166 s 21 are each amended to read as follows:

Information shared and actions taken without gross negligence and in good faith compliance with RCW 71.05.445, 72.09.585, (~~(70.96A.142,)~~) 71.05.157, or 72.09.315 are not a basis for any private civil cause of action.

**Sec. 402.** RCW 5.60.060 and 2012 c 29 s 12 are each amended to read as follows:

(1) A spouse or domestic partner shall not be examined for or against his or her spouse or domestic partner, without the consent of the spouse or domestic partner; nor can either during marriage or during the domestic partnership or afterward, be without the consent of the other, examined as to any communication made by one to the other during the marriage or the domestic partnership. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse or domestic partner if the marriage or the domestic partnership occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said spouse or domestic partner against any child of whom said spouse or domestic partner is the parent or guardian, nor to a proceeding under chapter ~~((70.96A, 70.96B,))~~ 71.05(7) or 71.09 RCW: PROVIDED, That the spouse or the domestic partner of a person sought to be detained under chapter ~~((70.96A, 70.96B,))~~ 71.05(7) or 71.09 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2)(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(b) A parent or guardian of a minor child arrested on a criminal charge may not be examined as to a communication between the child and his or her attorney if the communication was made in the presence of the parent or guardian. This privilege does not extend to communications made prior to the arrest.

(3) A member of the clergy, a Christian Science practitioner listed in the Christian Science Journal, or a priest shall not, without the consent of a person making the confession or sacred confidence, be examined as to any confession or sacred confidence made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW ~~((70.96A.140-6))~~ 71.05.360 (8) and (9), a physician or surgeon or osteopathic physician or surgeon or podiatric physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official

confidence, when the public interest would suffer by the disclosure.

(6)(a) A peer support group counselor shall not, without consent of the law enforcement officer or firefighter making the communication, be compelled to testify about any communication made to the counselor by the officer or firefighter while receiving counseling. The counselor must be designated as such by the sheriff, police chief, fire chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer or firefighter, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer or firefighter.

(b) For purposes of this section, "peer support group counselor" means a:

(i) Law enforcement officer, firefighter, civilian employee of a law enforcement agency, or civilian employee of a fire department, who has received training to provide emotional and moral support and counseling to an officer or firefighter who needs those services as a result of an incident in which the officer or firefighter was involved while acting in his or her official capacity; or

(ii) Nonemployee counselor who has been designated by the sheriff, police chief, fire chief, or chief of the Washington state patrol to provide emotional and moral support and counseling to an officer or firefighter who needs those services as a result of an incident in which the officer or firefighter was involved while acting in his or her official capacity.

(7) A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made between the victim and the sexual assault advocate.

(a) For purposes of this section, "sexual assault advocate" means the employee or volunteer from a community sexual assault program or underserved populations provider, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.

(b) A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed.

(8) A domestic violence advocate may not, without the consent of the victim, be examined as to any

communication between the victim and the domestic violence advocate.

(a) For purposes of this section, "domestic violence advocate" means an employee or supervised volunteer from a community-based domestic violence program or human services program that provides information, advocacy, counseling, crisis intervention, emergency shelter, or support to victims of domestic violence and who is not employed by, or under the direct supervision of, a law enforcement agency, a prosecutor's office, or the child protective services section of the department of social and health services as defined in RCW 26.44.020.

(b) A domestic violence advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. This section does not relieve a domestic violence advocate from the requirement to report or cause to be reported an incident under RCW 26.44.030(1) or to disclose relevant records relating to a child as required by RCW 26.44.030~~((12))~~ (14). Any domestic violence advocate participating in good faith in the disclosing of communications under this subsection is immune from liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this subsection, the good faith of the domestic violence advocate who disclosed the confidential communication shall be presumed.

(9) A mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter 18.225 RCW may not disclose, or be compelled to testify about, any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services to those persons except:

(a) With the written authorization of that person or, in the case of death or disability, the person's personal representative;

(b) If the person waives the privilege by bringing charges against the mental health counselor licensed under chapter 18.225 RCW;

(c) In response to a subpoena from the secretary of health. The secretary may subpoena only records related to a complaint or report under RCW 18.130.050;

(d) As required under chapter 26.44 or 74.34 RCW or RCW 71.05.360 (8) and (9); or

(e) To any individual if the mental health counselor, independent clinical social worker, or marriage and family therapist licensed under chapter 18.225 RCW reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation on the part of the provider to so disclose.

**Sec. 403.** RCW 9.41.280 and 2014 c 225 s 56 are each amended to read as follows:

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of

facilities while being used exclusively by public or private schools:

(a) Any firearm;

(b) Any other dangerous weapon as defined in RCW 9.41.250;

(c) Any device commonly known as "nun-chu-ka sticks," consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;

(d) Any device, commonly known as "throwing stars," which are multipointed, metal objects designed to embed upon impact from any aspect;

(e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or

(f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or

(ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with RCW 28A.600.010. An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the designated ~~((mental health professional))~~ crisis responder unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated ~~((mental health professional))~~ crisis responder for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated ~~((mental health professional))~~ crisis responder shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or

confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

~~((The designated mental health professional may determine whether the person to the county-designated chemical dependency specialist for examination and evaluation in accordance with chapter 70.96A RCW. The county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 70.96A RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.))~~

Upon completion of any examination by the designated ~~((mental health professional or the county-designated chemical dependency specialist))~~ crisis responder, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated ~~((mental health professional and county-designated chemical dependency specialist))~~ crisis responder shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated ~~((mental health professional))~~ crisis responder determines it is appropriate, the designated ~~((mental health professional))~~ crisis responder may refer the person to the local behavioral health organization for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

- (a) Any student or employee of a private military academy when on the property of the academy;
- (b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;
- (c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;
- (d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;
- (e) Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;
- (f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from

view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

**Sec. 404.** RCW 9.95.143 and 2004 c 166 s 10 are each amended to read as follows:

When an offender receiving court-ordered mental health or chemical dependency treatment or treatment ordered by the department of corrections presents for treatment from a mental health or chemical dependency treatment provider, the offender must disclose to the mental health or chemical dependency treatment provider whether he or she is subject to supervision by the department of corrections. If an offender has received relief from disclosure pursuant to RCW 9.94A.562(~~(, 70.96A.155,))~~ or 71.05.132, the offender must provide the mental health or chemical dependency treatment provider with a copy of the order granting the relief.

**Sec. 405.** RCW 10.77.010 and 2014 c 225 s 58 are each amended to read as follows:

As used in this chapter:

- (1) "Admission" means acceptance based on medical necessity, of a person as a patient.
- (2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.
- (3) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.
- (4) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(5) "Department" means the state department of social and health services.

(6) "Designated ~~((mental health professional))~~ crisis responder" has the same meaning as provided in RCW 71.05.020.

(7) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(8) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(9) "Developmental disability" means the condition as defined in RCW 71A.10.020~~((4))~~ (5).

(10) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(11) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(12) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

(13) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(14) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(15) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(16) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(17) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(18) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; or

(c) A social worker with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(19) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(20) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

(21) "Secretary" means the secretary of the department of social and health services or his or her designee.

(22) "Treatment" means any currently standardized medical or mental health procedure including medication.

(23) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(24) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall

be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

**Sec. 406.** RCW 10.77.025 and 2000 c 94 s 13 are each amended to read as follows:

(1) Whenever any person has been: (a) Committed to a correctional facility or inpatient treatment under any provision of this chapter; or (b) ordered to undergo alternative treatment following his or her acquittal by reason of insanity of a crime charged, such commitment or treatment cannot exceed the maximum possible penal sentence for any offense charged for which the person was committed, or was acquitted by reason of insanity.

(2) Whenever any person committed under any provision of this chapter has not been released within seven days of the maximum possible penal sentence under subsection (1) of this section, and the professional person in charge of the facility believes that the person presents a likelihood of serious harm or is gravely disabled due to a mental disorder, the professional person shall, prior to the expiration of the maximum penal sentence, notify the appropriate ((county)) designated ((~~mental health professional~~)) crisis responder of the impending expiration and provide a copy of all relevant information regarding the person, including the likely release date and shall indicate why the person should not be released.

(3) A ((county)) designated ((~~mental health professional~~)) crisis responder who receives notice and records under subsection (2) of this section shall, prior to the date of the expiration of the maximum sentence, determine whether to initiate proceedings under chapter 71.05 RCW.

**Sec. 407.** RCW 10.77.027 and 2004 c 166 s 3 are each amended to read as follows:

When a ((county)) designated ((~~mental health professional~~)) crisis responder or a professional person has determined that a person has a mental disorder, and is otherwise committable, the cause of the person's mental disorder shall not make the person ineligible for commitment under chapter 71.05 RCW.

**Sec. 408.** RCW 10.77.060 and 2012 c 256 s 3 are each amended to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or there is reason to doubt his or her competency, the court on its own motion or on the motion of any party shall either appoint or request the secretary to designate a qualified expert or professional person, who shall be approved by the prosecuting attorney, to evaluate and report upon the mental condition of the defendant.

(b) The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the present or past mental, emotional, or physical condition of the defendant. If the court is advised by any party that the defendant may have a developmental disability, the evaluation must be performed by a developmental disabilities professional.

(c) The evaluator shall assess the defendant in a jail, detention facility, in the community, or in court to determine whether a period of inpatient commitment will be necessary to complete an accurate evaluation. If inpatient commitment is needed, the signed order of the court shall serve as authority for the evaluator to request the jail or detention facility to transport the defendant to a hospital or secure mental health facility for a period of commitment not to exceed fifteen days from the time of admission to the facility. Otherwise, the evaluator shall complete the evaluation.

(d) The court may commit the defendant for evaluation to a hospital or secure mental health facility without an assessment if: (i) The defendant is charged with murder in the first or second degree; (ii) the court finds that it is more likely than not that an evaluation in the jail will be inadequate to complete an accurate evaluation; or (iii) the court finds that an evaluation outside the jail setting is necessary for the health, safety, or welfare of the defendant. The court shall not order an initial inpatient evaluation for any purpose other than a competency evaluation.

(e) The order shall indicate whether, in the event the defendant is committed to a hospital or secure mental health facility for evaluation, all parties agree to waive the presence of the defendant or to the defendant's remote participation at a subsequent competency hearing or presentation of an agreed order if the recommendation of the evaluator is for continuation of the stay of criminal proceedings, or if the opinion of the evaluator is that the defendant remains incompetent and there is no remaining restoration period, and the hearing is held prior to the expiration of the authorized commitment period.

(f) When a defendant is ordered to be committed for inpatient evaluation under this subsection (1), the court may delay granting bail until the defendant has been evaluated for competency or sanity and appears before the court. Following the evaluation, in determining bail the court shall consider: (i) Recommendations of the evaluator regarding the defendant's competency, sanity, or diminished capacity; (ii) whether the defendant has a recent history of one or more violent acts; (iii) whether the defendant has previously been acquitted by reason of insanity or found incompetent; (iv) whether it is reasonably likely the defendant will fail to appear for a future court hearing; and (v) whether the defendant is a threat to public safety.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis or description of the current mental status of the defendant;

(c) If the defendant suffers from a mental disease or defect, or has a developmental disability, an opinion as to competency;

(d) If the defendant has indicated his or her intention to rely on the defense of insanity pursuant to RCW 10.77.030, and an evaluation and report by an expert or professional person has been provided concluding that the defendant was criminally insane at the time of the alleged offense, an opinion as to the defendant's sanity at the time of the act, and an opinion as to whether the defendant presents a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions, provided that no opinion shall be rendered under this subsection (3)(d) unless the evaluator or court determines that the defendant is competent to stand trial;

(e) When directed by the court, if an evaluation and report by an expert or professional person has been provided concluding that the defendant lacked the capacity at the time of the offense to form the mental state necessary to commit the charged offense, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant should be evaluated by a designated ~~((mental health professional))~~ crisis responder under chapter 71.05 RCW.

(4) The secretary may execute such agreements as appropriate and necessary to implement this section and may choose to designate more than one evaluator.

**Sec. 409.** RCW 10.77.065 and 2015 1st sp.s. c 7 s 16 are each amended to read as follows:

(1)(a)(i) The expert conducting the evaluation shall provide his or her report and recommendation to the court in which the criminal proceeding is pending. For a competency evaluation of a defendant who is released from custody, if the evaluation cannot be completed within twenty-one days due to a lack of cooperation by the defendant, the evaluator shall notify the court that he or she is unable to complete the evaluation because of such lack of cooperation.

(ii) A copy of the report and recommendation shall be provided to the designated ~~((mental health professional))~~ crisis responder, the prosecuting attorney, the defense attorney, and the professional person at the local correctional facility where the defendant is being held, or if there is no professional person, to the person designated under (a)(iv) of this subsection. Upon request, the evaluator shall also provide copies of any source documents relevant to the evaluation to the designated ~~((mental health professional))~~ crisis responder.

(iii) Any facility providing inpatient services related to competency shall discharge the defendant as soon as the facility determines that the defendant is competent to stand trial. Discharge shall not be postponed during the writing and distribution of the evaluation report. Distribution of an evaluation report by a facility providing inpatient services shall ordinarily be accomplished within two working days or less following the final evaluation of the defendant. If the defendant is discharged to the custody

of a local correctional facility, the local correctional facility must continue the medication regimen prescribed by the facility, when clinically appropriate, unless the defendant refuses to cooperate with medication and an involuntary medication order by the court has not been entered.

(iv) If there is no professional person at the local correctional facility, the local correctional facility shall designate a professional person as defined in RCW 71.05.020 or, in cooperation with the behavioral health organization, a professional person at the behavioral health organization to receive the report and recommendation.

(v) Upon commencement of a defendant's evaluation in the local correctional facility, the local correctional facility must notify the evaluator of the name of the professional person, or person designated under (a)(iv) of this subsection, to receive the report and recommendation.

(b) If the evaluator concludes, under RCW 10.77.060(3)(f), the person should be evaluated by a designated ~~((mental health professional))~~ crisis responder under chapter 71.05 RCW, the court shall order such evaluation be conducted prior to release from confinement when the person is acquitted or convicted and sentenced to confinement for twenty-four months or less, or when charges are dismissed pursuant to a finding of incompetent to stand trial.

(2) The designated ~~((mental health professional))~~ crisis responder shall provide written notification within twenty-four hours of the results of the determination whether to commence proceedings under chapter 71.05 RCW. The notification shall be provided to the persons identified in subsection (1)(a) of this section.

(3) The prosecuting attorney shall provide a copy of the results of any proceedings commenced by the designated ~~((mental health professional))~~ crisis responder under subsection (2) of this section to the secretary.

(4) A facility conducting a civil commitment evaluation under RCW 10.77.086(4) or 10.77.088(1)~~((b))~~ (c)(ii) that makes a determination to release the person instead of filing a civil commitment petition must provide written notice to the prosecutor and defense attorney at least twenty-four hours prior to release. The notice may be given by ~~((electronic mail))~~ email, facsimile, or other means reasonably likely to communicate the information immediately.

(5) The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services under this chapter may also be disclosed to the courts solely to prevent the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

**Sec. 410.** RCW 10.77.084 and 2015 1st sp.s. c 7 s 4 are each amended to read as follows:

(1)(a) If at any time during the pendency of an action and prior to judgment the court finds, following a report as provided in RCW 10.77.060, a defendant is incompetent, the court shall order the proceedings against the defendant be stayed except as provided in subsection (4) of this section.

(b) The court may order a defendant who has been found to be incompetent to undergo competency restoration treatment at a facility designated by the department if the defendant is eligible under RCW 10.77.086 or 10.77.088. At the end of each competency restoration period or at any time a professional person determines competency has been, or is unlikely to be, restored, the defendant shall be returned to court for a hearing, except that if the opinion of the professional person is that the defendant remains incompetent and the hearing is held before the expiration of the current competency restoration period, the parties may agree to waive the defendant's presence, to remote participation by the defendant at a hearing, or to presentation of an agreed order in lieu of a hearing. The facility shall promptly notify the court and all parties of the date on which the competency restoration period commences and expires so that a timely hearing date may be scheduled.

(c) If, following notice and hearing or entry of an agreed order under (b) of this subsection, the court finds that competency has been restored, the court shall lift the stay entered under (a) of this subsection. If the court finds that competency has not been restored, the court shall dismiss the proceedings without prejudice, except that the court may order a further period of competency restoration treatment if it finds that further treatment within the time limits established by RCW 10.77.086 or 10.77.088 is likely to restore competency, and a further period of treatment is allowed under RCW 10.77.086 or 10.77.088.

(d) If at any time during the proceeding the court finds, following notice and hearing, a defendant is not likely to regain competency, the court shall dismiss the proceedings without prejudice and refer the defendant for civil commitment evaluation or proceedings if appropriate under RCW 10.77.065, 10.77.086, or 10.77.088.

(2) If the defendant is referred for evaluation by a designated ~~((mental health professional))~~ crisis responder under this chapter, the designated ~~((mental health professional))~~ crisis responder shall provide prompt written notification of the results of the evaluation and whether the person was detained. The notification shall be provided to the court in which the criminal action was pending, the prosecutor, the defense attorney in the criminal action, and the facility that evaluated the defendant for competency.

(3) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(4) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables the defendant to understand the proceedings against him or her and to assist in his or her own defense, or does not disable him or her from so understanding and assisting in his or her own defense.

(5) At or before the conclusion of any commitment period provided for by this section, the facility providing evaluation and treatment shall provide to the court a written report of evaluation which meets the requirements of RCW 10.77.060(3). For defendants charged with a felony, the report following the second competency restoration period or first competency restoration period if the defendant's incompetence is determined to be solely due to a

developmental disability or the evaluator concludes that the defendant is not likely to regain competency must include an assessment of the defendant's future dangerousness which is evidence-based regarding predictive validity.

**Sec. 411.** RCW 10.77.088 and 2015 1st sp.s. c 7 s 6 are each amended to read as follows:

(1)(a) If the defendant is charged with a nonfelony crime which is a serious offense as identified in RCW 10.77.092 and found by the court to be not competent, then the court:

(i) Shall commit the defendant to the custody of the secretary who shall place such defendant in an appropriate facility of the department for evaluation and treatment;

(ii) May alternatively order the defendant to undergo evaluation and treatment at some other facility or provider as determined by the department, or under the guidance and control of a professional person. The facilities or providers may include community mental health providers or other local facilities that contract with the department and are willing and able to provide treatment under this section. During the 2015-2017 fiscal biennium, the department may contract with one or more cities or counties to provide competency restoration services in a city or county jail if the city or county jail is willing and able to serve as a location for competency restoration services and if the secretary determines that there is an emergent need for beds and documents the justification, including a plan to address the emergency. Patients receiving competency restoration services in a city or county jail must be physically separated from other populations at the jail and restoration treatment services must be provided as much as possible within a therapeutic environment. The placement under (a)(i) and (ii) of this subsection shall not exceed fourteen days in addition to any unused time of the evaluation under RCW 10.77.060. The court shall compute this total period and include its computation in the order. The fourteen-day period plus any unused time of the evaluation under RCW 10.77.060 shall be considered to include only the time the defendant is actually at the facility and shall be in addition to reasonable time for transport to or from the facility;

(iii) May alternatively order that the defendant be placed on conditional release for up to ninety days for mental health treatment and restoration of competency; or

(iv) May order any combination of this subsection.

(b) If the court has determined or the parties agree that the defendant is unlikely to regain competency, the court may dismiss the charges without prejudice without ordering the defendant to undergo restoration treatment, in which case the court shall order that the defendant be referred for evaluation for civil commitment in the manner provided in (c) of this subsection.

(c)(i) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated ~~((mental health professional))~~ crisis responder within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.

(ii) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The seventy-two-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the seventy-two-hour period.

(2) If the defendant is charged with a nonfelony crime that is not a serious offense as defined in RCW 10.77.092:

The court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated ~~((mental health professional))~~ crisis responder to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least twenty-four hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings.

**Sec. 412.** RCW 11.92.190 and 1996 c 249 s 11 are each amended to read as follows:

No residential treatment facility which provides nursing or other care may detain a person within such facility against their will. Any court order, other than an order issued in accordance with the involuntary treatment provisions of chapters 10.77, 71.05, and 72.23 RCW, which purports to authorize such involuntary detention or purports to authorize a guardian or limited guardian to consent to such involuntary detention on behalf of an incapacitated person shall be void and of no force or effect. This section does not apply to the detention of a minor as provided in chapter ~~((70.96A or))~~ 71.34 RCW.

Nothing in this section shall be construed to require a court order authorizing placement of an incapacitated person in a residential treatment facility if such order is not otherwise required by law: PROVIDED, That notice of any residential placement of an incapacitated person shall be served, either before or after placement, by the guardian or limited guardian on such person, the guardian ad litem of record, and any attorney of record.

**Sec. 413.** RCW 43.185C.255 and 2015 c 69 s 12 are each amended to read as follows:

(1) The purpose of the multidisciplinary team is to assist in a coordinated referral of the family to available social and health-related services.

(2) The team shall have the authority to evaluate the juvenile, and family members, if appropriate and agreed to by the parent, and shall:

(a) With parental input, develop a plan of appropriate available services and assist the family in obtaining those services;

(b) Make a referral to the designated ~~((chemical dependency specialist or the county designated mental health professional))~~ crisis responder, if appropriate;

(c) Recommend no further intervention because the juvenile and his or her family have resolved the problem causing the family conflict; or

(d) With the parent's consent, work with them to achieve reconciliation of the child and family.

(3) At the first meeting of the multidisciplinary team, it shall choose a member to coordinate the team's efforts. The parent member of the multidisciplinary team must agree with the choice of coordinator. The team shall meet or communicate as often as necessary to assist the family.

(4) The coordinator of the multidisciplinary team may assist in filing a child in need of services petition when requested by the parent or child or an at-risk youth petition when requested by the parent. The multidisciplinary team shall have no standing as a party in any action under this title.

(5) If the administrator is unable to contact the child's parent, the multidisciplinary team may be used for assistance. If the parent has not been contacted within five days the administrator shall contact the department of social and health services and request the case be reviewed for a dependency filing under chapter 13.34 RCW.

**Sec. 414.** RCW 18.83.110 and 2005 c 504 s 706 are each amended to read as follows:

Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW ~~((70.96A.140 and))~~ 71.05.360 (8) and (9).

**Sec. 415.** RCW 43.20A.025 and 1998 c 296 s 34 are each amended to read as follows:

The department of social and health services shall adopt rules defining "appropriately trained professional person" for the purposes of conducting mental health and chemical dependency evaluations under RCW ~~((71.34.052(3), 71.34.054(1), 70.96A.245(3), and 70.96A.250(1)))~~ 71.34.600(3) and 71.34.650(1).

**Sec. 416.** RCW 70.02.010 and 2014 c 225 s 70 and 2014 c 220 s 4 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" has the same meaning as in RCW 71.05.020.

(2) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

(a) Statutory, regulatory, fiscal, medical, or scientific standards;

(b) A private or public program of payments to a health care provider; or

(c) Requirements for licensing, accreditation, or certification.

(3) "Commitment" has the same meaning as in RCW 71.05.020.

(4) "Custody" has the same meaning as in RCW 71.05.020.

(5) "Deidentified" means health information that does not identify an individual and with respect to which there is no reasonable basis to believe that the information can be used to identify an individual.

(6) "Department" means the department of social and health services.

(7) Designated ~~((mental health professional))~~ crisis responder has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(8) "Detention" or "detain" has the same meaning as in RCW 71.05.020.

(9) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, location within a health care facility, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(10) "Discharge" has the same meaning as in RCW 71.05.020.

(11) "Evaluation and treatment facility" has the same meaning as in RCW 71.05.020 or 71.34.020, as applicable.

(12) "Federal, state, or local law enforcement authorities" means an officer of any agency or authority in the United States, a state, a tribe, a territory, or a political subdivision of a state, a tribe, or a territory who is empowered by law to: (a) Investigate or conduct an official inquiry into a potential criminal violation of law; or (b) prosecute or otherwise conduct a criminal proceeding arising from an alleged violation of law.

(13) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(14) "Health care" means any care, service, or procedure provided by a health care provider:

(a) To diagnose, treat, or maintain a patient's physical or mental condition; or

(b) That affects the structure or any function of the human body.

(15) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(16) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any required accounting of disclosures of health care information.

(17) "Health care operations" means any of the following activities of a health care provider, health care facility, or third-party payor to the extent that the activities are related to functions that make an entity a health care provider, a health care facility, or a third-party payor:

(a) Conducting: Quality assessment and improvement activities, including outcomes evaluation and development of clinical guidelines, if the obtaining of generalizable knowledge is not the primary purpose of any studies resulting from such activities; population-based activities relating to improving health or reducing health care costs, protocol development, case management and care coordination, contacting of health care providers and patients with information about treatment alternatives; and related functions that do not include treatment;

(b) Reviewing the competence or qualifications of health care professionals, evaluating practitioner and provider performance and third-party payor performance, conducting training programs in which students, trainees, or practitioners in areas of health care learn under supervision to practice or improve their skills as health care providers, training of nonhealth care professionals, accreditation, certification, licensing, or credentialing activities;

(c) Underwriting, premium rating, and other activities relating to the creation, renewal, or replacement of a contract of health insurance or health benefits, and ceding, securing, or placing a contract for reinsurance of risk relating to claims for health care, including stop-loss insurance and excess of loss insurance, if any applicable legal requirements are met;

(d) Conducting or arranging for medical review, legal services, and auditing functions, including fraud and abuse detection and compliance programs;

(e) Business planning and development, such as conducting cost-management and planning-related analyses related to managing and operating the health care facility or third-party payor, including formulary development and administration, development, or improvement of methods of payment or coverage policies; and

(f) Business management and general administrative activities of the health care facility, health care provider, or third-party payor including, but not limited to:

(i) Management activities relating to implementation of and compliance with the requirements of this chapter;

(ii) Customer service, including the provision of data analyses for policy holders, plan sponsors, or other customers, provided that health care information is not disclosed to such policy holder, plan sponsor, or customer;

(iii) Resolution of internal grievances;

(iv) The sale, transfer, merger, or consolidation of all or part of a health care provider, health care facility, or third-party payor with another health care provider, health care facility, or third-party payor or an entity that following such activity will become a health care provider, health care facility, or third-party payor, and due diligence related to such activity; and

(v) Consistent with applicable legal requirements, creating deidentified health care information or a limited dataset for the benefit of the health care provider, health care facility, or third-party payor.

(18) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(19) "Human immunodeficiency virus" or "HIV" has the same meaning as in RCW 70.24.017.

(20) "Imminent" has the same meaning as in RCW 71.05.020.

(21) "Information and records related to mental health services" means a type of health care information that relates to all information and records compiled, obtained, or maintained in the course of providing services by a mental health service agency or mental health professional to persons who are receiving or have received services for mental illness. The term includes mental health information contained in a medical bill, registration records, as defined in RCW 71.05.020, and all other records regarding the person maintained by the department, by regional support networks and their staff, and by treatment facilities. The term further includes documents of legal proceedings under chapter 71.05, 71.34, or 10.77 RCW, or somatic health care information. For health care information maintained by a hospital as defined in RCW 70.41.020 or a health care facility or health care provider that participates with a hospital in an organized health care arrangement defined under federal law, "information and records related to mental health services" is limited to information and records of services provided by a mental health professional or information and records of services created by a hospital-operated ~~((community mental))~~ behavioral health program as defined in RCW 71.24.025~~((6))~~. The term does not include psychotherapy notes.

(22) "Information and records related to sexually transmitted diseases" means a type of health care information that relates to the identity of any person upon whom an HIV antibody test or other sexually transmitted infection test is performed, the results of such tests, and any information relating to diagnosis of or treatment for any confirmed sexually transmitted infections.

(23) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(24) "Legal counsel" has the same meaning as in RCW 71.05.020.

(25) "Local public health officer" has the same meaning as in RCW 70.24.017.

(26) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(27) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary of social and health services under chapter 71.05 RCW, whether that person works in a private or public setting.

(28) "Mental health service agency" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 or 71.34.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.34.020, community mental health service delivery

systems, or ~~((community mental))~~ behavioral health programs, as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(29) "Minor" has the same meaning as in RCW 71.34.020.

(30) "Parent" has the same meaning as in RCW 71.34.020.

(31) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(32) "Payment" means:

(a) The activities undertaken by:

(i) A third-party payor to obtain premiums or to determine or fulfill its responsibility for coverage and provision of benefits by the third-party payor; or

(ii) A health care provider, health care facility, or third-party payor, to obtain or provide reimbursement for the provision of health care; and

(b) The activities in (a) of this subsection that relate to the patient to whom health care is provided and that include, but are not limited to:

(i) Determinations of eligibility or coverage, including coordination of benefits or the determination of cost-sharing amounts, and adjudication or subrogation of health benefit claims;

(ii) Risk adjusting amounts due based on enrollee health status and demographic characteristics;

(iii) Billing, claims management, collection activities, obtaining payment under a contract for reinsurance, including stop-loss insurance and excess of loss insurance, and related health care data processing;

(iv) Review of health care services with respect to medical necessity, coverage under a health plan, appropriateness of care, or justification of charges;

(v) Utilization review activities, including precertification and preauthorization of services, and concurrent and retrospective review of services; and

(vi) Disclosure to consumer reporting agencies of any of the following health care information relating to collection of premiums or reimbursement:

(A) Name and address;

(B) Date of birth;

(C) Social security number;

(D) Payment history;

(E) Account number; and

(F) Name and address of the health care provider, health care facility, and/or third-party payor.

(33) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(34) "Professional person" has the same meaning as in RCW 71.05.020.

(35) "Psychiatric advanced registered nurse practitioner" has the same meaning as in RCW 71.05.020.

(36) "Psychotherapy notes" means notes recorded, in any medium, by a mental health professional documenting or analyzing the contents of conversations during a private counseling session or group, joint, or family counseling session, and that are separated from the rest of the individual's medical record. The term excludes

mediation prescription and monitoring, counseling session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following items: Diagnosis, functional status, the treatment plan, symptoms, prognosis, and progress to date.

(37) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

(38) "Release" has the same meaning as in RCW 71.05.020.

(39) "Resource management services" has the same meaning as in RCW 71.05.020.

(40) "Serious violent offense" has the same meaning as in RCW 71.05.020.

(41) "Sexually transmitted infection" or "sexually transmitted disease" has the same meaning as "sexually transmitted disease" in RCW 70.24.017.

(42) "Test for a sexually transmitted disease" has the same meaning as in RCW 70.24.017.

(43) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan, excluding fitness or wellness plans; or a state or federal health benefit program.

(44) "Treatment" means the provision, coordination, or management of health care and related services by one or more health care providers or health care facilities, including the coordination or management of health care by a health care provider or health care facility with a third party; consultation between health care providers or health care facilities relating to a patient; or the referral of a patient for health care from one health care provider or health care facility to another.

**Sec. 417.** RCW 70.02.230 and 2014 c 225 s 71 and 2014 c 220 s 9 are each reenacted and amended to read as follows:

(1) Except as provided in this section, RCW 70.02.050, 71.05.445, (~~70.96A.150~~) 74.09.295, 70.02.210, 70.02.240, 70.02.250, and 70.02.260, or pursuant to a valid authorization under RCW 70.02.030, the fact of admission to a provider for mental health services and all information and records compiled, obtained, or maintained in the course of providing mental health services to either voluntary or involuntary recipients of services at public or private agencies must be confidential.

(2) Information and records related to mental health services, other than those obtained through treatment under chapter 71.34 RCW, may be disclosed only:

(a) In communications between qualified professional persons to meet the requirements of chapter 71.05 RCW, in the provision of services or appropriate referrals, or in the course of guardianship proceedings if provided to a professional person:

(i) Employed by the facility;

(ii) Who has medical responsibility for the patient's care;

(iii) Who is a designated (~~mental health professional~~) crisis responder;

(iv) Who is providing services under chapter 71.24 RCW;

(v) Who is employed by a state or local correctional facility where the person is confined or supervised; or

(vi) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW;

(b) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside;

(c)(i) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such a designation;

(ii) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(A) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(B) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator;

(d)(i) To the courts as necessary to the administration of chapter 71.05 RCW or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

(ii) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(iii) Disclosure under this subsection is mandatory for the purpose of the federal health insurance portability and accountability act;

(e)(i) When a mental health professional or designated crisis responder is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional or designated crisis responder shall, if requested to do so, advise the representative in writing of the results of the

investigation including a statement of reasons for the decision to detain or release the person investigated. The written report must be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(f) To the attorney of the detained person;

(g) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2), 71.05.340(1)(b), and 71.05.335. The prosecutor must be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information must be disclosed only after giving notice to the committed person and the person's counsel;

(h)(i) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure must be made by the professional person in charge of the public or private agency or his or her designee and must include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only any other information that is pertinent to the threat or harassment. The agency or its employees are not civilly liable for the decision to disclose or not, so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(i)(i) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The mental health service agency or its employees are not civilly liable for the decision to disclose or not so long as the decision was reached in good faith and without gross negligence.

(ii) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act;

(j) To the persons designated in RCW 71.05.425 for the purposes described in those sections;

(k) Upon the death of a person. The person's next of kin, personal representative, guardian, or conservator, if any, must be notified. Next of kin who are of legal age and competent must be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient are governed by RCW 70.02.140;

(l) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The

department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient;

(m) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)((~~iii~~)) (iii). The extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), must be disclosed upon request;

(ii) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)((~~iii~~)) (iii);

(iii) Disclosure under this subsection is mandatory for the purposes of the federal health insurance portability and accountability act;

(n) When a patient would otherwise be subject to the provisions of this section and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of the disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee;

(o) Pursuant to lawful order of a court;

(p) To qualified staff members of the department, to the director of behavioral health organizations, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility;

(q) Within the mental health service agency where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties;

(r) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department;

(s) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information and records related to mental health services could be injurious to the patient's health. Disclosure must be limited to the portions of the records necessary to meet the medical emergency;

(t) Consistent with the requirements of the federal health information portability and accountability act, to a licensed mental health professional or a health care professional licensed under chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is providing care to a person, or to whom a person has been referred for evaluation or treatment, to assure coordinated care and treatment of that person. Psychotherapy notes may not be released without authorization of the person who is the subject of the request for release of information;

(u) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (t) of this subsection;

(v) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one evaluation and treatment facility to another. The release of records under this subsection is limited to the information and records related to mental health services required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record;

(w) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW;

(x) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information must notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(y) To all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. For purposes of coordinating health care, the department may release without written authorization of the patient, information acquired for billing and collection purposes as described in RCW 70.02.050(1)(d). The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of

the information released and the dates of such release. The department may not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client;

(z)(i) To the secretary of social and health services for either program evaluation or research, or both so long as the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules must include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, . . . . ., agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/ . . . . ."

(ii) Nothing in this chapter may be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary.

(3) Whenever federal law or federal regulations restrict the release of information contained in the information and records related to mental health services of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

(4) Civil liability and immunity for the release of information about a particular person who is committed to the department of social and health services under RCW 71.05.280(3) and 71.05.320(~~((3))~~) (4)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(5) The fact of admission to a provider of mental health services, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to chapter 71.05 RCW are not admissible as evidence in any legal proceeding outside that chapter without the written authorization of the person who was the subject of the proceeding except as provided in RCW 70.02.260, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(~~((3))~~) (4)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to chapter 71.05 RCW must be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use

of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

(6)(a) Except as provided in RCW 4.24.550, any person may bring an action against an individual who has willfully released confidential information or records concerning him or her in violation of the provisions of this section, for the greater of the following amounts:

- (i) One thousand dollars; or
- (ii) Three times the amount of actual damages sustained, if any.

(b) It is not a prerequisite to recovery under this subsection that the plaintiff suffered or was threatened with special, as contrasted with general, damages.

(c) Any person may bring an action to enjoin the release of confidential information or records concerning him or her or his or her ward, in violation of the provisions of this section, and may in the same action seek damages as provided in this subsection.

(d) The court may award to the plaintiff, should he or she prevail in any action authorized by this subsection, reasonable attorney fees in addition to those otherwise provided by law.

(e) If an action is brought under this subsection, no action may be brought under RCW 70.02.170.

**Sec. 418.** RCW 70.48.475 and 2004 c 166 s 14 are each amended to read as follows:

(1) A person having charge of a jail, or that person's designee, shall notify the (~~county designated mental health professional or the designated chemical dependency specialist~~) designated crisis responder seventy-two hours prior to the release to the community of an offender or defendant who was subject to a discharge review under RCW 71.05.232. If the person having charge of the jail does not receive seventy-two hours notice of the release, the notification to the (~~county designated mental health professional or the designated chemical dependency specialist~~) designated crisis responder shall be made as soon as reasonably possible, but not later than the actual release to the community of the defendant or offender.

(2) When a person having charge of a jail, or that person's designee, releases an offender or defendant who was the subject of a discharge review under RCW 71.05.232, the person having charge of a jail, or that person's designee, shall notify the state hospital from which the offender or defendant was released.

**Sec. 419.** RCW 70.97.010 and 2014 c 225 s 78 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(2) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(3) "Chemical dependency" means alcoholism, drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires and as those terms are defined in chapter (~~70.96A~~) 71.05 RCW.

(4) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(5) "Commitment" means the determination by a court that an individual should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(6) "Conditional release" means a modification of a commitment that may be revoked upon violation of any of its terms.

(7) "Custody" means involuntary detention under chapter 71.05 (~~or 70.96A~~) RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(8) "Department" means the department of social and health services.

(9) "Designated crisis responder" (~~means a designated mental health professional, a designated chemical dependency specialist, or a designated crisis responder as those terms are defined in chapter 70.96A, 71.05, or 70.96B RCW~~) has the same meaning as in chapter 71.05 RCW.

(10) "Detention" or "detain" means the lawful confinement of an individual under chapter (~~70.96A or~~) 71.05 RCW.

(11) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(12) "Enhanced services facility" means a facility that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the department to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues.

(13) "Expanded community services program" means a nonsecure program of enhanced behavioral and residential support provided to long-term and residential care providers serving specifically eligible clients who would otherwise be at risk for hospitalization at state hospital geriatric units.

(14) "Facility" means an enhanced services facility.

(15) "Gravely disabled" means a condition in which an individual, as a result of a mental disorder, as a result of the use of alcohol or other psychoactive chemicals, or both:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(16) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter(~~s~~) or chapter (~~70.96A or~~) 71.05 RCW, excluding any time spent, but not any violent acts

committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(17) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(18) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The individual has threatened the physical safety of another and has a history of one or more violent acts.

(19) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions.

(20) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

(21) "Professional person" means a mental health professional and also means a physician, registered nurse, and such others as may be defined in rules adopted by the secretary pursuant to the provisions of this chapter.

(22) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(23) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

(24) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify individuals who are receiving or who at any time have received services for mental illness.

(25) "Release" means legal termination of the commitment under chapter ~~((70.96A or))~~ 71.05 RCW.

(26) "Resident" means a person admitted to an enhanced services facility.

(27) "Secretary" means the secretary of the department or the secretary's designee.

(28) "Significant change" means:

(a) A deterioration in a resident's physical, mental, or psychosocial condition that has caused or is likely to cause clinical complications or life-threatening conditions; or

(b) An improvement in the resident's physical, mental, or psychosocial condition that may make the resident eligible for release or for treatment in a less intensive or less secure setting.

(29) "Social worker" means a person with a master's or further advanced degree from a social work educational program accredited and approved as provided in RCW 18.320.010.

(30) "Treatment" means the broad range of emergency, detoxification, residential, inpatient, and outpatient services and care, including diagnostic evaluation, mental health or chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling, which may be extended to persons with mental disorders, chemical dependency disorders, or both, and their families.

(31) "Treatment records" include registration and all other records concerning individuals who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by an individual providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(32) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

**Sec. 420.** RCW 71.05.660 and 2013 c 200 s 21 are each amended to read as follows:

Nothing in this chapter or chapter 70.02(~~(70.96A,))~~ or 71.34(~~(70.96B))~~ RCW shall be construed to interfere with communications between physicians, psychiatric advanced registered nurse practitioners, or psychologists and patients and attorneys and clients.

**Sec. 421.** RCW 71.24.045 and 2014 c 225 s 13 are each amended to read as follows:

The behavioral health organization shall:

(1) Contract as needed with licensed service providers. The behavioral health organization may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the behavioral health organization shall comply with rules promulgated by the secretary that shall provide measurements to determine when a behavioral health organization provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the behavioral health organization to provide services required

by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts;

(4) Establish reasonable limitations on administrative costs for agencies that contract with the behavioral health organization;

(5) Assure that the special needs of minorities, older adults, individuals with disabilities, children, and low-income persons are met within the priorities established in this chapter;

(6) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

(7) Collaborate to ensure that policies do not result in an adverse shift of persons with mental illness into state and local correctional facilities;

(8) Work with the department to expedite the enrollment or reenrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases;

(9) Work closely with the ~~((county designated mental health professional or county))~~ designated crisis responder to maximize appropriate placement of persons into community services; and

(10) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state psychiatric hospital to ensure they are transitioned into the community in accordance with mutually agreed upon discharge plans and upon determination by the medical director of the state psychiatric hospital that they no longer need intensive inpatient care.

**Sec. 422.** RCW 71.24.330 and 2015 c 250 s 19 are each amended to read as follows:

(1)(a) Contracts between a behavioral health organization and the department shall include mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial penalties, termination of the contract, and procurement of the contract.

(b) The department shall incorporate the criteria to measure the performance of service coordination organizations into contracts with behavioral health organizations as provided in chapter 70.320 RCW.

(2) The behavioral health organization procurement processes shall encourage the preservation of infrastructure previously purchased by the community mental health service delivery system, the maintenance of linkages between other services and delivery systems, and maximization of the use of available funds for services versus profits. However, a behavioral health organization selected through the procurement process is not required to contract for services with any county-owned or operated facility. The behavioral health organization procurement process shall provide that public funds appropriated by the legislature shall not be used to promote or deter, encourage, or discourage employees from exercising their rights under

Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(3) In addition to the requirements of RCW 71.24.035, contracts shall:

(a) Define administrative costs and ensure that the behavioral health organization does not exceed an administrative cost of ten percent of available funds;

(b) Require effective collaboration with law enforcement, criminal justice agencies, and the chemical dependency treatment system;

(c) Require substantial implementation of department adopted integrated screening and assessment process and matrix of best practices;

(d) Maintain the decision-making independence of designated ~~((mental health professionals))~~ crisis responders;

(e) Except at the discretion of the secretary or as specified in the biennial budget, require behavioral health organizations to pay the state for the costs associated with individuals who are being served on the grounds of the state hospitals and who are not receiving long-term inpatient care as defined in RCW 71.24.025;

(f) Include a negotiated alternative dispute resolution clause;

(g) Include a provision requiring either party to provide one hundred eighty days' notice of any issue that may cause either party to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to act as a behavioral health organization. If either party decides to voluntarily terminate, refuse to renew, or refuse to sign a mandatory amendment to the contract to serve as a behavioral health organization they shall provide ninety days' advance notice in writing to the other party;

(h) Require behavioral health organizations to provide services as identified in RCW 71.05.585 to individuals committed for involuntary commitment under less restrictive alternative court orders when:

(i) The individual is enrolled in the medicaid program and meets behavioral health organization access to care standards; or

(ii) The individual is not enrolled in medicaid, does not have other insurance which can pay for the services, and the behavioral health organization has adequate available resources to provide the services; and

(i) Establish caseload guidelines for care coordinators who supervise less restrictive alternative orders and guidelines for response times during and immediately following periods of hospitalization or incarceration.

**Sec. 423.** RCW 71.32.080 and 2006 c 108 s 5 are each amended to read as follows:

(1)(a) A principal with capacity may, by written statement by the principal or at the principal's direction in the principal's presence, revoke a directive in whole or in part.

(b) An incapacitated principal may revoke a directive only if he or she elected at the time of executing the directive to be able to revoke when incapacitated.

(2) The revocation need not follow any specific form so long as it is written and the intent of the principal

can be discerned. In the case of a directive that is stored in the health care declarations registry created by RCW 70.122.130, the revocation may be by an online method established by the department of health. Failure to use the online method of revocation for a directive that is stored in the registry does not invalidate a revocation that is made by another method described under this section.

(3) The principal shall provide a copy of his or her written statement of revocation to his or her agent, if any, and to each health care provider, professional person, or health care facility that received a copy of the directive from the principal.

(4) The written statement of revocation is effective:

(a) As to a health care provider, professional person, or health care facility, upon receipt. The professional person, health care provider, or health care facility, or persons acting under their direction shall make the statement of revocation part of the principal's medical record; and

(b) As to the principal's agent, upon receipt. The principal's agent shall notify the principal's health care provider, professional person, or health care facility of the revocation and provide them with a copy of the written statement of revocation.

(5) A directive also may:

(a) Be revoked, in whole or in part, expressly or to the extent of any inconsistency, by a subsequent directive; or

(b) Be superseded or revoked by a court order, including any order entered in a criminal matter. A directive may be superseded by a court order regardless of whether the order contains an explicit reference to the directive. To the extent a directive is not in conflict with a court order, the directive remains effective, subject to the provisions of RCW 71.32.150. A directive shall not be interpreted in a manner that interferes with: (i) Incarceration or detention by the department of corrections, in a city or county jail, or by the department of social and health services; or (ii) treatment of a principal who is subject to involuntary treatment pursuant to chapter 10.77, ~~((70.96A,))~~ 71.05, 71.09, or 71.34 RCW.

(6) A directive that would have otherwise expired but is effective because the principal is incapacitated remains effective until the principal is no longer incapacitated unless the principal has elected to be able to revoke while incapacitated and has revoked the directive.

(7) When a principal with capacity consents to treatment that differs from, or refuses treatment consented to in, the provisions of his or her directive, the consent or refusal constitutes a waiver of that provision and does not constitute a revocation of the provision or directive unless the principal also revokes the directive or provision.

**Sec. 424.** RCW 71.32.140 and 2009 c 217 s 12 are each amended to read as follows:

(1) A principal who:

(a) Chose not to be able to revoke his or her directive during any period of incapacity;

(b) Consented to voluntary admission to inpatient mental health treatment, or authorized an agent to consent on the principal's behalf; and

(c) At the time of admission to inpatient treatment, refuses to be admitted, may only be admitted into inpatient mental health treatment under subsection (2) of this section.

(2) A principal may only be admitted to inpatient mental health treatment under his or her directive if, prior to admission, a member of the treating facility's professional staff who is a physician or psychiatric advanced registered nurse practitioner:

(a) Evaluates the principal's mental condition, including a review of reasonably available psychiatric and psychological history, diagnosis, and treatment needs, and determines, in conjunction with another health care provider or mental health professional, that the principal is incapacitated;

(b) Obtains the informed consent of the agent, if any, designated in the directive;

(c) Makes a written determination that the principal needs an inpatient evaluation or is in need of inpatient treatment and that the evaluation or treatment cannot be accomplished in a less restrictive setting; and

(d) Documents in the principal's medical record a summary of the physician's or psychiatric advanced registered nurse practitioner's findings and recommendations for treatment or evaluation.

(3) In the event the admitting physician is not a psychiatrist, or the advanced registered nurse practitioner is not a psychiatric advanced registered nurse practitioner, the principal shall receive a complete psychological assessment by a mental health professional within twenty-four hours of admission to determine the continued need for inpatient evaluation or treatment.

(4)(a) If it is determined that the principal has capacity, then the principal may only be admitted to, or remain in, inpatient treatment if he or she consents at the time or is detained under the involuntary treatment provisions of chapter ~~((70.96A,))~~ 71.05~~((,))~~ or 71.34 RCW.

(b) If a principal who is determined by two health care providers or one mental health professional and one health care provider to be incapacitated continues to refuse inpatient treatment, the principal may immediately seek injunctive relief for release from the facility.

(5) If, at the end of the period of time that the principal or the principal's agent, if any, has consented to voluntary inpatient treatment, but no more than fourteen days after admission, the principal has not regained capacity or has regained capacity but refuses to consent to remain for additional treatment, the principal must be released during reasonable daylight hours, unless detained under chapter ~~((70.96A,))~~ 71.05~~((,))~~ or 71.34 RCW.

(6)(a) Except as provided in (b) of this subsection, any principal who is voluntarily admitted to inpatient mental health treatment under this chapter shall have all the rights provided to individuals who are voluntarily admitted to inpatient treatment under chapter 71.05, 71.34, or 72.23 RCW.

(b) Notwithstanding RCW 71.05.050 regarding consent to inpatient treatment for a specified length of time, the choices an incapacitated principal expressed in his or her directive shall control, provided, however, that a principal who takes action demonstrating a desire to be discharged, in addition to making statements requesting to

be discharged, shall be discharged, and no principal shall be restrained in any way in order to prevent his or her discharge. Nothing in this subsection shall be construed to prevent detention and evaluation for civil commitment under chapter 71.05 RCW.

(7) Consent to inpatient admission in a directive is effective only while the professional person, health care provider, and health care facility are in substantial compliance with the material provisions of the directive related to inpatient treatment.

**Sec. 425.** RCW 71.32.150 and 2003 c 283 s 15 are each amended to read as follows:

(1) Upon receiving a directive, a health care provider, professional person, or health care facility providing treatment to the principal, or persons acting under the direction of the health care provider, professional person, or health care facility, shall make the directive a part of the principal's medical record and shall be deemed to have actual knowledge of the directive's contents.

(2) When acting under authority of a directive, a health care provider, professional person, or health care facility shall act in accordance with the provisions of the directive to the fullest extent possible, unless in the determination of the health care provider, professional person, or health care facility:

- (a) Compliance with the provision would violate the accepted standard of care established in RCW 7.70.040;
- (b) The requested treatment is not available;
- (c) Compliance with the provision would violate applicable law; or
- (d) It is an emergency situation and compliance would endanger any person's life or health.

(3)(a) In the case of a principal committed or detained under the involuntary treatment provisions of chapter 10.77, ~~((70.96A,))~~ 71.05, 71.09, or 71.34 RCW, those provisions of a principal's directive that, in the determination of the health care provider, professional person, or health care facility, are inconsistent with the purpose of the commitment or with any order of the court relating to the commitment are invalid during the commitment.

(b) Remaining provisions of a principal's directive are advisory while the principal is committed or detained.

The treatment provider is encouraged to follow the remaining provisions of the directive, except as provided in (a) of this subsection or subsection (2) of this section.

(4) In the case of a principal who is incarcerated or committed in a state or local correctional facility, provisions of the principal's directive that are inconsistent with reasonable penological objectives or administrative hearings regarding involuntary medication are invalid during the period of incarceration or commitment. In addition, treatment may be given despite refusal of the principal or the provisions of the directive: (a) For any reason under subsection (2) of this section; or (b) if, without the benefit of the specific treatment measure, there is a significant possibility that the person will harm self or others before an improvement of the person's condition occurs.

(5)(a) If the health care provider, professional person, or health care facility is, at the time of receiving the directive, unable or unwilling to comply with any part or parts of the directive for any reason, the health care provider, professional person, or health care facility shall promptly notify the principal and, if applicable, his or her agent and shall document the reason in the principal's medical record.

(b) If the health care provider, professional person, or health care facility is acting under authority of a directive and is unable to comply with any part or parts of the directive for the reasons listed in subsection (2) or (3) of this section, the health care provider, professional person, or health care facility shall promptly notify the principal and if applicable, his or her agent, and shall document the reason in the principal's medical record.

(6) In the event that one or more parts of the directive are not followed because of one or more of the reasons set forth in subsection (2) or (4) of this section, all other parts of the directive shall be followed.

(7) If no provider-patient relationship has previously been established, nothing in this chapter requires the establishment of a provider-patient relationship.

**Sec. 426.** RCW 72.09.315 and 2004 c 166 s 17 are each amended to read as follows:

(1) When an offender is under court-ordered mental health or chemical dependency treatment in the community and the supervision of the department of corrections, and the community corrections officer becomes aware that the person is in violation of the terms of the court's treatment order, the community corrections officer shall notify the ~~((county designated mental health professional or the designated chemical dependency specialist))~~ designated crisis responder, as appropriate, of the violation and request an evaluation for purposes of revocation of the less restrictive alternative or conditional release.

(2) When a ~~((county designated mental health professional or the designated chemical dependency specialist))~~ designated crisis responder notifies the department that an offender in a state correctional facility is the subject of a petition for involuntary treatment under chapter 71.05 ~~((or 70.96A))~~ RCW, the department shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department classified the offender as a high risk or high needs offender.

**Sec. 427.** RCW 72.09.370 and 2014 c 225 s 95 are each amended to read as follows:

(1) The offender reentry community safety program is established to provide intensive services to offenders identified under this subsection and to thereby promote public safety. The secretary shall identify offenders in confinement or partial confinement who: (a) Are reasonably believed to be dangerous to themselves or others; and (b) have a mental disorder. In determining an offender's dangerousness, the secretary shall consider behavior known to the department and factors, based on research, that are linked to an increased risk for dangerousness of offenders with mental illnesses and shall

include consideration of an offender's chemical dependency or abuse.

(2) Prior to release of an offender identified under this section, a team consisting of representatives of the department of corrections, the division of mental health, and, as necessary, the indeterminate sentence review board, other divisions or administrations within the department of social and health services, specifically including the division of alcohol and substance abuse and the division of developmental disabilities, the appropriate behavioral health organization, and the providers, as appropriate, shall develop a plan, as determined necessary by the team, for delivery of treatment and support services to the offender upon release. In developing the plan, the offender shall be offered assistance in executing a mental health directive under chapter 71.32 RCW, after being fully informed of the benefits, scope, and purposes of such directive. The team may include a school district representative for offenders under the age of twenty-one. The team shall consult with the offender's counsel, if any, and, as appropriate, the offender's family and community. The team shall notify the crime victim/witness program, which shall provide notice to all people registered to receive notice under RCW 72.09.712 of the proposed release plan developed by the team. Victims, witnesses, and other interested people notified by the department may provide information and comments to the department on potential safety risk to specific individuals or classes of individuals posed by the specific offender. The team may recommend: (a) That the offender be evaluated by the designated ~~((mental health professional))~~ crisis responder, as defined in chapter 71.05 RCW; (b) department-supervised community treatment; or (c) voluntary community mental health or chemical dependency or abuse treatment.

(3) Prior to release of an offender identified under this section, the team shall determine whether or not an evaluation by a designated ~~((mental health professional))~~ crisis responder is needed. If an evaluation is recommended, the supporting documentation shall be immediately forwarded to the appropriate designated ~~((mental health professional))~~ crisis responder. The supporting documentation shall include the offender's criminal history, history of judicially required or administratively ordered involuntary antipsychotic medication while in confinement, and any known history of involuntary civil commitment.

(4) If an evaluation by a designated ~~((mental health professional))~~ crisis responder is recommended by the team, such evaluation shall occur not more than ten days, nor less than five days, prior to release.

(5) A second evaluation by a designated ~~((mental health professional))~~ crisis responder shall occur on the day of release if requested by the team, based upon new information or a change in the offender's mental condition, and the initial evaluation did not result in an emergency detention or a summons under chapter 71.05 RCW.

(6) If the designated ~~((mental health professional))~~ crisis responder determines an emergency detention under chapter 71.05 RCW is necessary, the department shall release the offender only to a state hospital or to a consenting evaluation and treatment facility. The

department shall arrange transportation of the offender to the hospital or facility.

(7) If the designated ~~((mental health professional))~~ crisis responder believes that a less restrictive alternative treatment is appropriate, he or she shall seek a summons, pursuant to the provisions of chapter 71.05 RCW, to require the offender to appear at an evaluation and treatment facility. If a summons is issued, the offender shall remain within the corrections facility until completion of his or her term of confinement and be transported, by corrections personnel on the day of completion, directly to the identified evaluation and treatment facility.

(8) The secretary shall adopt rules to implement this section.

**Sec. 428.** RCW 43.185C.305 and 2015 c 69 s 20 are each amended to read as follows:

(1) If a resident of a crisis residential center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In assessing the child and providing these services, the facility staff shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible;

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed fifteen consecutive days; and

(e) Convene, when appropriate, a multidisciplinary team.

(3) Based on the assessments done under subsection (2) of this section the center staff may refer any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive, or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW~~(s))~~ or to a ~~((mental health professional))~~ designated crisis responder pursuant to chapter 71.05 RCW~~(-or to a chemical dependency specialist pursuant to chapter 70.96A RCW))~~ whenever such action is deemed appropriate and consistent with law.

(4) A juvenile taking unauthorized leave from a facility shall be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 43.185C.260. If returned

to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile shall be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed fifteen consecutive days. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed fifteen consecutive days.

**Sec. 429.** RCW 74.50.070 and 1987 c 406 s 8 are each amended to read as follows:

(1) If a county elects to establish a multipurpose diagnostic center or detention center, the alcoholism and drug addiction assessment service under RCW 74.50.040 may be integrated into the services provided by such a center.

(2) The center may be financed from funds made available by the department for alcoholism and drug addiction assessments under this chapter and funds contained in the department's budget for detoxification, involuntary detention, and involuntary treatment under chapter ~~(s 70.96A and)~~ 71.05 RCW. The center may be operated by the county or pursuant to contract between the county and a qualified organization.

#### PART V INTEGRATION OF CHEMICAL DEPENDENCY AND MENTAL HEALTH ADMINISTRATIVE PROVISIONS

**Sec. 501.** RCW 71.24.025 and 2014 c 225 s 10 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(3) "Behavioral health organization" means any county authority or group of county authorities or other entity recognized by the secretary in contract in a defined region.

(4) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and ~~((chemical dependency))~~ substance use disorder treatment services as described in this chapter and chapter 70.96A RCW.

(5) "Child" means a person under the age of eighteen years.

(6) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(7) "Clubhouse" means a community-based program that provides rehabilitation services and is certified by the department of social and health services.

~~(8) ("Community mental health program" means all mental health services, activities, or programs using available resources.~~

~~(9))~~ "Community mental health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

~~((10))~~ (9) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health organizations.

~~((11))~~ (10) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

~~((12))~~ (11) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified

in this subsection which have entered into an agreement to provide a community mental health program.

~~((13))~~ (12) "Department" means the department of social and health services.

~~((14))~~ (13) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

~~((15))~~ (14) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection ~~((16))~~ (15) of this section.

~~((16))~~ (15) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

~~((17))~~ (16) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 or 70.96A RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, or tribal attestation that meets state minimum standards, or persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

~~((18))~~ (17) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

~~((19))~~ (18) "Mental health services" means all services provided by behavioral health organizations and other services provided by the state for persons who are mentally ill.

~~((20))~~ (19) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (6), (27), and (28)~~(and (29))~~ of this section.

~~((21))~~ (20) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

~~((22))~~ (21) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which

identify persons who are receiving or who at any time have received services for mental illness.

~~((23))~~ (22) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection ~~((16))~~ (15) of this section but does not meet the full criteria for evidence-based.

~~((24))~~ (23) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((25))~~ (24) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

~~((26))~~ (25) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined solely by a behavioral health organization to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated mental health professionals, evaluation and treatment facilities, and others as determined by the behavioral health organization.

~~((27))~~ (26) "Secretary" means the secretary of social and health services.

~~((28))~~ (27) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the

property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((29))~~ (28) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health organization to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((30))~~ (29) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

~~((31))~~ (30) "Mental health treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

~~((32))~~ (31) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any behavioral health organization that would present a conflict of interest.

(32) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(33) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(34) "Behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat chemical dependency and mental illness.

(35) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

(36) "Designated chemical dependency specialist" means a person designated by the behavioral health organization or by the county alcoholism and other drug addiction program coordinator designated by the behavioral health organization to perform the commitment duties described in RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.

(37) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(38) "Early adopter" means a regional service area for which all of the county authorities have requested that the department and the health care authority jointly purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(6).

(39) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

**Sec. 502.** RCW 71.24.025 and 2016 1st sp.s. c ... s 501 (section 501 of this act) are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs, federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals.

(3) "Behavioral health organization" means any county authority or group of county authorities or other entity recognized by the secretary in contract in a defined region.

(4) "Behavioral health services" means mental health services as described in this chapter and chapter 71.36 RCW and substance use disorder treatment services as described in this chapter (~~and chapter 70.96A RCW~~).

(5) "Child" means a person under the age of eighteen years.

(6) "Chronically mentally ill adult" or "adult who is chronically mentally ill" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(7) "Clubhouse" means a community-based program that provides rehabilitation services and is certified by the department of social and health services.

(8) "Community mental health service delivery system" means public, private, or tribal agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(9) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for persons who are mentally ill being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for children who are acutely mentally ill or severely emotionally

disturbed discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by behavioral health organizations.

(10) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(11) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(12) "Department" means the department of social and health services.

(13) "Designated (~~mental health professional~~) crisis responder" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(14) "Emerging best practice" or "promising practice" means a program or practice that, based on statistical analyses or a well established theory of change, shows potential for meeting the evidence-based or research-based criteria, which may include the use of a program that is evidence-based for outcomes other than those listed in subsection (15) of this section.

(15) "Evidence-based" means a program or practice that has been tested in heterogeneous or intended populations with multiple randomized, or statistically controlled evaluations, or both; or one large multiple site randomized, or statistically controlled evaluation, or both, where the weight of the evidence from a systemic review demonstrates sustained improvements in at least one outcome. "Evidence-based" also means a program or practice that can be implemented with a set of procedures to allow successful replication in Washington and, when possible, is determined to be cost-beneficial.

(16) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 (~~or~~ ~~70.96A~~) RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, or tribal attestation that meets state minimum standards, or persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

(17) "Long-term inpatient care" means inpatient services for persons committed for, or voluntarily receiving intensive treatment for, periods of ninety days or greater under chapter 71.05 RCW. "Long-term inpatient care" as used in this chapter does not include: (a) Services for individuals committed under chapter 71.05 RCW who are receiving services pursuant to a conditional release or a

court-ordered less restrictive alternative to detention; or (b) services for individuals voluntarily receiving less restrictive alternative treatment on the grounds of the state hospital.

(18) "Mental health services" means all services provided by behavioral health organizations and other services provided by the state for persons who are mentally ill.

(19) "Mentally ill persons," "persons who are mentally ill," and "the mentally ill" mean persons and conditions defined in subsections (1), (6), (27), and (28) of this section.

(20) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

(21) "Registration records" include all the records of the department, behavioral health organizations, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(22) "Research-based" means a program or practice that has been tested with a single randomized, or statistically controlled evaluation, or both, demonstrating sustained desirable outcomes; or where the weight of the evidence from a systemic review supports sustained outcomes as described in subsection (15) of this section but does not meet the full criteria for evidence-based.

(23) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for persons who are acutely mentally ill, adults who are chronically mentally ill, children who are severely emotionally disturbed, or adults who are seriously disturbed and determined by the behavioral health organization to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service persons who are mentally ill in nursing homes, assisted living facilities, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

(24) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(25) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Adults and children who are acutely mentally ill; (b) adults who are chronically mentally ill; (c) children who are severely emotionally disturbed; or (d) adults who are seriously disturbed and determined solely by a behavioral health organization to be at risk of becoming acutely or

chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding enrollment of adults and children who are mentally ill in services and their individual service plan to designated (~~mental health professionals~~) crisis responders, evaluation and treatment facilities, and others as determined by the behavioral health organization.

(26) "Secretary" means the secretary of social and health services.

(27) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(28) "Severely emotionally disturbed child" or "child who is severely emotionally disturbed" means a child who has been determined by the behavioral health organization to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a caretaker who is mentally ill or inadequate;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(29) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

(30) Mental health "treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by behavioral health organizations and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, behavioral health organizations, or a treatment facility if the notes or records are not available to others.

(31) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any behavioral health organization that would present a conflict of interest.

(32) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

(33) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department of social and health services as meeting standards adopted under this chapter.

(34) "Behavioral health program" means all expenditures, services, activities, or programs, including reasonable administration and overhead, designed and conducted to prevent or treat chemical dependency and mental illness.

(35) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual continues using the substance despite significant substance-related problems. The diagnosis of a substance use disorder is based on a pathological pattern of behaviors related to the use of the substances.

~~(36) ("Designated chemical dependency specialist" means a person designated by the behavioral health organization or by the county alcoholism and other drug addiction program coordinator designated by the behavioral health organization to perform the commitment duties described in RCW 70.96A.140 and qualified to do so by meeting standards adopted by the department.~~

~~(37))~~ (37) "Drug addiction" means a disease characterized by a dependency on psychoactive chemicals, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning.

~~((38))~~ (37) "Early adopter" means a regional service area for which all of the county authorities have

requested that the department and the health care authority jointly purchase medical and behavioral health services through a managed care health system as defined under RCW 71.24.380(6).

~~((39))~~ (38) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

**Sec. 503.** RCW 71.24.035 and 2015 c 269 s 8 are each amended to read as follows:

(1) The department is designated as the state ~~((mental))~~ behavioral health authority which includes recognition as the single state authority for substance use disorders and state mental health authority.

(2) The secretary shall provide for public, client, tribal, and licensed service provider participation in developing the state ~~((mental))~~ behavioral health program, developing contracts with behavioral health organizations, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state ~~((mental))~~ behavioral health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state ~~((mental))~~ behavioral health program.

(4) The secretary shall be designated as the behavioral health organization if the behavioral health organization fails to meet state minimum standards or refuses to exercise responsibilities under its contract or RCW 71.24.045, until such time as a new behavioral health organization is designated.

(5) The secretary shall:

(a) Develop a biennial state ~~((mental))~~ behavioral health program that incorporates regional biennial needs assessments and regional mental health service plans and state services for adults and children with mental ~~((illness))~~ disorders or substance use disorders or both;

(b) Assure that any behavioral health organization or county community ~~((mental))~~ behavioral health program provides medically necessary services to medicaid recipients consistent with the state's medicaid state plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the department;

(c) Develop and adopt rules establishing state minimum standards for the delivery of ~~((mental))~~ behavioral health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated ~~((mental))~~ behavioral health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Inpatient services, an adequate network of evaluation and treatment services and facilities under chapter 71.05 RCW to ensure access to treatment, resource management services, and community support services;

(d) Assure that the special needs of persons who are minorities, elderly, disabled, children, low-income, and parents who are respondents in dependency cases are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards which shall be used in contracting with behavioral health organizations. The standard contract shall include a maximum fund balance, which shall be consistent with that required by federal regulations or waiver stipulations;

(f) Make contracts necessary or incidental to the performance of its duties and the execution of its powers, including managed care contracts for behavioral health services, contracts entered into under RCW 74.09.522, and contracts with public and private agencies, organizations, and individuals to pay them for behavioral health services;

(g) Establish, to the extent possible, a standardized auditing procedure which is designed to assure compliance with contractual agreements authorized by this chapter and minimizes paperwork requirements of behavioral health organizations and licensed service providers. The audit procedure shall focus on the outcomes of service as provided in RCW 43.20A.895, 70.320.020, and 71.36.025;

~~((g))~~ (h) Develop and maintain an information system to be used by the state and behavioral health organizations that includes a tracking method which allows the department and behavioral health organizations to identify ~~((mental))~~ behavioral health clients' participation in any ~~((mental))~~ behavioral health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and chapter 70.02 RCW;

~~((h))~~ (i) License service providers who meet state minimum standards;

~~((i))~~ (j) Periodically monitor the compliance of behavioral health organizations and their network of licensed service providers for compliance with the contract between the department, the behavioral health organization, and federal and state rules at reasonable times and in a reasonable manner;

~~((j))~~ (k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

~~((k))~~ (l) Monitor and audit behavioral health organizations and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter;

~~((l))~~ (m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter;

~~((m))~~ (n) License or certify crisis stabilization units that meet state minimum standards;

~~((n))~~ (o) License or certify clubhouses that meet state minimum standards; ~~((and~~

~~((o))~~ (p) License or certify triage facilities that meet state minimum standards; and

(q) Administer or supervise the administration of the provisions relating to persons with substance use disorders and intoxicated persons of any state plan

submitted for federal funding pursuant to federal health, welfare, or treatment legislation.

(6) The secretary shall use available resources only for behavioral health organizations, except:

(a) To the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act; or

(b) To incentivize improved performance with respect to the client outcomes established in RCW 43.20A.895, 70.320.020, and 71.36.025, integration of behavioral health and medical services at the clinical level, and improved care coordination for individuals with complex care needs.

(7) Each behavioral health organization and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A behavioral health organization or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may be subject to the behavioral health organization contractual remedies in RCW 43.20A.894 or may have its service provider certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any behavioral health organization or service provider from operating without a contract, certification, or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any behavioral health organization or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a behavioral health organization or service provider without a contract, certification, or a license under this chapter.

(12) ~~((The standards for certification or licensure of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.~~

~~((13) The standards for certification or licensure of crisis stabilization units shall include standards that~~

~~(a) Permit location of the units at a jail facility if the unit is physically separate from the general population of the jail;~~

~~(b) Require administration of the unit by mental health professionals who direct the stabilization and rehabilitation efforts; and~~

~~(c) Provide an environment affording security appropriate with the alleged criminal behavior and necessary to protect the public safety.~~

~~(14) The standards for certification or licensure of a clubhouse shall at a minimum include:~~

~~(a) The facilities may be peer operated and must be recovery focused;~~

~~(b) Members and employees must work together;~~

~~(c) Members must have the opportunity to participate in all the work of the clubhouse, including administration, research, intake and orientation, outreach, hiring, training and evaluation of staff, public relations, advocacy, and evaluation of clubhouse effectiveness;~~

~~(d) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;~~

~~(e) Clubhouse programs must be comprised of structured activities including but not limited to social skills training, vocational rehabilitation, employment training and job placement, and community resource development;~~

~~(f) Clubhouse programs must provide in-house educational programs that significantly utilize the teaching and tutoring skills of members and assist members by helping them to take advantage of adult education opportunities in the community;~~

~~(g) Clubhouse programs must focus on strengths, talents, and abilities of its members;~~

~~(h) The work ordered day may not include medication clinics, day treatment, or other therapy programs within the clubhouse.~~

~~(15)) The department shall distribute appropriated state and federal funds in accordance with any priorities, terms, or conditions specified in the appropriations act.~~

~~((16)) (13) The secretary shall assume all duties assigned to the nonparticipating behavioral health organizations under chapters 71.05 and 71.34 RCW and this chapter. Such responsibilities shall include those which would have been assigned to the nonparticipating counties in regions where there are not participating behavioral health organizations.~~

The behavioral health organizations, or the secretary's assumption of all responsibilities under chapters 71.05 and 71.34 RCW and this chapter, shall be included in all state and federal plans affecting the state (~~mental~~) behavioral health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

~~((17)) (14) The secretary shall:~~

~~(a) Disburse funds for the behavioral health organizations within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.~~

~~(b) Enter into biennial contracts with behavioral health organizations. The contracts shall be consistent with~~

available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Notify behavioral health organizations of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(d) Deny all or part of the funding allocations to behavioral health organizations based solely upon formal findings of noncompliance with the terms of the behavioral health organization's contract with the department.

Behavioral health organizations disputing the decision of the secretary to withhold funding allocations are limited to the remedies provided in the department's contracts with the behavioral health organizations.

~~((18)) (15) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by freestanding evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.~~

~~(16) The department may:~~

~~(a) Plan, establish, and maintain substance use disorder prevention and substance use disorder treatment programs as necessary or desirable;~~

~~(b) Coordinate its activities and cooperate with behavioral programs in this and other states, and make contracts and other joint or cooperative arrangements with state, local, or private agencies in this and other states for behavioral health services and for the common advancement of substance use disorder programs;~~

~~(c) Solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies in making an application for any grant;~~

~~(d) Keep records and engage in research and the gathering of relevant statistics; and~~

~~(e) Acquire, hold, or dispose of real property or any interest therein, and construct, lease, or otherwise provide substance use disorder treatment programs.~~

**Sec. 504.** RCW 70.96A.050 and 2014 c 225 s 23 are each amended to read as follows:

The department shall:

(1) Develop, encourage, and foster statewide, regional, and local plans and programs for the prevention of alcoholism and other drug addiction, treatment of persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons in cooperation with public and private agencies, organizations, and individuals and provide technical assistance and consultation services for these purposes;

(2) Assure that any behavioral health organization managed care contract, or managed care contract under RCW 74.09.522 for behavioral health services or programs for the treatment of persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons provides medically necessary services to medicaid recipients. This must include a continuum of mental health and ~~((chemical dependency))~~ substance use disorder services consistent with the state's medicaid plan or federal waiver authorities, and nonmedicaid services consistent with priorities established by the department;

(3) Coordinate the efforts and enlist the assistance of all public and private agencies, organizations, and individuals interested in prevention of alcoholism and drug addiction, and treatment of persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons;

(4) Cooperate with public and private agencies in establishing and conducting programs to provide treatment for persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons who are clients of the correctional system;

(5) Cooperate with the superintendent of public instruction, state board of education, schools, police departments, courts, and other public and private agencies, organizations and individuals in establishing programs for the prevention of ~~((alcoholism and other drug addiction))~~ substance use disorders, treatment of persons with substance use disorders and their families, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, and preparing curriculum materials thereon for use at all levels of school education;

(6) Prepare, publish, evaluate, and disseminate educational material dealing with the nature and effects of alcohol and other psychoactive chemicals and the consequences of their use;

(7) Develop and implement, as an integral part of substance use disorder treatment programs, an educational program for use in the treatment of persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, which program shall include the dissemination of information concerning the nature and effects of alcohol and other psychoactive chemicals, the consequences of their use, the principles of recovery, and HIV and AIDS;

(8) Organize and foster training programs for persons engaged in treatment of persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons;

(9) Sponsor and encourage research into the causes and nature of ~~((alcoholism and other drug addiction))~~ substance use disorders, treatment of persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons, and serve as a clearinghouse for information relating to ~~((alcoholism or other drug addiction))~~ substance use disorders;

(10) Specify uniform methods for keeping statistical information by public and private agencies,

organizations, and individuals, and collect and make available relevant statistical information, including number of persons treated, frequency of admission and readmission, and frequency and duration of treatment;

(11) Advise the governor in the preparation of a comprehensive plan for treatment of persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons for inclusion in the state's comprehensive health plan;

(12) Review all state health, welfare, and treatment plans to be submitted for federal funding under federal legislation, and advise the governor on provisions to be included relating to substance use disorders;

(13) Assist in the development of, and cooperate with, programs for alcohol and other psychoactive chemical education and treatment for employees of state and local governments and businesses and industries in the state;

(14) Use the support and assistance of interested persons in the community to encourage persons with substance use disorders voluntarily to undergo treatment;

(15) Cooperate with public and private agencies in establishing and conducting programs designed to deal with the problem of persons operating motor vehicles while intoxicated;

(16) Encourage general hospitals and other appropriate health facilities to admit without discrimination persons with substance use disorders, persons incapacitated by alcohol or other psychoactive chemicals, and intoxicated persons and to provide them with adequate and appropriate treatment;

(17) Encourage all health and disability insurance programs to include ~~((alcoholism and other drug addiction))~~ substance use disorders as a covered illness; and

(18) Organize and sponsor a statewide program to help court personnel, including judges, better understand ~~((the disease of alcoholism and other drug addiction))~~ substance use disorders and the uses of ~~((chemical dependency))~~ substance use disorder treatment programs.

**Sec. 505.** RCW 71.24.037 and 2001 c 323 s 11 are each amended to read as follows:

(1) The secretary shall by rule establish state minimum standards for licensed behavioral health service providers and services, whether those service providers and services are licensed to provide solely mental health services, substance use disorder treatment services, or services to persons with co-occurring disorders.

(2) Minimum standards for licensed behavioral health service providers shall, at a minimum, establish: Qualifications for staff providing services directly to ~~((mentally ill))~~ persons with mental disorders, substance use disorders, or both, the intended result of each service, and the rights and responsibilities of persons receiving ~~((mental))~~ behavioral health services pursuant to this chapter. The secretary shall provide for deeming of licensed behavioral health service providers as meeting state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department.

(3) Minimum standards for community support services and resource management services shall include at

least qualifications for resource management services, client tracking systems, and the transfer of patient information between behavioral health service providers.

(4) The department may suspend, revoke, limit, restrict, or modify an approval, or refuse to grant approval, for failure to meet the provisions of this chapter, or the standards adopted under this chapter. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.

(5) No licensed behavioral health service provider may advertise or represent itself as a licensed behavioral health service provider if approval has not been granted, has been denied, suspended, revoked, or canceled.

(6) Licensure as a behavioral health service provider is effective for one calendar year from the date of issuance of the license. The license must specify the types of services provided by the behavioral health service provider that meet the standards adopted under this chapter. Renewal of a license must be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(7) Licensure as a licensed behavioral health service provider must specify the types of services provided that meet the standards adopted under this chapter. Renewal of a license must be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.

(8) Licensed behavioral health service providers may not provide types of services for which the licensed behavioral health service provider has not been certified. Licensed behavioral health service providers may provide services for which approval has been sought and is pending, if approval for the services has not been previously revoked or denied.

(9) The department periodically shall inspect licensed behavioral health service providers at reasonable times and in a reasonable manner.

(10) Upon petition of the department and after a hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him or her to enter and inspect at reasonable times, and examine the books and accounts of, any licensed behavioral health service provider refusing to consent to inspection or examination by the department or which the department has reasonable cause to believe is operating in violation of this chapter.

(11) The department shall maintain and periodically publish a current list of licensed behavioral health service providers.

(12) Each licensed behavioral health service provider shall file with the department upon request, data, statistics, schedules, and information the department reasonably requires. A licensed behavioral health service provider that without good cause fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent returns thereof, may have its license revoked or suspended.

(13) The department shall use the data provided in subsection (12) of this section to evaluate each program that admits children to inpatient substance use disorder treatment upon application of their parents. The evaluation

must be done at least once every twelve months. In addition, the department shall randomly select and review the information on individual children who are admitted on application of the child's parent for the purpose of determining whether the child was appropriately placed into substance use disorder treatment based on an objective evaluation of the child's condition and the outcome of the child's treatment.

**Sec. 506.** RCW 70.96A.090 and 2005 c 70 s 2 are each amended to read as follows:

~~(1) (The department shall adopt rules establishing standards for approved treatment programs, the process for the review and inspection program applying to the department for certification as an approved treatment program, and fixing the fees to be charged by the department for the required inspections. The standards may concern the health standards to be met and standards of services and treatment to be afforded patients.~~

~~(2) The department may suspend, revoke, limit, restrict, or modify an approval, or refuse to grant approval, for failure to meet the provisions of this chapter, or the standards adopted under this chapter. RCW 43.20A.205 governs notice of a license denial, revocation, suspension, or modification and provides the right to an adjudicative proceeding.~~

~~(3) No treatment program may advertise or represent itself as an approved treatment program if approval has not been granted, has been denied, suspended, revoked, or canceled.~~

~~(4) Certification as an approved treatment program is effective for one calendar year from the date of issuance of the certificate. The certification shall specify the types of services provided by the approved treatment program that meet the standards adopted under this chapter. Renewal of certification shall be made in accordance with this section for initial approval and in accordance with the standards set forth in rules adopted by the secretary.~~

~~(5) Approved treatment programs shall not provide alcoholism or other drug addiction treatment services for which the approved treatment program has not been certified. Approved treatment programs may provide services for which approval has been sought and is pending, if approval for the services has not been previously revoked or denied.~~

~~(6) The department periodically shall inspect approved public and private treatment programs at reasonable times and in a reasonable manner.~~

~~(7) The department shall maintain and periodically publish a current list of approved treatment programs.~~

~~(8) Each approved treatment program shall file with the department on request, data, statistics, schedules, and information the department reasonably requires. An approved treatment program that without good cause fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent returns thereof, may be removed from the list of approved treatment programs, and its certification revoked or suspended.~~

~~(9) The department shall use the data provided in subsection (8) of this section to evaluate each program that admits children to inpatient treatment upon application of~~

~~their parents. The evaluation shall be done at least once every twelve months. In addition, the department shall randomly select and review the information on individual children who are admitted on application of the child's parent for the purpose of determining whether the child was appropriately placed into treatment based on an objective evaluation of the child's condition and the outcome of the child's treatment.~~

~~(10) Upon petition of the department and after a hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him or her to enter and inspect at reasonable times, and examine the books and accounts of, any approved public or private treatment program refusing to consent to inspection or examination by the department or which the department has reasonable cause to believe is operating in violation of this chapter.~~

~~(11)(a))~~ All approved opiate substitution treatment programs that provide services to women who are pregnant are required to disseminate up-to-date and accurate health education information to all their pregnant clients concerning the possible addiction and health risks that their opiate substitution treatment may have on their baby. All pregnant clients must also be advised of the risks to both them and their baby associated with not remaining on the opiate substitute program. The information must be provided to these clients both verbally and in writing. The health education information provided to the pregnant clients must include referral options for the addicted baby.

~~((b))~~ (2) The department shall adopt rules that require all opiate treatment programs to educate all pregnant women in their program on the benefits and risks of methadone treatment to their fetus before they are provided these medications, as part of their addiction treatment. The department shall meet the requirements under this subsection within the appropriations provided for opiate treatment programs. The department, working with treatment providers and medical experts, shall develop and disseminate the educational materials to all certified opiate treatment programs.

**NEW SECTION. Sec. 507.** A new section is added to chapter 71.24 RCW to read as follows:

The standards for certification or licensure of evaluation and treatment facilities must include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and must otherwise assure the effectuation of the purposes of these chapters.

**NEW SECTION. Sec. 508.** A new section is added to chapter 71.24 RCW to read as follows:

The standards for certification or licensure of crisis stabilization units must include standards that:

(1) Permit location of the units at a jail facility if the unit is physically separate from the general population of the jail;

(2) Require administration of the unit by mental health professionals who direct the stabilization and rehabilitation efforts; and

(3) Provide an environment affording security appropriate with the alleged criminal behavior and necessary to protect the public safety.

**NEW SECTION. Sec. 509.** A new section is added to chapter 71.24 RCW to read as follows:

The standards for certification or licensure of a clubhouse must at a minimum include:

(1) The facilities may be peer-operated and must be recovery-focused;

(2) Members and employees must work together;

(3) Members must have the opportunity to participate in all the work of the clubhouse, including administration, research, intake and orientation, outreach, hiring, training and evaluation of staff, public relations, advocacy, and evaluation of clubhouse effectiveness;

(4) Members and staff and ultimately the clubhouse director must be responsible for the operation of the clubhouse, central to this responsibility is the engagement of members and staff in all aspects of clubhouse operations;

(5) Clubhouse programs must be comprised of structured activities including but not limited to social skills training, vocational rehabilitation, employment training and job placement, and community resource development;

(6) Clubhouse programs must provide in-house educational programs that significantly utilize the teaching and tutoring skills of members and assist members by helping them to take advantage of adult education opportunities in the community;

(7) Clubhouse programs must focus on strengths, talents, and abilities of its members;

(8) The work-ordered day may not include medication clinics, day treatment, or other therapy programs within the clubhouse.

**Sec. 510.** RCW 71.24.385 and 2014 c 225 s 9 are each amended to read as follows:

(1) Within funds appropriated by the legislature for this purpose, behavioral health organizations shall develop the means to serve the needs of people;

~~(a)~~ With mental disorders residing within the boundaries of their regional service area. Elements of the program may include:

~~((a))~~ (i) Crisis diversion services;

~~((b))~~ (ii) Evaluation and treatment and community hospital beds;

~~((c))~~ (iii) Residential treatment;

~~((d))~~ (iv) Programs for intensive community treatment;

~~((e))~~ (v) Outpatient services;

~~((f))~~ (vi) Peer support services;

~~((g))~~ (vii) Community support services;

~~((h))~~ (viii) Resource management services; and

~~((i))~~ (ix) Supported housing and supported employment services.

(b) With substance use disorders and their families, people incapacitated by alcohol or other psychoactive chemicals, and intoxicated people.

(i) Elements of the program shall include, but not necessarily be limited to, a continuum of substance use disorder treatment services that includes:

(A) Withdrawal management;

(B) Residential treatment; and

(C) Outpatient treatment.

(ii) The program may include peer support, supported housing, supported employment, crisis diversion, or recovery support services.

(iii) The department may contract for the use of an approved substance use disorder treatment program or other individual or organization if the secretary considers this to be an effective and economical course to follow.

(2) The behavioral health organization shall have the flexibility, within the funds appropriated by the legislature for this purpose and the terms of their contract, to design the mix of services that will be most effective within their service area of meeting the needs of people with ~~((mental))~~ behavioral health disorders and avoiding placement of such individuals at the state mental hospital. Behavioral health organizations are encouraged to maximize the use of evidence-based practices and alternative resources with the goal of substantially reducing and potentially eliminating the use of institutions for mental diseases.

(3)(a) Treatment provided under this chapter must be purchased primarily through managed care contracts.

(b) Consistent with RCW 70.96A.350 (as recodified by this act), services and funding provided through the criminal justice treatment account are intended to be exempted from managed care contracting.

**Sec. 511.** RCW 70.96A.350 and 2015 3rd sp.s. c 4 s 968 and 2015 c 291 s 10 are each reenacted and amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance ~~((abuse))~~ use disorder treatment and treatment support services for offenders with ~~((an addiction or a substance abuse problem))~~ a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of ~~((drug and alcohol))~~ substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program; and (c) the administrative and overhead costs associated with the operation of a drug court. ~~((This amount is not subject to the requirements of subsections (5) through (9) of this section. During the 2013-2015 fiscal biennium, the legislature may transfer from the criminal justice treatment account to the state general fund amounts as reflect the state savings associated with the implementation of the medicaid expansion of the federal affordable care act.))~~ During the 2015-2017 fiscal biennium, the legislature may transfer from the criminal justice treatment account to the state general fund amounts as reflect the state savings associated with the implementation of the medicaid expansion of the federal

affordable care act and the excess fund balance of the account. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance ~~((abuse))~~ use disorder treatment program, but does not include the following services: Housing other than that provided as part of an inpatient substance ~~((abuse))~~ use disorder treatment program, vocational training, and mental health counseling; and

(b) "Treatment support" means transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) ~~((For the fiscal biennium beginning July 1, 2003, the state treasurer shall transfer eight million nine hundred fifty thousand dollars from the general fund into the criminal justice treatment account, divided into eight equal quarterly payments. For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments.))~~ For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(b) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the ~~((division of alcohol and substance abuse))~~ department for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the ~~((division of alcohol and substance abuse))~~ department from the criminal justice treatment account shall be distributed as specified in this subsection. The department ~~((shall serve as the fiscal agent for purposes of distribution. Until July 1, 2004, the department may not use moneys appropriated from the criminal justice treatment account for administrative expenses and shall distribute all amounts appropriated under subsection (4)(b) of this section in accordance with this subsection. Beginning in July 1, 2004, the department))~~ may retain up to three percent of the amount appropriated under subsection (4)(b) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the ~~((division))~~ department from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The division of alcohol and substance abuse, in consultation with the department of corrections, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance ~~((abuse))~~ use disorder treatment providers, and

any other person deemed by the ~~((division))~~ department to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the ~~((division))~~ department from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The ~~((division))~~ department shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, substance ~~((abuse))~~ use disorder treatment providers, and the division. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment pursuant to RCW 70.96A.090 (as recodified by this act), treatment support services, and for the administrative and overhead costs associated with the operation of a drug court.

(a) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent on the administrative and overhead costs associated with the operation of a drug court.

(b) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.30.030(3).

(10) The authority under this section to use funds from the criminal justice treatment account for the administrative and overhead costs associated with the operation of a drug court expires June 30, 2015.

**Sec. 512.** RCW 70.96A.035 and 2005 c 504 s 302 are each amended to read as follows:

(1) ~~((Not later than January 1, 2007,))~~ All persons providing treatment under this chapter shall also implement the integrated comprehensive screening and assessment process for ~~((chemical dependency))~~ substance use and mental disorders adopted pursuant to RCW 70.96C.010 (as recodified by this act) and shall document the numbers of clients with co-occurring mental and substance ~~((abuse))~~ use disorders based on a quadrant system of low and high needs.

(2) Treatment providers contracted to provide treatment under this chapter who fail to implement the integrated comprehensive screening and assessment process for ~~((chemical dependency))~~ substance use and mental disorders ~~((by July 1, 2007,))~~ are subject to contractual penalties established under RCW 70.96C.010 (as recodified by this act).

**Sec. 513.** RCW 70.96C.010 and 2014 c 225 s 77 are each amended to read as follows:

(1) The department of social and health services ~~((; in consultation with the members of the team charged with developing the state plan for co-occurring mental and substance abuse disorders, shall adopt, not later than January 1, 2006,))~~ shall maintain an integrated and comprehensive screening and assessment process for ~~((chemical dependency))~~ substance use and mental disorders and co-occurring ~~((chemical dependency))~~ substance use and mental disorders.

(a) The process adopted shall include, at a minimum:

(i) An initial screening tool that can be used by intake personnel system-wide and which will identify the most common types of co-occurring disorders;

(ii) An assessment process for those cases in which assessment is indicated that provides an appropriate degree of assessment for most situations, which can be expanded for complex situations;

(iii) Identification of triggers in the screening that indicate the need to begin an assessment;

(iv) Identification of triggers after or outside the screening that indicate a need to begin or resume an assessment;

(v) The components of an assessment process and a protocol for determining whether part or all of the assessment is necessary, and at what point; and

(vi) Emphasis that the process adopted under this section is to replace and not to duplicate existing intake, screening, and assessment tools and processes.

(b) The department shall consider existing models, including those already adopted by other states, and to the extent possible, adopt an established, proven model.

(c) The integrated, comprehensive screening and assessment process shall be implemented statewide by all ~~((chemical dependency))~~ substance use disorder and mental health treatment providers as well as all designated mental health professionals, designated chemical dependency specialists, and designated crisis responders ~~((not later than January 1, 2007,))~~.

(2) The department shall provide adequate training to effect statewide implementation by the dates designated in this section and shall report the rates of co-occurring disorders and the stage of screening or assessment at which the co-occurring disorder was identified to the appropriate committees of the legislature.

(3) The department shall establish contractual penalties to contracted treatment providers, the behavioral health organizations, and their contracted providers for failure to implement the integrated screening and assessment process ~~((by July 1, 2007))~~.

**Sec. 514.** RCW 70.96A.037 and 2011 c 89 s 9 are each amended to read as follows:

(1) The department of social and health services shall contract for chemical dependency specialist services at division of children and family services offices to enhance the timeliness and quality of child protective services assessments and to better connect families to needed treatment services.

(2) The chemical dependency specialist's duties may include, but are not limited to: Conducting on-site ~~((chemical dependency))~~ substance use disorder screening and assessment, facilitating progress reports to department employees, in-service training of department employees and staff on substance ~~((abuse))~~ use disorder issues, referring clients from the department to treatment providers, and providing consultation on cases to department employees.

(3) The department of social and health services shall provide training in and ensure that each case-carrying employee is trained in uniform screening for mental health and ~~((chemical dependency))~~ substance use disorder.

**Sec. 515.** RCW 70.96A.047 and 1989 c 270 s 11 are each amended to read as follows:

Except as provided in this chapter, the secretary shall not approve any substance use disorder facility, plan, or program for financial assistance under RCW 70.96A.040 ~~((as recodified by this act))~~ unless at least ten percent of the amount spent for the facility, plan, or program is provided from local public or private sources. When deemed necessary to maintain public standards of care in the substance use disorder facility, plan, or program, the secretary may require the substance use disorder facility, plan, or program to provide up to fifty percent of the total spent for the program through fees, gifts, contributions, or volunteer services. The secretary shall determine the value of the gifts, contributions, and volunteer services.

**Sec. 516.** RCW 70.96A.055 and 1999 c 197 s 10 are each amended to read as follows:

The department shall contract with counties operating drug courts and counties in the process of implementing new drug courts for the provision of ~~((drug and alcohol))~~ substance use disorder treatment services.

**Sec. 517.** RCW 70.96A.087 and 1989 c 270 s 13 are each amended to read as follows:

To be eligible to receive its share of liquor taxes and profits, each city and county shall devote no less than two percent of its share of liquor taxes and profits to the support of a substance use disorder program ~~((of alcoholism and other drug addiction))~~ approved by the ~~((alcoholism and other drug addiction board authorized by RCW 70.96A.300))~~ behavioral health organization and the secretary.

**Sec. 518.** RCW 70.96A.170 and 1989 c 270 s 30 are each amended to read as follows:

(1) The state and counties, cities, and other municipalities may establish or contract for emergency service patrols which are to be under the administration of the appropriate jurisdiction. A patrol consists of persons trained to give assistance in the streets and in other public places to persons who are intoxicated. Members of an emergency service patrol shall be capable of providing first aid in emergency situations and may transport intoxicated persons to their homes and to and from substance use disorder treatment programs.

(2) The secretary shall adopt rules pursuant to chapter 34.05 RCW for the establishment, training, and conduct of emergency service patrols.

**Sec. 519.** RCW 70.96A.400 and 2001 c 242 s 1 are each amended to read as follows:

The state of Washington declares that there is no fundamental right to opiate substitution treatment. The state of Washington further declares that while opiate substitution drugs used in the treatment of opiate dependency are addictive substances, that they nevertheless have several legal, important, and justified uses and that one of their appropriate and legal uses is, in conjunction with other required therapeutic procedures, in the treatment of persons addicted to or habituated to opioids. Opiate substitution treatment should only be used for participants who are deemed appropriate to need this level of intervention and should not be the first treatment intervention for all opiate addicts.

Because opiate substitution drugs, used in the treatment of opiate dependency are addictive and are listed as a schedule II controlled substance in chapter 69.50 RCW, the state of Washington has the legal obligation and right to regulate the use of opiate substitution treatment. The state of Washington declares its authority to control and regulate carefully, in consultation with counties and cities, all clinical uses of opiate substitution drugs used in the treatment of opiate addiction.

Further, the state declares that the primary goal of opiate substitution treatment is total abstinence from ~~((chemical dependency))~~ substance use for the individuals who participate in the treatment program. The state recognizes that a small percentage of persons who participate in opiate substitution treatment programs require treatment for an extended period of time. Opiate substitution treatment programs shall provide a comprehensive transition program to eliminate ~~((chemical~~

~~dependency~~) substance use, including opiate and opiate substitute addiction of program participants.

**Sec. 520.** RCW 70.96A.800 and 2014 c 225 s 33 are each amended to read as follows:

(1) Subject to funds appropriated for this specific purpose, the secretary shall select and contract with ~~((counties))~~ behavioral health organizations to provide intensive case management for ~~((chemically dependent))~~ persons with substance use disorders and histories of high utilization of crisis services at two sites. In selecting the two sites, the secretary shall endeavor to site one in an urban county, and one in a rural county; and to site them in counties other than those selected pursuant to RCW 70.96B.020, to the extent necessary to facilitate evaluation of pilot project results. Subject to funds appropriated for this specific purpose, the secretary may contract with additional counties to provide intensive case management.

(2) The contracted sites shall implement the pilot programs by providing intensive case management to persons with a primary ~~((chemical dependency))~~ substance use disorder diagnosis or dual primary ~~((chemical dependency))~~ substance use disorder and mental health diagnoses, through the employment of ~~((chemical dependency))~~ substance use disorder case managers. The ~~((chemical dependency))~~ substance use disorder case managers shall:

(a) Be trained in and use the integrated, comprehensive screening and assessment process adopted under RCW 70.96C.010 (as recodified by this act);

(b) Reduce the use of crisis medical, ~~((chemical dependency))~~ substance use disorder treatment and mental health services, including but not limited to, emergency room admissions, hospitalizations, withdrawal management programs, inpatient psychiatric admissions, involuntary treatment petitions, emergency medical services, and ambulance services;

(c) Reduce the use of emergency first responder services including police, fire, emergency medical, and ambulance services;

(d) Reduce the number of criminal justice interventions including arrests, violations of conditions of supervision, bookings, jail days, prison sanction day for violations, court appearances, and prosecutor and defense costs;

(e) Where appropriate and available, work with therapeutic courts including drug courts and mental health courts to maximize the outcomes for the individual and reduce the likelihood of reoffense;

(f) Coordinate with local offices of the economic services administration to assist the person in accessing and remaining enrolled in those programs to which the person may be entitled;

(g) Where appropriate and available, coordinate with primary care and other programs operated through the federal government including federally qualified health centers, Indian health programs, and veterans' health programs for which the person is eligible to reduce duplication of services and conflicts in case approach;

(h) Where appropriate, advocate for the client's needs to assist the person in achieving and maintaining stability and progress toward recovery;

(i) Document the numbers of persons with co-occurring mental and substance ~~((abuse))~~ use disorders and the point of determination of the co-occurring disorder by quadrant of intensity of need; and

(j) Where a program participant is under supervision by the department of corrections, collaborate with the department of corrections to maximize treatment outcomes and reduce the likelihood of reoffense.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

**Sec. 521.** RCW 70.96A.905 and 1992 c 205 s 306 are each amended to read as follows:

The department shall ensure that the provisions of this chapter are applied by the ~~((counties))~~ behavioral health organizations in a consistent and uniform manner. The department shall also ensure that, to the extent possible within available funds, the ~~((county-designated))~~ behavioral health organization-designated chemical dependency specialists are specifically trained in adolescent chemical dependency issues, the chemical dependency commitment laws, and the criteria for commitment, as specified in this chapter and chapter 70.96A RCW.

**Sec. 522.** RCW 71.24.300 and 2015 c 269 s 10 are each amended to read as follows:

(1) Upon the request of a tribal authority or authorities within a behavioral health organization the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the behavioral health organization.

(2) The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served.

(3) The state ~~((mental))~~ behavioral health authority may not determine the roles and responsibilities of county authorities as to each other under behavioral health organizations by rule, except to assure that all duties required of behavioral health organizations are assigned and that counties and the behavioral health organization do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the behavioral health organization's contract with the secretary.

(4) If a behavioral health organization is a private entity, the department shall allow for the inclusion of the tribal authority to be represented as a party to the behavioral health organization.

(5) The roles and responsibilities of the private entity and the tribal authorities shall be determined by the department, through negotiation with the tribal authority.

(6) Behavioral health organizations shall submit an overall six-year operating and capital plan, timeline, and

budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

(b) Administer and provide for the availability of an adequate network of evaluation and treatment services to ensure access to treatment, all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

(c) Provide within the boundaries of each behavioral health organization evaluation and treatment services for at least ninety percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Behavioral health organizations may contract to purchase evaluation and treatment services from other organizations if they are unable to provide for appropriate resources within their boundaries. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each behavioral health organization. Such exceptions are limited to:

(i) Contracts with neighboring or contiguous regions; or

(ii) Individuals detained or committed for periods up to seventeen days at the state hospitals at the discretion of the secretary.

(d) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as described in RCW 71.24.035, and mental health services to children.

(e) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(7) A behavioral health organization may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the persons with mental illness and which is within the boundaries of a behavioral health organization be made available to support the operations of the behavioral health organization. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

(8) Each behavioral health organization shall appoint a ~~((mental))~~ behavioral health advisory board which shall review and provide comments on plans and policies developed under this chapter, provide local oversight regarding the activities of the behavioral health organization, and work with the behavioral health organization to resolve significant concerns regarding service delivery and outcomes. The department shall establish statewide procedures for the operation of regional advisory committees including mechanisms for advisory board feedback to the department regarding behavioral health organization performance. The composition of the board shall be broadly representative of the demographic character of the region and shall include, but not be limited

to, representatives of consumers of substance use disorder and mental health services and their families, law enforcement, and, where the county is not the behavioral health organization, county elected officials. Composition and length of terms of board members may differ between behavioral health organizations but shall be included in each behavioral health organization's contract and approved by the secretary.

(9) Behavioral health organizations shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

(10) Behavioral health organizations may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter 43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the behavioral health organization six-year operating and capital plan, timeline, and budget required by subsection (6) of this section.

**Sec. 523.** RCW 71.24.350 and 2014 c 225 s 41 are each amended to read as follows:

The department shall require each behavioral health organization to provide for a separately funded ~~((mental))~~ behavioral health ombuds office in each behavioral health organization that is independent of the behavioral health organization. The ombuds office shall maximize the use of consumer advocates.

**Sec. 524.** RCW 9.94A.660 and 2009 c 389 s 3 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(d) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(e) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(f) The end of the standard sentence range for the current offense is greater than one year; and

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under RCW 9.94A.662 or a residential chemical dependency treatment-based alternative under RCW 9.94A.664. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(4) To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a chemical dependency screening report as provided in RCW 9.94A.500.

(5)(a) If the court is considering imposing a sentence under the residential chemical dependency treatment-based alternative, the court may order an examination of the offender by the department. The examination shall, at a minimum, address the following issues:

(i) Whether the offender suffers from drug addiction;

(ii) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

(iii) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the ~~((division of alcohol and substance abuse of the))~~ department of social and health services; and

(iv) Whether the offender and the community will benefit from the use of the alternative.

(b) The examination report must contain:

(i) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

(ii) Recommended crime-related prohibitions and affirmative conditions.

(6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate. In addition, an offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring for alcohol or controlled substances.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

(8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(10) Costs of examinations and preparing treatment plans under a special drug offender sentencing alternative may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350 (as recodified by this act).

**Sec. 525.** RCW 10.05.020 and 2010 c 269 s 9 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by ~~((alcoholism, drug addiction,))~~ substance use disorders or mental problems for which the person is in need of treatment and unless treated the probability of future recurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history and written assessment prepared by an approved ~~((alcoholism))~~ substance use disorder treatment program as designated in chapter ~~((70.96A))~~ 71.24 RCW if the petition alleges ~~((alcoholism, an approved drug program as designated in chapter 71.24 RCW if the petition alleges drug addiction,))~~ a substance use disorder or by an approved mental health center if the petition alleges a mental problem.

(2) In the case of a petitioner charged with a misdemeanor or gross misdemeanor under chapter 9A.42 RCW, the petitioner shall allege under oath in the petition that the petitioner is the natural or adoptive parent of the alleged victim; that the wrongful conduct charged is the result of parenting problems for which the petitioner is in need of services; that the petitioner is in need of child welfare services under chapter 74.13 RCW to improve his or her parenting skills in order to better provide his or her child or children with the basic necessities of life; that the petitioner wants to correct his or her conduct to reduce the likelihood of harm to his or her minor children; that in the absence of child welfare services the petitioner may be unable to reduce the likelihood of harm to his or her minor children; and that the petitioner has cooperated with the

department of social and health services to develop a plan to receive appropriate child welfare services; along with a statement that the person agrees to pay the cost of the services if he or she is financially able to do so. The petition shall also contain a case history and a written service plan from the department of social and health services.

(3) Before entry of an order deferring prosecution, a petitioner shall be advised of his or her rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgment of his or her rights; (b) an acknowledgment and waiver of the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; (c) a stipulation to the admissibility and sufficiency of the facts contained in the written police report; and (d) an acknowledgment that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he or she may, if he or she proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered upon the condition that he or she seek treatment and, further, that he or she may seek treatment from public and private agencies at any time without regard to whether or not he or she is found guilty of the offense charged. He or she shall also be advised that the court will not accept a petition for deferred prosecution from a person who: (i) Sincerely believes that he or she is innocent of the charges; (ii) sincerely believes that he or she does not, in fact, suffer from alcoholism, drug addiction, or mental problems; or (iii) in the case of a petitioner charged under chapter 9A.42 RCW, sincerely believes that he or she does not need child welfare services.

(4) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; (c) the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and (d) the petitioner's statements were made knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

**Sec. 526.** RCW 10.05.030 and 2002 c 219 s 8 are each amended to read as follows:

The arraigning judge upon consideration of the petition and with the concurrence of the prosecuting attorney may continue the arraignment and refer such person for a diagnostic investigation and evaluation to an approved ~~((alcoholism))~~ substance use disorder treatment program as designated in chapter ~~((70.96A))~~ 71.24 RCW, if the petition alleges ~~((an alcohol problem, an approved drug treatment center as designated in chapter 71.24 RCW, if the petition alleges a drug problem))~~ a substance use disorder,

to an approved mental health center, if the petition alleges a mental problem, or the department of social and health services if the petition is brought under RCW 10.05.020(2).

**Sec. 527.** RCW 10.05.150 and 1999 c 143 s 43 are each amended to read as follows:

A deferred prosecution program for alcoholism shall be for a two-year period and shall include, but not be limited to, the following requirements:

- (1) Total abstinence from alcohol and all other nonprescribed mind-altering drugs;
- (2) Participation in an intensive inpatient or intensive outpatient program in a state-approved ~~((alcoholism))~~ substance use disorder treatment program;
- (3) Participation in a minimum of two meetings per week of an alcoholism self-help recovery support group, as determined by the assessing agency, for the duration of the treatment program;
- (4) Participation in an alcoholism self-help recovery support group, as determined by the assessing agency, from the date of court approval of the plan to entry into intensive treatment;
- (5) Not less than weekly approved outpatient counseling, group or individual, for a minimum of six months following the intensive phase of treatment;
- (6) Not less than monthly outpatient contact, group or individual, for the remainder of the two-year deferred prosecution period;
- (7) The decision to include the use of prescribed drugs, including disulfiram, as a condition of treatment shall be reserved to the treating facility and the petitioner's physician;
- (8) All treatment within the purview of this section shall occur within or be approved by a state-approved ~~((alcoholism))~~ substance use disorder treatment program as described in chapter 70.96A RCW;
- (9) Signature of the petitioner agreeing to the terms and conditions of the treatment program.

**Sec. 528.** RCW 70.96C.020 and 2005 c 504 s 602 are each amended to read as follows:

The department of corrections shall, to the extent that resources are available for this purpose, utilize the integrated, comprehensive screening and assessment process for chemical dependency and mental disorders developed under RCW 70.96C.010 (as recodified by this act).

NEW SECTION. **Sec. 529.** RCW 43.135.03901 is decodified.

**Sec. 530.** RCW 46.61.5055 and 2015 2nd sp.s. c 3 s 9 are each amended to read as follows:

- (1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than three hundred sixty-four days. Twenty-four consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than three hundred sixty-four days. Forty-eight consecutive hours of the imprisonment may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than three hundred sixty-four days and sixty days of electronic home monitoring. In lieu of the mandatory minimum term of sixty days electronic home monitoring, the court may order at least an additional four days in jail or, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and the court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than three hundred sixty-four days and ninety days of electronic home monitoring. In lieu of the mandatory minimum term of ninety days electronic home monitoring, the court may order at least an additional six days in jail or, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and the court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol

monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended unless the court finds the offender to be indigent.

**(3) Two or three prior offenses in seven years.**

Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or three prior offenses within seven years shall be punished as follows:

**(a) Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred twenty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred twenty days of electronic home monitoring, the court may order at least an additional eight days in jail. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent; or

**(b) Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than three hundred sixty-four days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty days of electronic home monitoring. In lieu of the mandatory minimum term of one hundred fifty days of electronic home monitoring, the court may order at least an additional ten days in jail. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded alcohol assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended, the court shall state in writing the reason for granting the suspension and the facts upon which the suspension is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended unless the court finds the offender to be indigent.

**(4) Four or more prior offenses in ten years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has four or more prior offenses within ten years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

**(5) Monitoring.**

**(a) Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

**(b) Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a

person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **Ignition interlock device substituted for 24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional six months;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional twenty-four hours of imprisonment and a fine of not less than one thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment and a fine of not less than two thousand dollars and not more than five thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two or three prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment and a fine of not less than three thousand dollars and not more than ten thousand dollars. One thousand dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane

highway, as defined by RCW 46.04.350, with a posted speed limit of forty-five miles per hour or greater; and

(d) Whether a child passenger under the age of sixteen was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(a) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(b) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or

(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(c) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.

Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that

offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferable jail sentence required by this section, whenever the court imposes up to three hundred sixty-four days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720(3). The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.

(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty-four days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-four days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means ~~((alcohol or drug))~~ substance use disorder treatment approved by the department of social and health services;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ten years" means that the arrest for a prior offense occurred within ten years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

**Sec. 531.** RCW 46.61.5056 and 2011 c 293 s 13 are each amended to read as follows:

(1) A person subject to alcohol assessment and treatment under RCW 46.61.5055 shall be required by the court to complete a course in an alcohol information school approved by the department of social and health services or to complete more intensive treatment in a substance use disorder treatment program approved by the department of social and health services, as determined by the court. The court shall notify the department of licensing whenever it orders a person to complete a course or treatment program under this section.

(2) A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the court and the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a substance use disorder treatment program approved by the department of social and health services.

(3) Standards for approval for alcohol treatment programs shall be prescribed by the department of social and health services. The department of social and health services shall periodically review the costs of alcohol information schools and treatment programs.

(4) Any agency that provides treatment ordered under RCW 46.61.5055, shall immediately report to the appropriate probation department where applicable, otherwise to the court, and to the department of licensing any noncompliance by a person with the conditions of his or her ordered treatment. The court shall notify the department of licensing and the department of social and health services of any failure by an agency to so report noncompliance. Any agency with knowledge of noncompliance that fails to so report shall be fined two hundred fifty dollars by the department of social and health services. Upon three such failures by an agency within one year, the department of social and health services shall revoke the agency's approval under this section.

(5) The department of licensing and the department of social and health services may adopt such rules as are necessary to carry out this section.

**Sec. 532.** RCW 82.04.4277 and 2014 c 225 s 104 are each amended to read as follows:

(1) A health or social welfare organization may deduct from the measure of tax amounts received as compensation for providing mental health services or chemical dependency services under a government-funded program.

(2) A behavioral health organization may deduct from the measure of tax amounts received from the state of Washington for distribution to a health or social welfare organization that is eligible to deduct the distribution under subsection (1) of this section.

(3) A person claiming a deduction under this section must file a complete annual report with the department under RCW 82.32.534.

(4) The definitions in this subsection apply ~~((to this section))~~ throughout this section unless the context clearly requires otherwise.

(a) "Chemical dependency" has the same meaning as provided in RCW 70.96A.020.

(b) "Health or social welfare organization" has the meaning provided in RCW 82.04.431.

~~((b))~~ (c) "Mental health services" and "behavioral health organization" have the meanings provided in RCW 71.24.025.

(5) This section expires ~~((August 1, 2016))~~ January 1, 2020.

**NEW SECTION. Sec. 533.** A new section is added to chapter 71.24 RCW to read as follows:

(1) The department and the Washington state health care authority shall convene a task force including participation by a representative cross-section of behavioral health organizations and behavioral health providers to align regulations between behavioral health and primary health care settings and simplify regulations for behavioral health providers. The alignment must support clinical integration from the standpoint of standardizing practices and culture in a manner that to the extent practicable reduces barriers to access, including reducing the paperwork burden for patients and providers. Brief integrated behavioral health services must not, in general, take longer to document than to provide. Regulations should emphasize the desired outcome rather than how they should be achieved. The task force may also make recommendations to the department concerning subsections (2) and (3) of this section.

(2) The department shall collaborate with the department of health, the Washington state health care authority, and other appropriate government partners to reduce unneeded costs and burdens to health plans and providers associated with excessive audits, the licensing process, and contracting. In pursuit of this goal, the department shall consider steps such as cooperating across divisions and agencies to combine audit functions when multiple audits of an agency or site are scheduled, sharing audit information across divisions and agencies to reduce redundancy of audits, and treating organizations with multiple sites and programs as single entities instead of as multiple agencies.

(3) The department shall review its practices under RCW 71.24.035(5)(c)(i) to determine whether its practices comply with the statutory mandate to deem accreditation by

recognized behavioral health accrediting bodies as equivalent to meeting licensure requirements, comport with standard practices used by other state divisions or agencies, and properly incentivize voluntary accreditation to the highest industry standards.

**NEW SECTION. Sec. 534.** The department of social and health services and the Washington state health care authority shall report their progress under section 533 of this act to the relevant committees of the legislature by December 15, 2016.

## PART VI REPEALERS FOR ADMINISTRATIVE PROVISIONS

**NEW SECTION. Sec. 601.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective April 1, 2016:

(1) RCW 70.96A.010 (Declaration of policy) and 2014 c 225 s 18, 1989 c 271 s 304, & 1972 ex.s. c 122 s 1;

(2) RCW 70.96A.030 (Substance use disorder program) and 2014 c 225 s 21, 1989 c 270 s 4, & 1972 ex.s. c 122 s 3;

(3) RCW 70.96A.045 (Funding prerequisites, facilities, plans, or programs receiving financial assistance) and 1989 c 270 s 10;

(4) RCW 70.96A.060 (Interdepartmental coordinating committee) and 2014 c 225 s 24, 1989 c 270 s 8, 1979 c 158 s 220, & 1972 ex.s. c 122 s 6;

(5) RCW 70.96A.150 (Records of persons treated for alcoholism and drug addiction) and 1990 c 151 s 1, 1989 c 162 s 1, & 1972 ex.s. c 122 s 15;

(6) RCW 70.96A.300 (Counties may create alcoholism and other drug addiction board—Generally) and 2014 c 225 s 31 & 1989 c 270 s 15;

(7) RCW 70.96A.310 (County alcoholism and other drug addiction program—Chief executive officer of program to be program coordinator) and 1989 c 270 s 16;

(8) RCW 70.96A.320 (Alcoholism and other drug addiction program—Generally) and 2014 c 225 s 32, 2013 c 320 s 8, 1990 c 151 s 9, & 1989 c 270 s 17; and

(9) RCW 70.96A.325 (Methamphetamine addiction programs—Counties authorized to seek state funding) and 2006 c 339 s 101.

## PART VII RECODIFICATION

**NEW SECTION. Sec. 701.** (1) RCW 70.96A.035, RCW 70.96A.037, 70.96A.040, 70.96A.043, 70.96A.047, 70.96A.050, RCW 70.96A.055, 70.96A.080, 70.96A.085, 70.96A.087, 70.96A.090, 70.96A.100, 70.96A.170, 70.96A.190, 70.96A.350, 70.96A.400, 70.96A.410, 70.96A.420, 70.96A.430, 70.96A.500, 70.96A.510, 70.96A.520, 70.96A.800, 70.96A.905, and 70.96C.010 are each recodified as sections in chapter 71.24 RCW.

(2) RCW 70.96C.020 is recodified as a section in chapter 72.09 RCW.

**PART VIII  
MISCELLANEOUS**

NEW SECTION. Sec. 801. This act may be known and cited as Ricky Garcia's act.

NEW SECTION. Sec. 802. (1) Sections 501, 503 through 532, and 701 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect April 1, 2016.

(2) Sections 201 through 210, 212, 214 through 224, 226 through 232, 234 through 237, 239 through 242, 244 through 267, 269, 271, 273, 274, 276, 278, 279, 281, 401 through 429, and 502 of this act take effect April 1, 2018.

(3) Sections 211, 213, 225, 233, 238, 243, 268, 270, 272, 275, 277, and 280 of this act take effect July 1, 2026.

NEW SECTION. Sec. 803. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Shea moved the adoption of amendment (984) to amendment(980):

On page 12, beginning on line 14 of the striking amendment, strike all of section 104 and insert the following:

"**Sec. 104.** RCW 70.96A.230 and 1998 c 296 s 24 are each amended to read as follows:

Any provider of outpatient treatment who provides outpatient treatment to a minor thirteen years of age or older shall provide notice of the minor's request for treatment to the minor's parents if: (1) The minor signs a written consent authorizing the disclosure; ~~((or))~~ (2) the treatment program director determines that the minor lacks capacity to make a rational choice regarding consenting to disclosure; or (3) the provider of outpatient treatment determines that notice is in the best interest of the minor in achieving recovery. Notice is presumed to be in the best interest of the minor unless the provider has reason to believe that notice is not in the minor's best interest. ~~((The))~~ Any notice under this section shall be made within seven days of the request for treatment, excluding Saturdays, Sundays, and holidays, and shall contain the name, location, and telephone number of the facility providing treatment, and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for treatment with the parent."

Representative Shea spoke in favor of the adoption of the amendment to the amendment.

Representative Jinkins spoke against the adoption of the amendment to the amendment.

Amendment (984) to amendment (980) was not adopted.

Amendment (980) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Rodne spoke in favor of the passage of the bill.

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1713.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1713, and the bill passed the House by the following vote: Yeas, 82; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Haler, Klippert, Kretz, McCaslin, Scott, Shea, Short, Smith, Taylor, Van Werven and Young.

Excused: Representatives Hargrove, Hurst and Moscoso.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1713, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

There being no objection, the rules were suspended, and SECOND SUBSTITUTE HOUSE BILL NO. 1725 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

## SECOND READING

**SECOND SUBSTITUTE HOUSE BILL NO. 1725, by House Committee on Appropriations (originally sponsored by Representatives Cody and Tharinger)**

**Concerning a consumer's right to assign hours to individual providers and the department of social and health services' authority to establish criteria regarding the payment of individual providers. Revised for 2nd Substitute: Concerning the consumer's right to assign hours to individual providers and the department of social and health services' authority to adopt rules related to payment of individual providers.**

The bill was read the second time.

Representative Cody moved the adoption of amendment (981):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.39A.270 and 2011 1st sp.s. c 21 s 10 are each amended to read as follows:

(1) Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer, as defined in chapter 41.56 RCW, of individual providers, who, solely for the purposes of collective bargaining, are public employees as defined in chapter 41.56 RCW. To accommodate the role of the state as payor for the community-based services provided under this chapter and to ensure coordination with state employee collective bargaining under chapter 41.80 RCW and the coordination necessary to implement RCW 74.39A.300, the public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW. The governor or governor's designee shall periodically consult with the authority during the collective bargaining process to allow the authority to communicate issues relating to the long-term in-home care services received by consumers. The department shall solicit input from the developmental disabilities council, the governor's committee on disability issues and employment, the state council on aging, and other consumer advocacy organizations to obtain informed input from consumers on their interests, including impacts on consumer choice, for all issues proposed for collective bargaining under subsections (5) and (6) of this section.

(2) Chapter 41.56 RCW governs the collective bargaining relationship between the governor and individual providers, except as otherwise expressly provided in this chapter and except as follows:

(a) The only unit appropriate for the purpose of collective bargaining under RCW 41.56.060 is a statewide unit of all individual providers;

(b) The showing of interest required to request an election under RCW 41.56.060 is ten percent of the unit, and any intervener seeking to appear on the ballot must make the same showing of interest;

(c) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the bargaining representative of individual providers, negotiations shall be commenced by May 1st of any year prior to the year in which an existing collective bargaining agreement expires; and

(ii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for funds necessary to implement the compensation and fringe benefit provisions of the arbitrated collective bargaining agreement, is not binding on the authority or the state;

(d) Individual providers do not have the right to strike; and

(e) Individual providers who are related to, or family members of, consumers or prospective consumers are not, for that reason, exempt from this chapter or chapter 41.56 RCW.

(3) Individual providers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state, its political subdivisions, or an area agency on aging for any purpose. Chapter 41.56 RCW applies only to the governance of the collective bargaining relationship between the employer and individual providers as provided in subsections (1) and (2) of this section.

(4) Consumers and prospective consumers retain the right to select, hire, supervise the work of, and terminate any individual provider providing services to them. Consumers may elect to receive long-term in-home care services from individual providers who are not referred to them by the authority.

(5) Except as expressly limited in this section and RCW 74.39A.300, the wages, hours, and working conditions of individual providers are determined solely through collective bargaining as provided in this chapter. Except as described in subsection (9) of this section, no agency or department of the state may establish policies or rules governing the wages or hours of individual providers. ~~((However,))~~ This subsection does not modify:

(a) The department's authority to establish a plan of care for each consumer or its core responsibility to manage long-term in-home care services under this chapter, including determination of the level of care that each consumer is eligible to receive. However, at the request of the exclusive bargaining representative, the governor or the governor's designee appointed under chapter 41.80 RCW shall engage in collective bargaining, as defined in RCW 41.56.030(4), with the exclusive bargaining representative over how the department's core responsibility affects hours of work for individual providers. This subsection shall not be interpreted to require collective bargaining over an individual consumer's plan of care;

(b)(i) The requirement that the number of hours the department may pay any single individual provider is limited to:

(A) Sixty hours each workweek if the individual provider was working an average number of hours in excess of forty hours for the workweeks during January 2016, except for fiscal years 2016 and 2017, the limit is sixty-five hours each workweek; or

(B) Forty hours each workweek if the individual provider was not working an average number of hours in excess of forty hours for the workweeks during January 2016, or had no reported hours for the month of January 2016.

(ii) Additional hours may be authorized under criteria established by rules adopted by the department under subsection (9) of this section.

(iii) Additional hours may be authorized for required training under RCW 74.39A.074, 74.39A.076, and 74.39A.341.

(iv) An individual provider may appeal to the department for qualification for the hour limitation in (b)(i)(A) of this subsection if the average weekly hours the provider was working in January 2016 materially underrepresent the average weekly hours worked by the individual provider during the first three months of 2016.

(v) No individual provider is subject to the hour limitations in (b)(i)(A) of this subsection until the department has conducted a review of the plan of care for the consumers served by the provider. The department shall review plans of care expeditiously, starting with consumers connected with the most individual provider overtime;

(c) The requirement that the total number of additional hours in excess of forty hours authorized under (b) of this subsection and subsection (9) of this section are limited by the total hours as provided in subsection (10) of this section;

(d) The department's authority to terminate its contracts with individual providers who are not adequately meeting the needs of a particular consumer, or to deny a contract under RCW 74.39A.095(8);

~~((e))~~ (e) The consumer's right to assign hours to one or more individual providers (~~(selected by the consumer within the maximum hours determined by)~~) consistent with the rules adopted under this chapter and his or her plan of care;

~~((f))~~ (f) The consumer's right to select, hire, terminate, supervise the work of, and determine the conditions of employment for each individual provider providing services to the consumer under this chapter;

~~((g))~~ (g) The department's obligation to comply with the federal medicaid statute and regulations and the terms of any community-based waiver granted by the federal department of health and human services and to ensure federal financial participation in the provision of the services; and

~~((h))~~ (h) The legislature's right to make programmatic modifications to the delivery of state services under this title, including standards of eligibility of consumers and individual providers participating in the programs under this title, and the nature of services provided. The governor shall not enter into, extend, or renew any agreement under this chapter that does not expressly reserve the legislative rights described in this subsection (5)(~~(h))~~) (h).

(6) At the request of the exclusive bargaining representative, the governor or the governor's designee appointed under chapter 41.80 RCW shall engage in collective bargaining, as defined in RCW 41.56.030(4), with the exclusive bargaining representative over employer contributions to the training partnership for the costs of: (a) Meeting all training and peer mentoring required under this chapter; and (b) other training intended to promote the career development of individual providers.

(7) The state, the department, the area agencies on aging, or their contractors under this chapter may not be held vicariously or jointly liable for the action or inaction of any individual provider or prospective individual provider, whether or not that individual provider or prospective individual provider was included on the referral registry or referred to a consumer or prospective consumer. The existence of a collective bargaining agreement, the placement of an individual provider on the referral registry, or the development or approval of a plan of care for a consumer who chooses to use the services of an individual provider and the provision of case management services to that consumer, by the department or an area agency on aging, does not constitute a special relationship with the consumer.

(8) Nothing in this section affects the state's responsibility with respect to unemployment insurance for individual providers. However, individual providers are not to be considered, as a result of the state assuming this responsibility, employees of the state.

(9) The department may not pay any single individual provider more than the hours listed in subsection (5)(b) of this section unless the department authorizes additional hours under criteria established by rule. The criteria must be limited in scope to reduce the state's exposure to payment of overtime, address travel time from worksite to worksite, and address the following needs of consumers:

(a) Ensuring that consumers are not at increased risk for institutionalization;

(b) When there is a limited number of providers within the geographic region of the consumer;

(c) When there is a limited number of providers available to support a consumer with complex medical and behavioral needs or specific language needs;

(d) Emergencies that could pose a health and safety risk for consumers; and

(e) Instances where the cost of the allowed hour is less than other alternatives to provide care to a consumer, distinct from any increased risk of institutionalization.

(10)(a) Each fiscal year, the department shall establish a spending plan and a system to monitor the authorization and cost of hours in excess of forty hours each workweek from subsections (5)(b) and (9) of this section beginning July 1, 2016, and each fiscal year thereafter. Expenditures for hours in excess of forty hours each workweek under subsections (5)(b) and (9) of this section shall not exceed 8.75 percent of the total average authorized personal care hours for the fiscal year as projected by the caseload forecast council. The caseload forecast council may adopt a temporary adjustment to the 8.75 percent of the total average hours projection for that fiscal year, up to a maximum of 10.0 percent, if it finds a

higher percentage of overtime hours is necessitated by a shortage of individual providers to provide adequate client care, taking into consideration factors including the criteria in subsection (9) of this section. If the council elects to temporarily increase the limit, it may do so only upon a majority vote of the council.

(b) The department also shall provide expenditure reports beginning September 1, 2016, and on a quarterly basis thereafter. If the department determines, based upon quarterly expenditure reports, that the annual expenditures will exceed the limitation established in (a) of this subsection, the department shall take those actions necessary to ensure compliance with the limitation.

(c) The spending plan and expenditure reports must be submitted to the legislative fiscal committees and the joint legislative-executive overtime oversight task force. The joint legislative-executive overtime oversight task force members are as follows:

(i) Two members from each of the two largest caucuses of the senate, appointed by the respective caucus leaders.

(ii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.

(iii) The governor shall appoint members representing the department of social and health services and the office of financial management.

(iv) The governor shall appoint two members representing individual providers and two members representing consumers receiving personal care or respite care services from an individual provider.

(d) The task force shall meet at least annually, but may meet more frequently as desired by the task force. The task force shall choose cochairs, one from among the legislative members and one from among the executive branch members.

(e) The department is authorized to adopt rules, including emergency rules under RCW 34.05.350, to implement this subsection.

**NEW SECTION. Sec. 2.** The department of social and health services shall immediately adopt emergency rules under RCW 34.05.350 to limit the number of hours per workweek that the department may pay any single provider to forty hours and to establish criteria to authorize additional hours in accordance with section 1 of this act. The emergency rules shall remain in effect until permanent rules can be adopted.

**NEW SECTION. Sec. 3.** A new section is added to chapter 74.39A RCW to read as follows:

In order to monitor quality of care and safety of consumers, employment conditions of individual providers, and compliance with the provisions of payment of hours in excess of forty hours each workweek for any single provider, the department must provide quarterly expenditure reports to the legislative fiscal committees and joint legislative-executive overtime oversight task force created in RCW 74.39A.270(10). The report must contain the following information:

(1) The number of providers receiving payment for more than forty hours in a workweek, specifying how many of those providers were eligible for those hours due to meeting the conditions of RCW 74.39A.270 (5)(b)(i)(A), (b)(ii), (b)(iii), and (9).

(2) The number of hours paid and the amount paid for hours in excess of forty hours in a workweek, specifying how many of those hours and payments were for providers eligible for those hours and payments due to meeting the conditions of RCW 74.39A.270 (5)(b)(i)(A), (b)(ii), (b)(iii), and (9).

(3) In reporting the information required in subsections (1) and (2) of this section, the department must provide total amounts, averages, and a display of the distribution of the amounts.

(4) The information required must be provided by department region and county of client, department program, and must be specified for providers by the number of clients they serve.

(5) Any personally identifiable information of consumers and individual providers used to develop this report is confidential and exempt from public disclosure, inspection, or copying under chapter 42.56RCW. However, information may be released in aggregate form, with any personally identifiable information redacted, for the purpose of statistical analysis and oversight of agency performance and actions.

**NEW SECTION. Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Cody and Schmick spoke in favor of the adoption of the amendment.

Amendment (981) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1725.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1725, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey,

Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives Hargrove, Hurst and Moscoso.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1725, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

**ENGROSSED HOUSE BILL NO. 1465, by Representatives MacEwen, Hudgins and Ormsby**

**Creating a dedicated account for elevators, lifting devices, moving walks, manufactured and mobile homes, recreational and commercial vehicles, factory built housing and commercial structures, and contractor registration and compliance activities.**

The bill was read the third time.

Representative MacEwen spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1465.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1465, and the bill passed the House by the following vote: Yeas, 70; Nays, 25; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hickel, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, Moeller, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Walsh, Wilcox, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, DeBolt, Dent, Dye, Hawkins, Hayes, Holy, Klippert, Kretz, McCabe, McCaslin, Nealey, Orcutt, Parker, Pike, Scott, Shea, Short, Smith, Taylor, Van Werven, Vick, Wilson and Young.

Excused: Representatives Hargrove, Hurst and Moscoso.

ENGROSSED HOUSE BILL NO. 1465, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**HOUSE BILL NO. 2380, by Representatives Tharinger and DeBolt**

**Concerning the supplemental capital budget.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2380 was substituted for House Bill No. 2380 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2380 was read the second time.

Representative Tharinger moved the adoption of amendment (982):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 5.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2017, out of the several funds specified in this act.

### PART 1 GENERAL GOVERNMENT

**NEW SECTION. Sec. 1001.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

Washington Wildlife and Recreation Program and State Land Acquisition Study (92000003)

The appropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the Washington wildlife and recreation program and state land acquisition study as described in section 6005 of this act.



transit-oriented development in accordance with Second Engrossed Substitute Senate Bill No. 5987 (transportation revenue). This amount must be provided in the form of a direct grant without a requirement that the grant be a reimbursement for local expenditures.

(b) Amounts provided in this section must be used to ~~((plan, pre-design, design, provide technical assistance and financial services, and build low income housing units in))~~ support the development or preservation of affordable housing opportunities related to equitable transit-oriented development for households whose adjusted income is at or below 80 percent of area median income, including underserved communities of concern. "Underserved communities of concern" are persons and families who: (i) Have incomes at or below thirty percent of the median family income for the county or standard metropolitan statistical area where the project is located; (ii) experience chronic homelessness; and (iii) lack affordable housing. Underserved communities of concern include veterans, immigrants, and refugee communities.

(c) Amounts provided in this section must be matched by local government nonstate cash resources.

(6) \$500,000 of the appropriation in this section is provided solely for energy efficiency upgrades for the transitions supportive housing project in north Spokane.

(7) \$350,000 of the appropriation in this section is provided solely to the city of Kirkland for the design and construction of an emergency shelter for women and families.

(8) \$1,400,000 of the appropriation in this section is provided solely to the city of Bellevue for the design and construction of an emergency shelter for homeless men.

(9)(a) \$3,000,000 of the state taxable building construction account—state appropriation and \$3,000,000 of the Washington housing trust account—state appropriation are provided solely for the construction or renovation of four health homes that will serve people with severe health and housing challenges, including those who are medically fragile and those who have been diagnosed with a chronic behavioral health disorder. Agencies operating health homes shall employ protocols to improve the care and stability of clients and mental health outcomes. The homes must be located in counties that have adopted the tax, authorized under RCW 82.14.460, for chemical dependency or mental health treatment services and include: (i) The Everett first low barrier housing; (ii) the 22 north emergency housing in Bellingham; (iii) a project in southwest Washington; and (iv) a project in eastern Washington.

(b) Local housing authorities may serve as fiscal agents for the projects.

(10) \$1,500,000 of the state taxable building construction account—state appropriation is provided solely for the establishment of a health home in Pierce county. The amount in this subsection is contingent upon Pierce county adopting the tax authorized under RCW 82.14.460.

(11) \$1,500,000 of the appropriation in this section is provided solely for the PSKS homeless youth facility in Seattle; and

(12) \$1,000,000 of the appropriation in this section is provided solely for cocoon house in Everett.

Appropriation:

State Taxable Building Construction  
Account—State ..... ~~(\$75,000,000)~~  
\$80,000,000

Washington Housing Trust Account—  
State..... \$3,000,000  
Subtotal Appropriation ..... \$83,000,000

Prior Biennia (Expenditures) ..... \$0  
Future Biennia (Projected Costs)..... \$220,000,000  
TOTAL..... \$295,000,000  
\$303,000,000

**Sec. 1006.** 2015 3rd sp.s. c 3 s 1033 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Ultra-Efficient Affordable Housing Demonstration  
(30000836)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for loans or grants to low-income housing developers to design and construct ultra-high energy efficient housing projects including single and multifamily units;

(2) By December 1, 2015, in consultation with professional building, energy efficiency and housing finance organizations, the office of financial management, and appropriate legislative staff, the department shall develop a process that is designed to solicit, evaluate, and fund ultra-high energy efficient housing projects as part of the housing trust fund competitive program.

(3) To receive funding, a project must demonstrate energy-saving and renewable energy systems designed to reach net-zero energy use after housing is fully occupied and must provide a life-cycle cost analysis report to the department.

(4) The department must consider, at a minimum and in any order, the following factors in assigning a numerical ranking to a project:

(a) Whether the proposed design has demonstrated that the project will achieve net-zero energy use when fully occupied;

(b) The life-cycle cost of the project;

(c) That the project demonstrates a design, use of materials, and construction process that can be replicated by the Washington building industry;

(d) The extent to which the project leverages nonstate funds;

(e) The extent to which the project is ready to proceed to construction;

(f) Whether the project promotes sustainable use of resources and environmental quality;

(g) Whether the project is being well-managed to fund maintenance and capital depreciation;

(h) Reduction of housing and utilities carbon footprint; and

(i) Other criteria that the department considers necessary to achieve the purpose of this program.

(5) The department must monitor and track the results of the housing projects that receive ultra-high energy efficiency funding under this section. By December

1, 2018, the department must submit a report to appropriate legislative committees documenting:

- (a) Project costs compared to the costs of traditional design and construction;
- (b) Life-cycle costs;
- (c) Use of sustainable resources;
- (d) Energy savings and reduction of carbon footprint;
- (e) Any lessons learned; and
- (f) A data collection plan to monitor actual performance in order to validate projected savings.

(6) \$600,000 of the appropriation in this section is provided solely for the Riverton Park home-ownership project in Tukwila.

Appropriation:  
Washington Housing Trust Account—

State .....	\$2,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$2,500,000

**Sec. 1007.** 2015 3rd sp.s. c 3 s 1036 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Community Behavioral Health Beds - Acute & Residential (92000344)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for the department of commerce, in collaboration with the department of social and health services, to issue grants to hospitals or other entities to establish new community hospital inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, or crisis stabilization facilities with sixteen or fewer beds for the purpose of providing short-term detention services through the publicly funded mental health system. Funds may be used for construction and equipment costs associated with establishment of the community hospital inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, or crisis stabilization facilities. These funds may not be used for operating costs associated with the treatment of patients using these services. The department shall establish criteria for the issuance of grants and priority must be given to those proposals to establish new community hospital inpatient psychiatric beds or free-standing evaluation and treatment facilities. The criteria must include:

- (a) Evidence that the application was developed in collaboration with one or more regional support networks, as defined in RCW 71.24.025;
- (b) Evidence that the applicant has assessed and would meet gaps in geographical access to short-term detention services under chapter 71.05 RCW in their region;
- (c) A commitment by applicants to serve persons who are publicly funded and persons detained under the involuntary treatment act under chapter 71.05 RCW;

(d) A commitment by the applicant to maintain the beds or facility for at least a ten-year period;

(e) The date upon which structural modifications or construction would begin and the anticipated date of completion of the project;

(f) A detailed estimate of the costs associated with opening the beds;

(g) The applicant's commitment to work with local courts and prosecutors to ensure that prosecutors and courts in the area served by the hospital or facility will be available to conduct involuntary commitment hearings and proceedings under chapter 71.05 RCW; and

(h) A lack of local resources, including nonmedicaid operating reserves, and regional fund balances that are not contractually encumbered.

(2) To accommodate the emergent need for inpatient psychiatric services, the department of health and the department of commerce, in collaboration with the department of social and health services shall establish a concurrent and expedited process for the purpose of grant applicants meeting any applicable regulatory requirements necessary to operate inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, triage facilities, or crisis stabilization facilities.

(3) The following list is subject to the criteria in subsection (1) of this section:

Cascade mental health.....	\$3,000,000
<del>((Woodmont)) Kent</del> recovery center .....	\$5,000,000
Parkside conversion to behavioral health beds .....	<del>(\$3,000,000)</del>
	<u>\$4,000,000</u>
<del>((Navos behavioral health center for children, youth &amp; families .....</del>	<del>\$2,000,000))</del>
Central Washington comprehensive mental health.....	\$2,000,000
Swedish Ballard psychiatric unit .....	\$3,000,000
Substance abuse & mental health facilities .....	\$2,000,000
Fairfax behavioral health - Providence health & services facility .....	\$1,000
Daybreak Youth Services.....	\$1,500,000
(4) Multicare-Franciscan joint venture ...	\$5,000,000
<u>(5) State Mental Hospital Diversion Projects.....</u>	<u>\$7,552,000</u>

(a) The appropriation in this subsection is provided solely for the department of commerce, in collaboration with the department of social and health services and the health care authority, to issue grants to entities for the development of facilities that provide for the diversion or transition of patients from the state hospitals.

(b) Funds may be used for construction and equipment costs directly associated with the establishment of community hospital inpatient psychiatric beds, free-standing evaluation and treatment facilities, enhanced services facilities, crisis triage centers, and crisis stabilization facilities; secure detoxification facilities and co-occurring treatment facilities; or other transitional facilities that provide for the diversion or transition of state hospital patients. These funds may not be used for operating costs associated with the treatment of patients using these services.



Goldendale Senior Center (Goldendale)	\$155,000
Grays Harbor Gateway Center (Aberdeen)	\$550,000
Historic Fox Theatre Restoration (Centralia)	\$250,000
Historic Ship Preservation Project (Bremerton)	\$300,000
Holocaust Center for Humanity (Seattle)	\$200,000
Kingston Green Community Village (Kingston)	\$85,000
Kitsap Peninsula Water Trails (Multiple, along peninsula)	\$52,000
Lake Stevens Civic Center (Lake Stevens)	\$309,000
Lyle Activity Center Restoration (Lyle)	\$270,000
Mason County Veterans Shelter / Housing (Shelton)	\$206,000
Meals on Wheels Kitchen and Café Equipment (Richland)	\$206,000
Mental Health Housing, First and Denny (Seattle)	\$500,000
Mill Creek Parks and Public Works Shop (Mill Creek)	\$257,000
Mother Joseph Academy Roof Replacement (Vancouver)	\$1,000,000
Parkland Prairie Nature Preserve (Parkland)	\$30,000
Pasco Early Learning Center (Pasco)	\$300,000
Pepin Creek Realignment (Lynden)	\$400,000
Performing Arts & Event Center (Federal Way)	\$52,000
Port of Sunnyside Demolish Carnation Building (Sunnyside)	\$100,000
RAC-Covered Bleachers Project (Lacey)	\$26,000
Riverwalk Trail Phase VI (Puyallup)	\$500,000
Scott Hill Park of Woodland (Woodland)	\$500,000
Shelter and Navigation Center (Seattle)	\$600,000
Skagit County Children's Advocacy Center (Mount Vernon)	\$318,000
Skyline Community Meeting Space (White Salmon)	\$172,000
South Kitsap High School NJROTC (Port Orchard)	\$30,000
SR 542 Kendall, Columbia Valley Trail (Kendall)	\$77,000

Tenino Depot Museum Roof (Tenino)	\$22,000
Wesley Homes (Des Moines)	\$100,000
Westport Marina Dredging (Westport)	\$200,000
<b>Total</b>	<b>\$11,363,000</b>

Appropriation:  
 State Building Construction Account—  
 State.....\$11,363,000

Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs)..... \$0  
**TOTAL.....\$11,363,000**

**NEW SECTION. Sec. 1009.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
 Disaster Emergency Response (92000377)

The appropriation in this section is subject to the following conditions and limitations:  
 (1) \$209,000 of the appropriation is provided solely for a grant to Chelan county for its emergency operations center.

(2) \$500,000 of the appropriation is provided solely for a grant to the city of Twisp for its city hall/emergency response.

(3) \$1,100,000 of the appropriation is provided solely for a grant to the city of Pateros for its water reservoir project.

Appropriation:  
 State Building Construction Account—  
 State.....\$1,809,000

Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs)..... \$0  
**TOTAL.....\$1,809,000**

**NEW SECTION. Sec. 1010.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:  
**FOR THE DEPARTMENT OF COMMERCE**  
 Rapid Housing Improvement Program (30000863)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$100,000 of the appropriation is provided solely for a study of available housing opportunities for veterans experiencing homelessness and the conversion of units to provide permanent supportive housing for geriatric veterans with psychiatric disorders. The study must also, in collaboration with the department of veterans affairs, evaluate the feasibility of converting building 10 at the state veterans home at Retsil into housing for veterans.

(2) \$125,000 of the appropriation is provided solely for landlord mitigation for the cost of damages that may be caused to private market units renting to housing choice voucher holders. In order to be eligible for assistance, a landlord must obtain a judgment against a tenant from the county in which the property is located. Participation is

restricted to units within jurisdictions that prohibit denying tenancy based solely on the applicant's source of income. Reimbursement is allowed only for amounts related to property damage, unpaid rent, and other damages caused as a result of the voucher-holder tenant's occupancy. Damages must exceed normal wear and tear on the property and be in excess of \$500 but not more than \$5,000 per tenancy. A claim must be submitted within one year of obtaining a judgment against a tenant.

Appropriation:  
Washington Housing Trust Account—

State .....	\$225,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$225,000

**NEW SECTION. Sec. 1011.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**  
Saint Edward Feasibility Study (91000850)

Appropriation:  
State Building Construction Account—

State .....	\$50,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$50,000

**Sec. 1012.** 2015 3rd sp.s. c 3 s 1040 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMERCE**

Local and Community Projects 2016 (92000369)

The appropriation in this section is subject to the following conditions and limitations:

(1) Except as directed otherwise prior to the effective date of this section, the department may not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature. This requirement does not apply to projects where a share of the appropriation is released for design costs only.

(2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) \$2,209,000 of the appropriation in this section is provided solely for the Fairchild air force base protection and community empowerment project, including the purchase of twenty acres of land by Spokane county or the city of Airway Heights for development of affordable housing and the ~~((county's))~~ purchase of mobile home parks by Spokane county or the city of Airway Heights in order to reduce the use of the accident potential zone for residential purposes. There shall be no limitations on the sequence of the purchase of mobile home parks. If ~~((the county))~~ Spokane county or the city of Airway Heights subsequently rezones, develops, and leases the mobile home park property for commercial or industrial uses contrary to the allowed uses in the accident potential zone, ~~((the county))~~ Spokane county or the city of Airway Heights must repay to the state the amount spent on the purchase of mobile home parks in its entirety within ten years. Mobile home parks purchased under the provisions of this subsection may be sold by Spokane county or the city of Airway Heights, provided that the uses of the mobile home park property are not contrary to the allowed uses in the accident potential zone. Any moneys from this sale must be used to purchase other mobile home parks in the Fairchild air force base protection and community empowerment project. The twenty acres of land purchased under this subsection for development as affordable housing may be sold, in whole or in part, by the recipient, provided the property sold is used for affordable housing as required in the Fairchild air force base protection and community empowerment project. Recipients of funds provided under this subsection are not required to demonstrate that the project site is under their control for a minimum of ten years but they must demonstrate that the project site is under their control through ownership or long-term lease. Projects funded under this subsection are not required to meet the provisions of RCW 43.63A.125(6) and subsection (5) of this section.

(8) \$850,000 of the appropriation in this section is provided solely for the White River restoration project. Design solutions for flooding reductions in the lower White River must include a floodplain habitat design that both reduces flood risks and restores salmon habitat by reconnecting the river with its floodplain and a sustainable riparian corridor. Project designs and plans must also identify lands for acquisition needed for floodplain reconnection where pending or existing development eliminates the potential for riparian and aquatic habitat restoration. The city shall work cooperatively with the Muckleshoot Indian Tribe and the Puyallup Tribe of Indians, and develop a plan collaboratively to achieve both flood reduction and habitat restoration.

(9) Up to \$150,000 of the appropriation in this section for the veterans helping veterans: Emergency transition shelter project may be spent on preconstruction or preacquisition activities, including, but not limited to,

building inspections, design of necessary renovations, cost estimation, and other activities necessary to identify and select a facility appropriate for the program. The remainder of the appropriation must be used for eventual acquisition and renovations of a facility.

(10) \$2,500,000 of the appropriation in this section is provided solely for the mercy housing and health care center at Sand Point. During the 2015-2017 fiscal biennium, the center may not house any community health care training organization that has been investigated by and has paid settlement fees to the attorney general's office for alleged medicaid fraud.

(11) The Lake Chelan land use plan must be developed without adverse impacts on agricultural operations.

(12) \$1,300,000 of the appropriation in this section is provided solely for phase one of the main street revitalization project in the city of Mountlake Terrace.

(13) \$300,000 of the appropriation in this section is provided solely for the city of Stanwood to acquire property for a new city hall/public safety facility.

(14) Up to 30 percent of the funding for the Kennewick boys and girls club may be used for land acquisition.

(15) The appropriation is provided solely for the following list of projects:

<u>Projects</u>	<u>Amounts</u>
Algona senior center	\$500,000
All-accessible destination playground	\$750,000
Appleway trail	\$1,000,000
Basin 3 sewer rehabilitation	\$1,500,000
Bellevue downtown park inspiration playground and sensory garden	\$1,000,000
Bender fields parking lot and restrooms	\$1,000,000
Blackhills community soccer complex safety projects	\$750,000
Bremerton children's dental clinic	\$396,000
Brewster reservoir replacement	\$1,250,000
Brookville gardens	\$1,200,000
Camas-Washougal Babe Ruth youth baseball improve Louis Bloch park	\$10,000
Cancer immunotherapy facility-Seattle children's research inst.	\$7,000,000
Caribou trail apartments	\$100,000
Carnegie library imprv for the rapid recidivism reduction program	\$1,000,000
Cavelero park - regional park facility/skateboard park	\$500,000
CDM caregiving services: Clark county aging resource center	\$1,200,000
Centerville school heating upgrades	\$46,000

Chambers Creek regional park pier extension and moorage	\$1,750,000
City of LaCenter parks & rec community center	\$1,500,000
City of Lynden pipeline	\$2,000,000
City of Lynden-Riverview road construction	\$850,000
City of Lynden-safe (( <del>ites</del> ) routes to school and Kaemingk trail gap elim.	\$300,000
City of Mt. Vernon downtown flood protect project & riverfront trail	\$1,500,000
City of Olympia - Percival Landing renovation	\$950,000
City of Pateros water system	\$1,838,000
City of Stanwood (( <del>police station/city hall relocation</del> )) City hall/public safety facility property acquisition	\$300,000
Classroom door barricade - nightlock	\$45,000
Confluence area parks upgrade and restoration	\$1,000,000
Corbin senior center elevator	\$300,000
Covington community park	\$5,000,000
Cross Kirkland corridor trail connection 52nd St.	\$1,069,000
Dawson place child advocacy center building completion project	\$161,000
Dekalb street pier	\$500,000
DNR/City of Castle Rock exchange	\$80,000
Dr. Sun Yat Sen memorial statue	\$10,000
Drug abuse and prevention center - Castle Rock	\$96,000
DuPont historical museum renovation	\$46,000
East Tacoma community center	\$1,000,000
Edmonds center for the arts: Gym climate control & roof repairs	\$250,000
Edmonds senior & community center	\$1,250,000
Emergency generator for kidney resource center	\$226,000
Enumclaw expo center	\$350,000
Fairchild air force base protection & comm empowerment project	\$2,209,000
Federal Way PAC center	\$2,000,000
Filipino community of Seattle village (innovative learning center)	\$1,200,000

Franklin Pierce early learning center	\$2,000,000	<u>Sultan, Granite Falls, Arlington, and Mukilteo</u>	
Gateway center project	\$1,000,000	Mukilteo tank farm clean-up	\$250,000
Gilda club repairs	\$800,000	New Shoreline medical-dental clinic	\$1,500,000
Granite Falls boys & girls club	\$1,000,000	Nordic heritage museum	\$2,000,000
Gratzer park ball fields	\$200,000	North Kitsap fishline foodbank	\$625,000
Grays Harbor navigation improvement project	\$2,500,000	Northwest native canoe center project	\$250,000
Green river gorge open space buffer, Kummer connection	\$750,000	Oak Harbor clean water facility	\$2,500,000
Guy Cole center revitalization	\$450,000	Okanogan emergency communications	\$400,000
Historic renovation Maryhill museum	\$1,000,000	Onalaska community tennis and sports courts	\$80,000
Hopelink at Ronald commons	\$750,000	Opera house ADA elevator	\$357,000
Irvine slough storm water separation	\$500,000	Orcas Island library expansion	\$1,400,000
Kahlotus highway sewer force main	\$2,625,000	Pacific community center	\$250,000
Kennewick boys and girls club	\$500,000	PCAF's building for the future	\$350,000
Kent east hill YMCA	\$500,000	Pe Ell second street	\$197,000
Key Pen civics center	\$50,000	Perry technical school	\$1,000,000
KiBe high school parking	\$125,000	Pike Place Market front project	\$800,000
Kitsap humane society - shelter renovation	\$90,000	Police station security/hardening	\$38,000
Lacey boys & girls club	\$29,000	Port of Centralia - Centralia station	\$500,000
Lake Chelan land use plan	\$75,000	Port of Sunnyside demolish the carnation building	\$450,000
LeMay car museum ADA access improvements	\$500,000	PROVAIL TBI residential facility	\$450,000
Lyman city park renovation	\$167,000	Quincy water reuse	\$1,500,000
Lyon creek flood reduction project	\$400,000	Redmond downtown park	\$3,000,000
Marine terminal rail investments	\$1,000,000	Redondo boardwalk repairs	\$1,500,000
Martin Luther King Jr. family outreach center expansion project	\$85,000	Renovate senior center	\$400,000
Mason county Belfair wastewater system rate relief	\$1,500,000	Rochester boys & girls club	\$38,000
McAllister museum	\$660,000	Rockford wastewater treatment	\$1,200,000
Mercer arena energy savings & sustainability funding	\$450,000	Roslyn renaissance-NW improve company bldg renovation project	\$900,000
Mercy housing and health center at Sand Point	\$2,500,000	Sammamish rowing association boathouse	\$500,000
Meridian center for health	\$2,500,000	SE 240th St. watermain system improvement project	\$700,000
Minor Road water reservoir replacement	\$1,500,000	SE Seattle financial & economic opportunity center	\$1,500,000
Mountains to Sound Greenway	\$300,000	SeaTac international marketplace & transit-oriented community	\$1,250,000
Tiger Mountain access improvements		Seattle theatre group	\$131,000
<u>Mountlake Terrace</u> Main street revitalization project	\$1,300,000	Snohomish veterans memorial rebuild	\$10,000
Mt. Spokane guest services building & preservation/maintenance of existing facilities	\$520,000	Snoqualmie riverfront project	\$1,520,000
<del>(Mukilteo)</del> Boys & girls club of <u>Snohomish county (Brewster,</u>	\$1,000,000	South 228th street inter-urban trail connector	\$500,000
		Splash pad/foundation: Centralia outdoor pool restoration project	\$200,000
		Spokane women's club	\$300,000
		Springbrook park neighborhood connection project	\$300,000

SR 532 flood berm and bike/ped path	\$85,000
St. Vincent food bank & community services construction project	\$400,000
Stan & Joan cross park	\$750,000
Steilacoom Sentinel Way repairs	\$450,000
Stilly Valley youth project	\$2,242,000
Arlington B&G club	
Sunset neighborhood park	\$1,750,000
Support, advocacy & resource center for victims of violence	\$750,000
The gathering house job training café	\$14,000
The Salvation Army Clark County: Corps community center	\$1,200,000
Thurston county food bank	\$500,000
Tulalip water pipeline, (final of 8 segments)	\$2,000,000
Twin Bridges museum rehab	\$64,000
Lyle Wa	
Twisp civic building	\$500,000
Vancouver, Columbia waterfront project	\$2,500,000
Vantage point senior apartments	\$2,000,000
Veterans center	\$500,000
Veterans helping veterans:	\$600,000
Emergency transition shelter	
Waitsburg Main Street bridge replacement	\$1,700,000
Washington green schools	\$105,000
Washougal roof repair	\$350,000
Water meter and system improvement program	\$500,000
Water reservoir and transmission main	\$500,000
Wayne golf course land preservation	\$500,000
White River restoration project	\$850,000
Willapa behavioral health safety improvement project	\$75,000
WSU LID frontage - local and economic benefits	\$500,000
Yakima children's museum center	\$50,000
Yakima SunDome	\$2,000,000
Yelm community center	\$500,000
Yelm senior center	\$80,000
Youth wellness campus gymnasium renovation	\$1,000,000
<b>Total</b>	<b>\$130,169,000</b>

Appropriation:  
 State Building Construction Account—  
 State ..... \$130,169,000

Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs).....	\$0
<b>TOTAL.....</b>	<b>\$130,169,000</b>

**NEW SECTION. Sec. 1013.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:**FOR THE DEPARTMENT OF COMMERCE**  
 Joint Base Lewis McChord North Clear Zone Base Realignment and Closure Preparation (92000383)

Appropriation:  
 State Building Construction Account—  
 State.....\$50,000

Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs).....	\$0
<b>TOTAL.....</b>	<b>\$50,000</b>

**Sec. 1014.** 2015 3rd sp.s. c 3 s 1076 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Oversight of State Facilities (30000046)

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management, with assistance from the department of enterprise services and other state agencies as needed, shall conduct space studies and make recommendations to the legislature on the state's space standards including alternative workplace strategies. State agencies shall provide space use data in a format prescribed by the office of financial management to support this effort. The office of financial management shall report the results and recommendations to the legislative fiscal committees by July 1, 2016.

(2) The office of financial management, with assistance from the department of enterprise services and other state agencies as needed, shall update the lease space requirements to reflect high performance building standards and any other components that may improve the conditions of leased space.

Appropriation:  
 State Building Construction Account—  
 State..... ((~~\$1,040,000~~))  
\$1,182,000

Thurston County Capital Facilities Account—  
 State.....\$1,120,000  
 Subtotal Appropriation .. ((~~\$2,160,000~~))  
\$2,302,000

Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs).....	\$0
<b>TOTAL.....</b>	<b>\$2,160,000</b>
	<u>\$2,302,000</u>

**Sec. 1015.** 2015 3rd sp.s. c 3 s 1077 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
 Construction Contingency Pool (90000300)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for construction projects that confront emergent and unavoidable costs in excess of the construction contingency included in the project appropriation. For requests occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting contingency funds from the office of financial management. Eligible agencies that may apply to the pool include higher education institutions, the department of corrections, the department of social and health services, the department of enterprise services, ~~((the criminal justice training commission,))~~ the department of veterans affairs, the parks and recreation commission, and the department of fish and wildlife. Eligible construction projects are only projects that had cost reductions as kept on file with the office of financial management. The office of financial management must notify the legislative evaluation and accountability program committee, the house capital budget committee, and senate ways and means committee as projects are approved for funding.

(2)(a) The legislature intends to use the 1063 Block building development project as a model of efficient space and energy use for both owned and leased state office buildings.

(b) To achieve this intent, the office of financial management must reconsider tenants for the building, including consideration of the utilities and transportation commission, all current tenants of the general administration building with operations compatible with a high density office building, and other possible tenants. The measure of achieving a higher space efficiency is measured by the average square feet per housed employee.

(c) The office of financial management must provide a report to the appropriate committees of the legislature on the redesign and the increase space efficiency by October 15, 2015.

Appropriation:	
State Building Construction Account—	
State .....	\$8,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$8,000,000

**Sec. 1016.** 2015 3rd sp.s. c 3 s 1078 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
Emergency Repairs (90000301)

The appropriation in this section is subject to the following conditions and limitations: Emergency repair funding is provided solely to address unexpected building or grounds failures that will impact public health and safety and the day-to-day operations of the facility. To be eligible for funds from the emergency repair pool, an emergency declaration signed by the affected agency director must be submitted to the office of financial management and the appropriate legislative fiscal committees. The emergency declaration must include a description of the health and

safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of other funding that may be applied to the project. For emergencies occurring during a legislative session, an agency must notify the legislative fiscal committees before requesting emergency funds from the office of financial management. The office of financial management must notify the legislative evaluation and accountability program committee, the house capital budget committee, and senate ways and means committee as emergency projects are approved for funding.

Appropriation:	
State Building Construction Account—	
State.....	<del>(\$5,000,000)</del> <u>\$7,000,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL .....	<u>\$5,000,000</u> <u>\$7,000,000</u>

**Sec. 1017.** 2015 3rd sp.s. c 3 s 1079 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
Emergency Repair Pool for K-12 Public Schools  
(90000302)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,000,000 of the state building construction account—state appropriation is provided solely for minor works repairs at west sound skill center.

(2) \$103,000 of the state building construction account—state appropriation is provided solely for the Oakesdale school boiler.

(3) \$113,000 of the state building construction account—state appropriation is provided solely for the Oakesdale school roof.

((Emergency repair funding)) (4) The remaining portion of the appropriation is provided solely for emergency repairs to address unexpected and imminent health and safety hazards at K-12 public schools, including skill centers, that will impact the day-to-day operations of the school facility. To be eligible for funds from the emergency repair pool, an emergency declaration must be signed by the school district board of directors and the superintendent of public instruction, and submitted to the office of financial management for consideration. The emergency declaration must include a description of the imminent health and safety hazard, the possible cause, the proposed scope of emergency repair work and related cost estimate, and identification of local funding to be applied to the project. Grants of emergency repair moneys must be conditioned upon the written commitment and plan of the school district board of directors to repay the grant with any insurance payments or other judgments that may be awarded, if applicable. The office of financial management must notify the legislative evaluation and accountability program committee, the house capital budget committee, and the senate ways and means committee as emergency projects are approved for funding.

Appropriation:	
Common School Construction Account—	
State .....	\$5,000,000
<u>State Building Construction Account—</u>	
State .....	\$1,216,000
<u>Subtotal Appropriation.....</u>	
<u>\$6,216,000</u>	
Prior Biennia (Expenditures)..... \$0	
Future Biennia (Projected Costs) ..... \$0	
TOTAL .....	
<u>\$5,000,000</u>	
<u>\$6,216,000</u>	

Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL.....	\$125,000

**Sec. 1018.** 2015 3rd sp.s. c 3 s 1083 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**  
Equipment Benchmarks for Capital Projects Study  
(92000010)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management shall submit a higher education and skill center capital project equipment cost study to the governor and the appropriate legislative fiscal committees by December 1, 2015. The study must include benchmarks for standard ranges of fixed and nonfixed equipment expenditures in different types of facilities and an examination of alternatives for financing equipment costs where the equipment has a life expectancy that is less than the length of bond financing. The alternative analysis must include a life-cycle cost analysis of the competing alternatives to determine the most cost-effective options to the state bond and general fund budget.

Appropriation:	
State Building Construction Account—	
State .....	(( <del>\$250,000</del> ))
<u>\$125,000</u>	
Prior Biennia (Expenditures)..... \$0	
Future Biennia (Projected Costs) ..... \$0	
TOTAL .....	
<u>\$250,000</u>	
<u>\$125,000</u>	

**NEW SECTION. Sec. 1019.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL**

**MANAGEMENT**  
Cost-Effective K-3 Classrooms Assessment  
(30000053)

The office of financial management shall analyze cost-effective options for the procurement of high quality, sustainably built, energy efficient, and healthy classroom space to address the need for K-3 classrooms statewide. The analysis may include the potential for use of advanced sustainable materials and innovative design, production and procurement processes. The office of financial management may contract with one or more consultants to assist with the analysis.

Appropriation:	
State Building Construction Account—	
State .....	\$125,000

**NEW SECTION. Sec. 1020.** A new section is added to 2015 3rd sp. s. c 3 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL**

**MANAGEMENT**  
Water Infrastructure Investment Analysis  
(92000016)

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature finds that population growth, climate change, and other factors are creating increasing stresses on critical water infrastructure, fisheries, and watershed health. To inform policy decisions about the scale and timing of new investments in flood risk reduction, water quality, and water supply both in-stream and out-of-stream, it is the intent of the legislature to direct an analysis of the economic implications related to water infrastructure and fisheries habitat restoration needs across the state.

(2) The appropriation in this section is provided solely for the office of financial management to contract for an analysis of the economic implications relating to water infrastructure and fisheries habitat restoration needs.

(a) The analysis must incorporate existing data and information relating to:

(i) Integrated water supply and management planning that addresses water storage for municipal and agricultural uses, in-stream or out-of-stream water supply needs, or both, as well as fisheries habitat and passage improvements;

(ii) Multiple benefit approaches that reduce the risk from floods and protect and restore naturally functioning areas; and

(iii) Low-impact development retrofits to reduce toxics and other pollutants in storm water.

(b) The analysis must consider, but not be limited to, fishing and recreation benefits of improved floodplain and riparian habitat, in-stream flows, municipal and agricultural water storage benefits, and fish passage projects.

(c) The analysis must provide a review of other state reports that examine the economic implications to water infrastructure and fisheries habitat restoration needs.

(d) The analysis must address, but not be limited to:

(i) A 20 year forecast of known need for investment for the three categories identified in (a) of this subsection;

(ii) Estimated effects on the Washington economy without new infrastructure investment, including impacts on households, business, and commerce caused by flooding, drought, and degraded water quality from storm water runoff; and

(iii) Estimated economic benefits, including jobs, commerce, and development associated with each billion dollars invested in the categories in (a) of this subsection.

(3) The consultant shall invite representatives of interest groups to provide input in conducting the analysis. The interest groups must include, but are not be limited to, the Washington business roundtable, the Washington state labor council, and the Washington environmental council.

The consultant must report its findings to the house of representatives capital budget committee and the senate ways and means committee by January 15, 2017.

Appropriation:  
State Building Construction Account—

State .....	\$250,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$250,000

**NEW SECTION. Sec. 1021.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

Cross Laminated Timber Pilot Project (92000015)

(1) \$75,000 of the appropriation is provided solely for a grant to the Washington State University college of engineering and architecture, to prepare a review and summary of available engineering test results and other evidence demonstrating the performance of cross laminated timber (CLT) and other regionally sourced sustainable or renewable materials in building construction. The review must emphasize results and evidence that are relevant to the consideration of building code amendments that allow for greater use of CLT in construction. Administrative overhead charges by Washington State University may not exceed five percent of the amount provided in this subsection. The report must be submitted to the state building code council and the appropriate committees of the legislature by December 1, 2016.

(2) \$50,000 of the appropriation is provided solely for a grant to the department of commerce or an associate development organization in an area of the state with appropriate forest resources to assist prospective CLT manufacturers in evaluating the potential CLT market and determine necessary investments to manufacture CLT.

Appropriation:  
State Building Construction Account—

State .....	\$125,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$125,000

**NEW SECTION. Sec. 1022.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

K-3 Modular Classrooms (91000437)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for providing modular classrooms for the purpose of supporting reduced class sizes in kindergarten through third grade to the following school districts: (a) Seattle school district; (b) Mount Vernon school district; (c) Sequim school district; (d) Wapato school district; and (e) Toppenish school district.

(2) The legislature intends the modular classrooms to be a model for classrooms to use mass timber products, which includes cross laminated timber.

(3)(a) The department of enterprise services shall develop a process for providing up to four modular classrooms to each of the school districts identified in subsection (2) of this section. The department of enterprise services shall contract with the modular suppliers for construction, delivery, and hook up at the school site.

(b) A request for qualification process must be used to select modular classroom builders. The department of enterprise services shall distribute modular specifications, including standard size and amenities, to the school districts prior to the final selection of modular classroom builders. School districts may provide comments within 30 days of receiving the specifications. After comments are received, the department of enterprise services shall issue the request for qualifications that includes a standardized specification for all modulars based on size and operational requirements.

(c) The competitive process must include scoring conducted by a group of qualified experts including representatives from the school districts receiving modulars.

(d) Scoring criteria must include: Innovative use of cross laminated timber (CLT), school district requirements and operational reliability, schedule of delivery of the modular classrooms to the school, overall cost, cost per square foot, percent CLT used, regional sourcing of CLT, sustainability, operating costs, energy costs, warranty, design life, and ability to be connected either vertically or horizontally.

(e) At least two builders must be selected for the competition using a centralized contract. The number of modulars must be equal between the modular suppliers.

(4)(a) Participating school districts must have a site identified for the modular classrooms before delivery. School districts must provide furnishings.

(b) The modular classroom supplier must: Prepare the site, obtain any permits required, deliver the classrooms to the school district site, install the modular classrooms, and make utility connections.

(c) Administration fees may not exceed two and one-half percent of the contract amount.

(5) The department of enterprise services shall report to the legislature the results of the competition including cost, CLT use, and any improvements that can be made.

(6) School districts receiving modular classrooms from this section remain eligible for the K-3 class size reduction construction pilot grant program as specified in section 201, chapter 41, Laws of 2015, 3rd sp. sess.

Appropriation:  
State Building Construction Account—

State .....	\$5,500,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$5,500,000

**Sec. 1023.** 2015 3rd sp.s. c 3 s 1088 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Minor Works Preservation (30000722)

The appropriations in this section are subject to the following conditions and limitations:

(1) No minor works funds may be allotted until the action part of the plan is provided. Up to \$300,000 of the appropriation in this section is provided for the department to develop an implementation plan for a capitol campus parking strategy. The action part of the plan must include: ((+)) (a) During the legislative sessions a reduction of agency reserve stalls from twenty-six percent to fifteen percent as recommended by the 2014 state of Washington parking and transportation study; ((=)) (b) cost-benefit of incorporating parking attendants or parking arms to accept payment for campus parking during the legislative sessions; ((=)) (c) installation of at least two electronic boards, or other methods of providing the available parking capacity in the east plaza garage. The department shall work in cooperation with the city of Olympia, and the city may provide a proposal to enforce parking on the capitol campus. The department shall report to all fiscal committees on its progress by November 1, 2015.

(2) \$60,000 of the Thurston county capital facilities account—state appropriation is provided solely for minor works repair at the 120 Union Avenue building and is contingent upon the building remaining open subject to the following conditions: (a) The department shall: (i) Apply the current capital projects surcharge to the operating rents; (ii) increase the tenant rental rate by \$1 per square foot per year above the current rate; (iii) add a clause to the tenant contracts that the lease shall be terminated should a major building system failure occur. A major building system includes failure of the roof, heating, and electrical systems; (iv) add a clause to the tenant contracts that the lease may be terminated if the occupancy of the building falls below 30 percent; and (v) actively promote rental of vacant space in the building; and (b) the department may close the building once the legislature has approved construction funding for a project at the site.

Appropriation:	
Thurston County Capital Facilities Account—	
State .....	<del>(\$850,000)</del>
	<u>\$1,910,000</u>
State Building Construction Account—	
State .....	<del>(\$5,608,000)</del>
	<u>\$4,608,000</u>
State Vehicle Parking Account—State.....	\$900,000
Subtotal Appropriation....	<del>(\$7,358,000)</del>
	<u>\$7,418,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$19,000,000
TOTAL .....	<u>\$26,358,000</u>
	<u>\$26,418,000</u>

**Sec. 1024.** 2015 3rd sp.s. c 3 s 1095 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ENTERPRISE SERVICES**

Capitol Lake Long-term Management Planning (30000740)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to make tangible progress on reaching broad agreement on a long-term plan for the management of Capitol Lake/Deschutes Estuary/Lower Budd Inlet/Deschutes River watershed, building on the recommendations of the 2014 situation assessment for Capitol Lake management prepared by the Ruckleshaus center and prior related reports.

The department shall:

(a) Identify and summarize the findings of the best available science concerning water quality and habitat as they relate to conceptual options of retaining or removing the dam;

(b) Identify multiple hybrid options for future management of Capitol Lake, which options must include substantial improvement in fish and wildlife habitat and ecosystem functions, maintaining a historic reflecting pool at the north end of the lake/estuary, and adaptive management strategies;

(c) Identify general cost estimates for construction and maintenance of each conceptual option, in consultation with the office of financial management;

(d) Identify the range of public support for or concerns about each option;

(e) Identify conceptual options and degree of general support for shared funding by state, local, and federal governments and potentially other entities;

(f) Identify one or more conceptual options for long-term shared governance of a future management plan, including consideration of an option similar to state lake management districts, chapter 36.61 RCW or shellfish protection districts, chapter 90.72 RCW.

(g) Engage in other related activities which would contribute to reaching broad agreement on the long-term management plan.

The department shall conduct its information gathering and report preparation with a pro-active approach to public engagement, and may create such advisory entities as it determines would be helpful.

(2) The department may contract for facilitation, research, or other services to assist in the preparation of this report.

(3) The department shall make periodic reports to the state capitol committee, the office of financial management, and fiscal committees of the legislature, with a final report to be submitted no later than January 1, 2017. The reports must include visual representations of proposals to aid the public and decision-makers to understand and evaluate them.

Appropriation:	
<del>(Enterprise Services Account—State .... \$250,000)</del>	
<u>State Building Construction Account—</u>	
State.....	<u>\$250,000</u>

Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs).....	\$0

TOTAL ..... \$250,000

**NEW SECTION. Sec. 1025.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:**FOR THE MILITARY DEPARTMENT**

Tri Cities Readiness Center - Land (30000808)

Appropriation:  
State Building Construction Account—  
State ..... \$900,000  
Military Department Capital Account—  
State ..... \$1,000,000  
Subtotal Appropriation ..... \$1,900,000

Prior Biennia (Expenditures) ..... \$0  
Future Biennia (Projected Costs) ..... \$0  
TOTAL ..... \$1,900,000

**NEW SECTION. Sec. 1026.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:**FOR THE MILITARY DEPARTMENT**

Emergency Management Division's (EMD's) UPS Replacement (30000810)

Appropriation:  
State Building Construction Account—  
State ..... \$500,000

Prior Biennia (Expenditures) ..... \$0  
Future Biennia (Projected Costs) ..... \$0  
TOTAL ..... \$500,000

**Sec. 1027.** 2015 3rd sp.s. c 3 s 1108 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

Thurston County Readiness Center (30000594)

The reappropriation and appropriations in this section are subject to the following conditions and limitations:

(1) The legislature intends to support the transfer of the Olympia armory to the Thurston county boys and girls club. The military department must execute an agreement to transfer title of the property to the Thurston county boys and girls club if the club agrees to use the facility as a boys and girls club for a minimum of ten years. The transfer agreement must specify a mutually agreed transfer date following the completion of the Thurston county readiness center. The transfer agreement must require the club to cover any closing costs and must specify a purchase price of one dollar. The agreement must be reported to the house of representatives capital budget committee, senate ways and means committee, and the governor's office by January 1, 2016.

(2) The legislature intends to support the transfer of the Puyallup armory to the central Pierce fire and rescue (Pierce county fire protection district No. 6). By January 1, 2017, the military department must execute a memorandum of understanding to transfer title of the property to the central Pierce fire and rescue if the district agrees to use the facility as a fire and rescue station for a minimum of ten

years. The memorandum must provide central Pierce fire and rescue with a right of first refusal and specify a mutually agreed transfer date following the vacation of the Puyallup armory. The memorandum must require the central Pierce fire and rescue to cover any closing costs and must specify a purchase price equal to fair market value for the raw land only. The memorandum must be reported to the house of representatives capital budget committee, the senate ways and means committee, and the governor's office by January 1, 2017.

Reappropriation:  
State Building Construction Account—  
State ..... \$2,750,000

Appropriation:  
State Building Construction Account—  
State ..... ((\$7,883,000))

General Fund—Federal ..... (\$34,207,000)  
Subtotal Appropriation ..... (\$42,090,000)  
\$635,000  
\$1,800,000  
\$2,435,000

Prior Biennia (Expenditures) ..... \$50,000  
Future Biennia (Projected Costs) ..... (\$0)  
TOTAL ..... \$44,890,000  
\$45,396,000

**Sec. 1028.** 2015 3rd sp.s. c 3 s 1114 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

National Parks Service Maritime Heritage Grants (91000008)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$28,000 of the appropriation is provided solely for the center for wooden boats' historic small craft project.
- (2) \$87,000 of the appropriation is provided solely for the Northwest seaport's preservation of the national historic landmark 1889 tugboat Arthur Foss.

Appropriation:  
General Fund—Federal ..... ((\$105,000))  
\$115,000

Prior Biennia (Expenditures) ..... \$0  
Future Biennia (Projected Costs) ..... \$0  
TOTAL ..... \$105,000  
\$115,000

**PART 2  
HUMAN SERVICES**

**Sec. 2001.** 2015 3rd sp.s. c 3 s 2004 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Preservation Projects: Statewide (91000037)

((The appropriation in this section is subject to the following conditions and limitations: Up to \$950,000 may be used for necessary renovations at the Maple Lane facility for the purpose of temporary forensic beds.))

Appropriation:  
State Building Construction Account—

State .....	(\$10,645,000)	<u>\$16,850,000</u>
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs) .....	\$0	
TOTAL .....	<u>\$10,645,000</u>	<u>\$16,850,000</u>

**NEW SECTION. Sec. 2002.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: Competency Restoration (91000040)

Appropriation:  
State Building Construction Account—

State .....	\$950,000	
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs) .....	\$0	
TOTAL .....	\$950,000	

**Sec. 2003.** 2015 3rd sp.s. c 3 s 2016 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

((~~Western State Hospital—East Campus~~) Eastern State Hospital: Psychiatric Intensive Care Unit (30002773))

Appropriation:  
State Building Construction Account—

State .....	(\$2,200,000)	<u>\$1,250,000</u>
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs) .....	\$0	
TOTAL .....	<u>\$2,200,000</u>	<u>\$1,250,000</u>

**Sec. 2004.** 2015 3rd sp.s. c 3 s 2023 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

ESH-15 Bed Addition for Substitute Senate Bill No. 5889 (92000016)

Appropriation:  
State Building Construction Account—

State .....	(\$1,400,000)	<u>\$1,800,000</u>
Prior Biennia (Expenditures).....	\$0	
Future Biennia (Projected Costs) .....	\$0	
TOTAL .....	<u>\$1,400,000</u>	<u>\$1,800,000</u>

**NEW SECTION. Sec. 2005.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Child Study and Treatment Center: CLIP Capacity (30003324)

Appropriation:  
State Building Construction Account—

State .....	\$450,000	
Prior Biennia (Expenditures) .....	\$0	
Future Biennia (Projected Costs) .....	\$6,150,000	
TOTAL .....	\$6,600,000	

**NEW SECTION. Sec. 2006.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Eastern State Hospital - Eastlake: Emergency Generator Replacement (30003326)

Appropriation:  
State Building Construction Account—

State .....	\$1,300,000	
Prior Biennia (Expenditures) .....	\$0	
Future Biennia (Projected Costs) .....	\$0	
TOTAL .....	\$1,300,000	

**NEW SECTION. Sec. 2007.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Lakeland Village: Code Required Campus Infrastructure Upgrades (30002238)

Appropriation:  
State Building Construction Account—

State .....	\$1,200,000	
Prior Biennia (Expenditures) .....	\$0	
Future Biennia (Projected Costs) .....	\$0	
TOTAL .....	\$1,200,000	

**NEW SECTION. Sec. 2008.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Minor Works Program Projects: Western State Hospital (30003388)

Appropriation:  
State Building Construction Account—

State .....	\$1,950,000	
Prior Biennia (Expenditures) .....	\$0	
Future Biennia (Projected Costs) .....	\$0	
TOTAL .....	\$1,950,000	

**NEW SECTION. Sec. 2009.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as

follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Maple Lane-Cascade: Remodel for Forensic Services (91000039)

Appropriation:  
State Building Construction Account—

State .....	\$2,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$2,000,000

**NEW SECTION. Sec. 2010.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Echo Glen-Housing Unit: Acute Mental Health Unit (30002736)

Appropriation:  
State Building Construction Account—

State .....	\$450,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$5,000,000
TOTAL .....	\$5,450,000

**NEW SECTION. Sec. 2011.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital: New Civil Ward (92000022)

Appropriation:  
State Building Construction Account—

State .....	\$450,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$450,000

**Sec. 2012.** 2015 3rd sp.s. c 3 s 2029 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF HEALTH**

Drinking Water Preconstruction Loans (30000334)

Appropriation:  
Drinking Water Assistance ((~~Repayment~~))  
Account—

State.....	\$6,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$24,000,000
TOTAL .....	\$30,000,000

**Sec. 2013.** 2015 3rd sp.s. c 3 s 2035 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

Minor Works Facilities Preservation (30000174)

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the appropriation in this section is provided solely for the restoration and preservation of the Washington soldiers home cemetery.

Appropriation:  
State Building Construction Account—

State.....	(\$3,095,000)
	\$3,345,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs).....	\$9,690,000
TOTAL .....	\$12,785,000
	\$13,035,000

**PART 3  
NATURAL RESOURCES**

**Sec. 3001.** 2015 3rd sp.s. c 3 s 3010 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (20084010)

The reappropriations in this section are subject to the following conditions and limitations: Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Reappropriation:  
State Building Construction Account—

State.....	\$221,000
Water Quality Capital Account—State.....	\$43,000
State Toxics Control Account—State..	(\$570,000)
	\$1,000
Subtotal Reappropriation ..	(\$834,000)
	\$265,000
Prior Biennia (Expenditures) .....	\$66,036,000
Future Biennia (Projected Costs).....	(\$0)
	\$569,000
TOTAL.....	\$66,870,000

**Sec. 3002.** 2015 3rd sp.s. c 3 s 3020 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Clean Up Toxics Sites - Puget Sound (30000144)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are subject to the provisions of section 3021, chapter 48, Laws of 2011 1st sp. sess.

(2) Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Reappropriation:  
Cleanup Settlement Account—State.....

State.....	\$1,959,000
State Toxics Control Account—State..	(\$3,666,000)

	<u>\$1,502,000</u>
Subtotal Reappropriation	(( <del>\$5,625,000</del> ))
	<u>\$3,461,000</u>
Prior Biennia (Expenditures)	\$35,573,000
Future Biennia (Projected Costs)	(( <del>\$0</del> ))
	<u>\$2,164,000</u>
TOTAL	\$41,198,000

**Sec. 3003.** 2015 3rd sp.s. c 3 s 3022 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Centennial Clean Water Program (30000208)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 3024, chapter 48, Laws of 2011 1st sp. sess.

(2) Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Reappropriation:	
State Toxics Control Account—	
State	(( <del>\$12,341,000</del> ))
	<u>\$11,511,000</u>
Prior Biennia (Expenditures)	\$21,759,000
Future Biennia (Projected Costs)	(( <del>\$0</del> ))
	<u>\$830,000</u>
TOTAL	\$34,100,000

**Sec. 3004.** 2015 3rd sp.s. c 3 s 3026 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Eastern Washington Clean Sites Initiative (30000217)

The reappropriation in this section is subject to the following conditions and limitations: Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Reappropriation:	
State Toxics Control Account—State	
	(( <del>\$2,117,000</del> ))
	<u>\$751,000</u>
Prior Biennia (Expenditures)	\$3,883,000
Future Biennia (Projected Costs)	(( <del>\$0</del> ))
	<u>\$1,366,000</u>
TOTAL	\$6,000,000

**Sec. 3005.** 2015 3rd sp.s. c 3 s 3028 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Clean Up Toxics Sites - Puget Sound (30000265)

The reappropriation in this section is subject to the following conditions and limitations: Projects subject to the original reappropriation in this section continue to be

authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Reappropriation:	
State Toxics Control Account—State	
	(( <del>\$1,896,000</del> ))
	<u>\$698,000</u>
Prior Biennia (Expenditures)	\$14,504,000
Future Biennia (Projected Costs)	(( <del>\$0</del> ))
	<u>\$1,198,000</u>
TOTAL	\$16,400,000

**Sec. 3006.** 2015 3rd sp.s. c 3 s 3033 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Statewide Storm Water Projects (30000294)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 3041, chapter 4, Laws of 2011 1st sp. sess.

(2) Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Reappropriation:	
Local Toxics Control Account—	
State	(( <del>\$14,411,000</del> ))
	<u>\$12,411,000</u>
Prior Biennia (Expenditures)	\$15,589,000
Future Biennia (Projected Costs)	(( <del>\$0</del> ))
	<u>\$2,000,000</u>
TOTAL	\$30,000,000

**Sec. 3007.** 2015 3rd sp.s. c 3 s 3046 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Clean Up Toxics Sites - Puget Sound (30000337)

The reappropriation in this section is subject to the following conditions and limitations: Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Reappropriation:	
Environmental Legacy Stewardship Account—	
State	(( <del>\$19,100,000</del> ))
	<u>\$12,655,000</u>
Prior Biennia (Expenditures)	\$12,400,000
Future Biennia (Projected Costs)	(( <del>\$0</del> ))
	<u>\$6,445,000</u>
TOTAL	\$31,500,000

**Sec. 3008.** 2015 3rd sp.s. c 3 s 3047 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Eastern Washington Clean Sites Initiative  
(30000351)

The reappropriation in this section is subject to the following conditions and limitations: Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Reappropriation:	
Environmental Legacy Stewardship Account—	
State .....	(\$6,735,000)
	<u>\$4,035,000</u>
Prior Biennia (Expenditures).....	\$3,565,000
Future Biennia (Projected Costs) .....	(\$0)
	<u>\$2,700,000</u>
TOTAL .....	\$10,300,000

**Sec. 3009.** 2015 3rd sp.s. c 3 s 3054 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**  
Centennial Clean Water Program (30000427)

The appropriations in this section are subject to the following conditions and limitations:

(1) For projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade efficiency audit is obtainable, the department of ecology must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its centennial clean water program grant.

(2) The agency must encourage local government use of federally funded water pollution control infrastructure programs operated by the United States department of agriculture - rural development.

Appropriation:	
State Building Construction Account—	
State .....	(\$10,000,000)
	<u>\$12,500,000</u>
Local Toxics Control Account—State .....	\$10,000,000
Subtotal Appropriation.(((\$20,000,000))	<u>\$22,500,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$160,000,000
TOTAL .....	<u>\$180,000,000</u>
	<u>\$182,500,000</u>

**Sec. 3010.** 2015 3rd sp.s. c 3 s 3056 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**  
Reducing Toxic Woodstove Emissions (30000429)  
The appropriations in this section are subject to the following conditions and limitations: \$1,350,000 of the state building construction account—state appropriation is provided solely for the department of ecology to extend support for the wood stove removal and replacement program in Pierce county, operated by the Puget Sound

clean air agency under the federally approved maintenance plan for fine particle pollution.

Appropriation:	
State Toxics Control Account—State .....	
	\$2,000,000
State Building Construction Account—	
State.....	\$1,500,000
	<u>\$3,500,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$8,000,000
TOTAL .....	<u>\$10,000,000</u>
	<u>\$11,500,000</u>

**Sec. 3011.** 2015 3rd sp.s. c 3 s 3059 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**  
Remedial Action Grants (30000458)

The appropriation in this section is subject to the following conditions and limitations: Projects subject to the original appropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Appropriation:	
Local Toxics Control Account—	
State.....	(\$65,050,000)
	<u>\$60,050,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	(\$300,000,000)
	<u>\$305,000,000</u>
TOTAL .....	\$365,050,000

**Sec. 3012.** 2015 3rd sp.s. c 3 s 3062 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**  
Storm Water Financial Assistance Program  
(30000535)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for the storm water financial assistance program.  
(2) \$981,000 of the appropriation is provided solely for the Washington State University LID frontage - water quality project.

(3) Projects subject to the original appropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Appropriation:	
Local Toxics Control Account—	
State.....	(\$33,000,000)
	<u>\$31,200,000</u>
((State Building Construction Account—	
State.....	\$20,000,000))
	<u>\$20,000,000</u>
Subtotal Appropriation (((\$53,000,000))	<u>\$31,200,000</u>
Prior Biennia (Expenditures) .....	\$0

Future Biennia (Projected Costs) ..... \$280,000,000  
 TOTAL ..... \$333,000,000  
\$311,200,000

**Sec. 3013.** 2015 3rd sp.s. c 3 s 3066 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Cleanup Toxics Sites – Puget Sound (30000542)

The appropriation in this section is subject to the following conditions and limitations: Projects subject to the original appropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Appropriation:  
 State Toxics Control Account—  
 State ..... ((\$22,550,000))  
\$18,550,000

Prior Biennia (Expenditures).....\$0  
 Future Biennia (Projected Costs) ....((\$72,763,000))  
\$76,763,000  
 TOTAL ..... \$95,313,000

**Sec. 3014.** 2015 3rd sp.s. c 3 s 3074 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

FY 2012 Statewide Stormwater Grant Program (91000053)

The reappropriation in this section is subject to the following conditions and limitations: Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Reappropriation:  
 Local Toxics Control Account—  
 State ..... ((\$14,789,000))  
\$12,789,000

Prior Biennia (Expenditures).....\$9,284,000  
 Future Biennia (Projected Costs) .....((\$0))  
\$2,000,000  
 TOTAL ..... \$24,073,000

**Sec. 3015.** 2015 3rd sp.s. c 3 s 3075 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Stormwater Retrofit and LID Competitive Grants (91000054)

The reappropriation in this section is subject to the following conditions and limitations: Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Reappropriation:

Local Toxics Control Account—  
 State..... ((\$6,952,000))  
\$5,652,000

Prior Biennia (Expenditures) .....\$7,511,000  
 Future Biennia (Projected Costs).....((\$0))  
\$1,300,000  
 TOTAL.....\$14,463,000

**Sec. 3016.** 2015 3rd sp.s. c 3 s 3081 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Storm Water Improvements (92000076)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 3081, chapter 19, Laws of 2013 2nd sp. sess.

(2) Projects subject to the original reappropriation in this section continue to be authorized. It is the intent of the legislature that the funding reduction in the 2015-2017 biennium will be restored in future biennia.

Appropriation:  
 State Building Construction Account—  
 State.....\$20,000,000

Reappropriation:  
 Environmental Legacy Stewardship Account—  
 State..... ((\$91,456,000))  
\$68,456,000

Prior Biennia (Expenditures) .....\$8,544,000  
 Future Biennia (Projected Costs).....((\$0))  
\$23,000,000  
 TOTAL.....\$100,000,000  
\$120,000,000

**Sec. 3017.** 2015 3rd sp.s. c 3 s 3084 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Drought Response (92000142)

Appropriation:  
 ((~~State Building Construction Account~~—  
 State.....\$2,000,000))  
 State Drought Preparedness Account—  
 State..... ((\$14,000,000))  
\$6,723,000  
 ((Subtotal Appropriation, \$16,000,000))

Prior Biennia (Expenditures) ..... \$0  
 Future Biennia (Projected Costs)..... \$0  
 TOTAL.....\$16,000,000  
\$6,723,000

**NEW SECTION. Sec. 3018.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

Low Interest Loans for Drought Wells (92000148)

The appropriation in this section is subject to the following conditions and limitations: The department shall

establish a low-interest loan program to allow agricultural or public entities to drill or retrofit wells to mitigate the effects of drought. For loans that are repaid within five years, the interest rate must be thirty percent of the average rate for twenty year municipal bonds as published in the bond buyer index, and for loans that are repaid between five and twenty years, the rate must be sixty percent of the average rate for twenty year municipal bonds as published in the bond buyer index. A well that is funded by this program may be operated only during a drought declaration.

Appropriation:  
State Building Construction Account—

State .....	\$4,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$4,000,000

**NEW SECTION. Sec. 3019.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**  
Port of Tacoma Arkema/Dunlap Mound  
(92000158)

Appropriation:  
State Building Construction Account—

State .....	\$2,900,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$2,900,000

**NEW SECTION. Sec. 3020.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**  
Water Treatment Plant (Lakewood) (92000156)

Appropriation:  
State Building Construction Account—

State .....	\$1,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$1,500,000

**NEW SECTION. Sec. 3021.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**  
Port Angeles Municipal Landfill (92000155)

Appropriation:  
State Building Construction Account—

State .....	\$2,200,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$2,200,000

**NEW SECTION. Sec. 3022.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

**FOR THE POLLUTION LIABILITY INSURANCE AGENCY**

Underground Storage Tank Capital Financial Assistance Program (30000002)

Appropriation:  
Underground Storage Tank Revolving Account—

State.....	\$10,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$80,000,000
TOTAL .....	\$90,000,000

**Sec. 3023.** 2015 3rd sp.s. c 3 s 3109 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

Local Grant Authority (30000857)

Appropriation:  
Parks Renewal and Stewardship Account—

Private/Local .....	<del>(\$1,000,000)</del> <u>\$2,000,000</u>
Prior Biennia (Expenditures) .....	\$1,200,000
Future Biennia (Projected Costs) .....	\$4,000,000
TOTAL .....	<del>\$6,200,000</del> <u>\$7,200,000</u>

**Sec. 3024.** 2015 3rd sp.s. c 3 s 3165 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Boating Facilities Program (30000222)

The legislature encourages the board to consider applications for the 2017-2019 funding program that will fund the purchase and installation of capital equipment to control invasive species at or near selected boat launches serving vessels 26 feet in length or less.

Appropriation:  
Recreation Resources Account—

State.....	<del>(\$9,360,000)</del> <u>\$14,210,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$37,800,000
TOTAL .....	<del>\$47,160,000</del> <u>\$52,010,000</u>

**Sec. 3025.** 2015 3rd sp.s. c 3 s 3166 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Nonhighway Off-Road Vehicle Activities  
(30000223)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$50,000 of the NOVA program account—state appropriation is provided solely for improvements to the

trails database maintained by the recreation and conservation office.

TOTAL.....\$3,000,000  
\$7,000,000

(2) \$2,450,000 of the NOVA program account—state appropriation is provided solely for purposes other than education and enforcement projects.

(3) For project funds returned for projects in the NOVA program account—state, the recreation and conservation office may apply the funds to priority projects in any categories within the NOVA program.

Appropriation:	
NOVA Program Account—State .....	(\$8,670,000)
	\$11,170,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$34,770,000
TOTAL .....	\$43,440,000
	\$45,940,000

**NEW SECTION. Sec. 3028.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Puget Sound and Adjacent Waters Nearshore Restoration - Match (30000753)

Appropriation:	
General Fund—Federal .....	\$500,000
State Building Construction Account—	
State.....	\$500,000
Subtotal Appropriation .....	\$1,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs).....	\$9,500,000
TOTAL .....	\$10,500,000

**Sec. 3026.** 2015 3rd sp.s. c 3 s 3179 (uncodified) is amended to read as follows:

**FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Recreation and Conservation Office Recreation Grants (92000131)

The appropriations in this section are subject to the following conditions and limitations:

(1) The recreation and conservation office may retain up to four percent of these appropriations to administer the grants.

(2) A maximum of \$1,000,000 of unused funds in this appropriation may be used for further planning, acquisition, and development of the Olympic discovery trail project between Discovery Bay and the trail's intersection with the Larry Scott trail in Jefferson county, without requiring matching resources.

(3) Matching resources are not required for the Concrete water spray park project.

Appropriation:	
State .....	(\$32,785,000)
	\$29,170,000
Outdoor Recreation Account—State.....	\$5,611,000
Subtotal Appropriation. ( <del>(\$38,396,000)</del> )	
	\$34,781,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$38,396,000
	\$34,781,000

**Sec. 3029.** 2015 3rd sp.s. c 3 s 3229 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

State Forest Land Replacement (30000223)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,000,000 of the appropriation in this section is provided solely to the department to transfer from state forest land status to natural resources conservation area status certain state forest lands in Skamania county.

(2)(a) The remainder of the appropriation in this section is provided solely to the department to transfer from state forest land status to natural resources conservation area status certain state forest lands in counties:

(i) With a population of twenty-five thousand or fewer;

(ii) With risks of timber harvest deferrals greater than thirty years due to the presence of wildlife species listed as endangered or threatened under the federal endangered species act; and

(iii) That are not identified in subsection (1) of this section.

(b) This appropriation must be used equally for the transfer of qualifying state forest lands in the qualifying counties.

(3) Property transferred under this section must be appraised and transferred at fair market value, without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act. The value of the timber and other valuable materials transferred must be distributed as provided in RCW 79.64.110. The value of the land transferred must be deposited in the park land trust revolving account and be used solely to buy replacement state forest land, consistent with RCW 79.22.060.

~~((3))~~ (4) Prior to or concurrent with conveyance of these properties, the department shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsections (1) and (2) of this section. Transfer agreements for properties

**Sec. 3027.** 2015 3rd sp.s. c 3 s 3211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**  
Mitchell Act Federal Grant (91000021)

Reappropriation:	
General Fund—Federal.....	(\$1,014,000)
	\$5,014,000
Prior Biennia (Expenditures).....	\$1,986,000
Future Biennia (Projected Costs) .....	\$0

identified in subsections (1) and (2) of this section must include terms that restrict the use of the property to the intended purpose.

\$931,000

~~((4))~~ (5) The department and ~~((Skamania county))~~ applicable counties shall work in good faith to carry out the intent of this section. The department shall identify eligible properties for transfer, consistent with subsections (1) and (2) of this section, in consultation with ~~((Skamania county))~~ the applicable counties, and may not execute any property transfers that are not in the statewide interest of either the state forest trust or the natural resources conservation area program.

Appropriation:	
State Building Construction Account—	
State .....	<del>(\$3,000,000)</del>
	<u>\$6,000,000</u>
Prior Biennia (Expenditures).....	\$1,500,000
Future Biennia (Projected Costs) .....	\$6,000,000
TOTAL .....	<u>\$10,500,000</u>
	<u>\$13,500,000</u>

**Sec. 3030.** 2015 3rd sp.s. c 3 s 3235 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Contaminated Sites Cleanup and Settlement (30000240)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$261,000 is provided solely for the state's share of liability under the model toxics control act for the cleanup of lead contamination at a rock pit now owned by plum creek timber company.

(2) \$95,000 is provided solely for the contaminated soils cleanup at the Cedar creek correction center.

(3) \$125,000 is provided solely for the webster nursery pesticides and groundwater cleanup.

(4) \$375,000 is provided solely for the underground storage tank cleanup of contaminated soils of an old fueling station at the department of natural resources, SE region headquarters' parking lot that is within the city of Ellensburg new drinking water supply wellhead protection area.

(5) \$75,000 of the state building construction account—state appropriation is provided solely for the state's share of liability under the comprehensive environmental response, compensation, and liability act for the cleanup of contamination at the Salt creek firing range site in Port Angeles, Clallam County.

Appropriation:	
Environmental Legacy Stewardship Account—	
State .....	\$856,000
<u>State Building Construction Account—</u>	
State .....	<u>\$75,000</u>
	<u>Subtotal Appropriation..... \$931,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$856,000</u>

**NEW SECTION. Sec. 3031.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:  
**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Fire Communications Base Stations and Mountain Top Repeaters (92000030)

Appropriation:	
State Building Construction Account—	
State.....	\$626,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL .....	<u>\$626,000</u>

**Sec. 3032.** 2015 3rd sp.s. c 3 s 3232 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Blanchard Working Forest (30000231)

The appropriation in this section is subject to the following conditions and limitations: For the 2015-2017 fiscal biennium, the department of natural resources shall not authorize or conduct any logging operations in the one thousand, six hundred acres on Mount Blanchard, referred to as the core management zone.

Appropriation:	
State Building Construction Account—	
State.....	\$2,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs).....	\$5,500,000
TOTAL.....	<u>\$7,500,000</u>

**Sec. 3033.** 2015 3rd sp.s. c 3 s 3184 (uncodified) is amended to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**  
Match for Federal RCPP Program (30000017)

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund—federal appropriation is provided solely for implementation of the ~~((five))~~ six conservation projects in Washington state approved for grant awards as part of the United States department of agriculture regional conservation partnership program authorized under the 2014 farm bill:

- (a) Palouse river watershed implementation partnership;
- (b) Precision conservation for salmon and water quality in the Puget Sound;
- (c) Upper Columbia irrigation enhancement project;
- (d) Yakama nation on-reservation lower Yakima basin restoration project; ~~((and))~~
- (e) Confederated tribes of the Colville reservation water quality and habitat improvement project; and

(f) Spokane river watershed resource conservation partnership.

(2) The state building construction account—state is provided solely for state match to the United States department of agriculture regional conservation partnership program.

Appropriation:  
State Building Construction Account—

State .....	\$5,000,000
General Fund—Federal .....	\$23,000,000
Subtotal Appropriation .....	\$28,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$28,000,000

**PART 4  
TRANSPORTATION**

**Sec. 4001.** 2015 3rd sp.s. c 3 s 4002 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

Fire Training Academy Burn Building Replacement (30000071)

Reappropriation:  
Fire Service Training Account—State .....

..	<del>(\$200,000)</del>
	<u>\$385,000</u>
Prior Biennia (Expenditures) .....	<del>(\$1,300,000)</del>
	<u>\$1,115,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$1,500,000

**PART 5  
EDUCATION**

**Sec. 5001.** 2015 3rd sp.s. c 3 s 5010 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2013-15 School Construction Assistance Program - Maintenance (30000145)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 5020, chapter 19, Laws of 2013 2nd sp. sess. and section 6022 (~~(of this act)~~), chapter 3, Laws of 2015 3rd sp. sess.

Reappropriation:  
State Building Construction Account—

State .....	\$255,339,000
<u>Appropriation:</u> <u>State Building Construction Account—</u>	
State .....	<u>\$150,000</u>
Prior Biennia (Expenditures) .....	\$132,250,000
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$387,589,000</u>
	<u>\$387,739,000</u>

**Sec. 5002.** 2015 3rd sp.s. c 3 s 5011 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Tri-Tech Skills Center East Growth (30000159)

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding is provided solely as a grant to constitute local funding available to the Tri-tech skills center in order to be eligible for state funding assistance through the school construction assistance program pursuant to RCW 28A.525.166.

(2) Funds provided in this section may not be used for any project with total ((~~project~~) construction) costs per square foot that exceed the construction cost allocation for calculating state funding assistance in subsection (1) by more than thirty-five percent.

Appropriation:  
State Building Construction Account—

State .....	\$1,702,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$1,702,000

**Sec. 5003.** 2015 3rd sp.s. c 3 s 5012 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

Capital Program Administration (30000165)

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent of public instruction shall publish to its web site and report to the office of financial management, the appropriate committees of the legislature, and the legislative evaluation and accountability program a list of local school district projects submitted for school construction assistance within seven business days of the grant program deadline. The report must be updated within seven days following the superintendent of public instruction's final grant award decisions. Prior versions of the report must be maintained on the web site in order to monitor changes in estimates as the grant process progresses. The report must include, but not be limited to:

- (a) School district;
- (b) Project name;
- (c) Estimated square footage by proposed project type;

- (d) Estimated total of all project costs and estimated total construction contract cost;
- (e) Funding sources and election dates, if applicable; and
- (f) Intent to front-fund the project.

(2) The superintendent of public instruction shall provide to the office of financial management and the legislative evaluation and accountability program committee in electronic database form the following:

- (a) Study and survey information beginning with grants awarded July 1, 2015, or later; and

(b) All available inventory and condition of schools data.

(3) The office of the superintendent of public instruction shall contract with educational service district 112 construction services group to perform an analysis of school construction costs. The analysis must include a significant sample of new ~~((and modernization))~~ school construction projects completed over the past ten years, with costs adjusted for construction inflation. The analysis must determine the major sources of variation in total school construction costs among different kinds of projects, districts, and regions. The analysis must estimate the cost difference due to variations in:

- (a) The size of the project including the size per expected enrollment;
- ~~((b))~~ ~~((Whether it is a new school or modernization project;~~
- ~~((c))~~ Whether it is an elementary school, middle school, high school, or skills center;
- ~~((d))~~ (c) The extent of specialized higher cost facilities such as laboratories, shops, performing arts and indoor athletic facilities;
- ~~((e))~~ (d) Delivering specialized programs at skill centers including but not limited to: Dental and medical assisting, mechanical and engineering programs, first responder training, culinary programs, cyber security, and others;
- ~~((f))~~ (e) Site requirements;
- ~~((g))~~ (f) Durability of construction materials, finishes, building system components, and general life expectancy of the building; and
- ~~((h))~~ (g) Other design and construction feature that may contribute to cost variations.

(4) The office of the superintendent of public instruction must prepare a report on the findings from subsection (3) of this section and submit the report to the appropriate committees of the legislature and the office of financial management by September 1, 2016.

Appropriation:	
Common School Construction Account—	
State .....	<del>(\$2,924,000))</del> <u>\$3,274,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$12,244,000
TOTAL .....	<u>\$15,168,000</u> <u>\$15,518,000</u>

**Sec. 5004.** 2015 3rd sp.s. c 3 s 5013 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

2015-17 School Construction Assistance Program (30000169)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$990,000 of the common school construction account—state is provided solely for the Spokane Valley technical skills center to construct five science classrooms.

(2) \$675,000 of the common school construction account—state is provided solely for study and survey grants. In calculating study and survey grants, for the 2015-2017 fiscal biennium, the office of the superintendent of public instruction shall award no more than fifty percent of the dollar amount for the minimum grants and square footage allocations. School districts receiving these grants in the 2015-2017 fiscal biennium must use data collected or validated by the Washington State University extension energy office for the inventory and condition of existing school facilities.

(3) School districts receiving funding through the 2015-17 school construction assistance program must map the design of new facilities and remap the design of facilities to be remodeled.

(4) The office of the superintendent of public instruction must weight and prioritize grant requests on the following criteria and in the following order: (a) Will provide facility capacity needs to reduce kindergarten through third grade class sizes at high poverty schools; (b) will provide facility capacity needs to reduce kindergarten through third grade class sizes in remaining schools.

(5) The office of the superintendent of public instruction must expedite allocation and distribution of any eligible funds under the school construction assistance grant program for the appropriations provided to the superintendent of public instruction in this act for distressed schools, STEM pilot projects, or skill centers. For purposes of determining state funding assistance, eligible area must be calculated as follows: (a) Eligible area for STEM pilot projects is 1,440 square feet per science lab or classroom combination, or both; and 1,040 square feet per science classroom. Total eligible area per STEM pilot project must not exceed 15,840 square feet, and total eligible area of all STEM pilot projects from this section must not exceed 36,880 square feet; (b) eligible area for skill centers is gross square feet of the proposed project as submitted to the office of financial management as requested by the superintendent for consideration in the 2015-2017 capital budget. Eligible area for the Spokane Valley technical skills center must not exceed 5,400 square feet, and; (c) eligible area for replacement of the cafeteria at Marysville-Pilchuck high school is 13,500 square feet.

Appropriation:	
State Building Construction Account—	
State.....	<del>(\$302,121,000))</del> <u>\$305,721,000</u>
Common School Construction Account—	
State.....	<del>(\$305,978,000))</del> <u>\$337,135,000</u>
Common School Construction Account—	
Federal.....	\$3,000,000
Subtotal	
Appropriation .....	<del>(\$611,099,000))</del> <u>\$645,856,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$3,638,150,000
TOTAL .....	<u>\$4,249,249,000</u> <u>\$4,284,006,000</u>

Sec. 5005. 2015 3rd sp.s. c 3 s 5026 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

STEM Pilot Program (91000402)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$200,000 of the appropriation is provided solely for the contract with the statewide STEM organization described in subsection (4) of this section.

(2) The ~~(amounts)~~ remaining portion of the appropriation in this section ~~(are)~~ is provided solely for the superintendent of public instruction to provide STEM pilot project grants to school districts. At the option of a recipient school district, these grants, or a portion of these grants, may constitute the districts' local funding for purposes of eligibility for the school construction assistance program under RCW 28A.525.166 other than for new construction or new-in-lieu of modernization construction projects of entire new schools. Subject to the terms in this section, school districts are eligible to receive grants if they have a special housing burden due to lack of sufficient space for science classrooms and labs to enable students to meet statutory graduation requirements.

~~((2))~~ (3) The superintendent shall award grants to eligible school districts under the following conditions:

(a) A district must demonstrate a lack of sufficient space of science classrooms and labs to facilitate meeting statutory graduation requirements;

(b) The district has secured private donations of cash, like-kind, or equipment in a value of no less than \$100,000. Before the superintendent may provide funding assistance through the school construction assistance program, the district must provide verification of the donation to the superintendent;

(c) The project is either: (i) Construction of new lab or classroom additions at existing facilities; or (ii) modernization of labs or classrooms at existing facilities.

(d) At least one grant award is made to school districts located in southwest Washington that currently offer curriculum using equipment called Real-Time PCR and a scanning electron microscope to build partnerships with academia and industry leaders to develop in-depth research projects;

~~((d))~~ (e) At least one grant award is made to school districts located in the Puget Sound region; and

~~((e))~~ (f) At least two grant awards are made to school districts located east of the Cascade mountains.

~~((3))~~ (4) The STEM pilot project grants program must be administered by the superintendent of public instruction in consultation with the STEM education innovation alliance specified in RCW 28A.188.030 and the statewide STEM organization specified in RCW 28A.188.050. The superintendent of public instruction must develop grant application materials and criteria in consultation with the statewide STEM organization, must review applications for accuracy and financial reasonableness, and must administer awarded grants. With funds specifically appropriated for this purpose, the superintendent of public instruction must contract with the statewide STEM organization specified in RCW 28A.188.050 to evaluate applications against the criteria

developed for the program and develop a single prioritized list. The superintendent of public instruction must award no less than six and no more than eight grants within the appropriated funding and may ~~(only)~~ depart from the recommended prioritized list only after ~~(notifying)~~ consulting with the office of financial management and the appropriate committees of the legislature ~~((with an explanation of the reasons for departing from the list))~~. The criteria must include, but are not limited to, the following:

(a) Priority for school districts that secure private donations of cash, like-kind, or equipment in value no less than \$100,000 weighted by the ratio of school district enrollments to value of donation;

(b) A district's lack of ability to raise funds through levies or bonds in the prior ten-year period;

(c) Priority for applicants with a high percentage of students who are eligible and enrolled in the free and reduced-price meals program;

(d) The extent that existing STEM facilities are inadequate including the lack of adequate STEM facilities to meet graduation requirements in RCW 28A.150.220;

(e) A demonstration that existing STEM faculty are in place and are qualified to deliver an interactive, project-based STEM curriculum in the proposed specialized STEM facilities, or a plan and budget are in place to recruit or train such STEM faculty;

~~((4))~~ (5) For purposes of grant applications made in the 2015-2017 biennium, additional square footage funded through this grant program is excluded from the school district's inventory of available educational space for determining eligibility for state assistance for new construction ~~((#))~~ until the earlier of: (a) Five years following acceptance of the project by the school district board of directors(,); or (b) the date of the final review of the latest study and survey of the affected school district following acceptance of the project by the school district board of directors(, whichever date is earliest).

~~((5))~~ (6) Each school district is limited to one grant award, which may be used for more than one school facility within the district, of no more than \$4,000,000.

~~((6))~~ (7) The office of the superintendent of public instruction may charge fees consistent with capital budget guidelines established by the office of financial management for administering the grants.

~~((7))~~ (8) The superintendent of public instruction must report to the appropriate committees of the legislature and the office of financial management on: (a) The timing and use of the funds by the end of each fiscal year, until the funds are fully expended; and (b) recommendations to establish a STEM grant program within the framework of the school construction assistance program by December 1, 2016.

~~((8))~~ \$200,000 of the appropriation is provided for the contract with the statewide STEM organization specified in RCW 28A.188.050.)

Appropriation:	
State Building Construction Account—	
State.....	\$12,500,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$12,500,000

**Sec. 5006.** 2015 3rd sp.s. c 3 s 5028 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

K-3 Class-Size Reduction Grants (92000039)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$10,000,000 of this appropriation is provided solely for Seattle public schools to provide additional state assistance for public school facilities necessary to support all-day kindergarten and class size reduction in kindergarten through third grade.

(2) The remaining portion of the appropriation is for the K-3 class size reduction construction pilot grant program specified in section 201, chapter ~~((---(Engrossed Substitute Senate Bill No. 6080)))~~ 41, Laws of 2015, 3rd sp. sess. to provide additional state assistance for public school facilities necessary to support all-day kindergarten and class size reduction in kindergarten through third grade.

(3) Within the remaining portion of the appropriation, a maximum of \$750,000 is provided for the office of superintendent of public instruction to administer the K-3 class size reduction construction grant pilot program. The office may not use these funds for indirect costs.

(4) Should Seattle public schools have received additional state funds, in excess of the block grant provided in subsection (1) of this section, through the K-3 class size reduction construction grant pilot program, Seattle public schools may receive the amount provided by the calculated grant in the pilot program in excess of the block grant.

(5) The funding provided in subsection (1) of this section may not constitute local funding available to the Seattle public schools in order to be eligible for state funding assistance through the school construction assistance program pursuant to RCW 28A.525.166.

Appropriation:	
State Building Construction Account—	
State .....	<del>(\$200,000,000)</del> <u>\$234,500,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<del>\$200,000,000</del> <u>\$234,500,000</u>

**Sec. 5007.** 2015 3rd sp.s. c 3 s 5091 (uncodified) is amended to read as follows:

**FOR THE WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD**

Central Area Community Opportunity Center (91000002)

The appropriation in this section is subject to the following conditions and limitations: \$100,000 is provided solely for the purposes of predesign, development, and transition costs at the Seattle Vocational Institute to create the central area community opportunity center and clearinghouse. During predesign and development phase, community needs and input must be considered for project

transition and completion. During this process, the board must work with the department of enterprise services to identify current available space within the Seattle Vocational Institute building, and shall prescribe methods of maximizing space efficiency for both current and potential tenants. The board and the department of enterprise services shall also identify costs associated with any renovation work needed to create additional usable space. The Seattle Central College shall work with the board on this effort. A report must be delivered to the legislature by December 1, ~~((2015))~~ 2016.

Appropriation:	
State Building Construction Account—	
State .....	\$100,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$100,000

**Sec. 5008.** 2015 3rd sp.s. c 3 s 5054 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE UNIVERSITY**  
Inventory and Condition of Schools Data Collection (91000033)

The appropriation in this section is subject to the following conditions and limitations:

(1) The legislature intends to complete the data collection, input, and verification of the inventory and condition of public school facilities in order to make informed decisions about K-12 school facility data collection processes and classroom capacity needs to fulfill current educational graduation requirements and class-size ratios. These decisions are best made when based on accurate data collected in a thorough and consistent manner by professionals experienced in making such inventory and condition assessments for public institutions.

(2) The appropriation is provided solely for the Washington State University extension energy office to complete collection, input, and verification of selected data of public school facilities, including skill centers, in the inventory and condition of schools system administered and maintained by the superintendent of public instruction.

(3) The Washington State University extension energy office shall conduct on-site visits to assess inventory and condition of all facilities for school districts that have no current study and survey as defined in RCW 28A.525.050 on file with the superintendent of public instruction as of July 1, 2015, or no pending study and survey to be filed with the superintendent through an outstanding study and survey grant award. The data collected, sufficient to meet the study and survey requirements for school facilities space inventory and condition analysis, through on-site visits must be input into the inventory and condition of schools system.

(4) The Washington State University extension energy office shall input into the inventory and condition of schools system applicable data of inventory and condition of school facilities from all current studies and surveys on file with the superintendent of public instruction as of July 1, 2015. The data must be input into the system in a manner

that captures older information and data first. As studies and surveys from outstanding grant awards are filed with the superintendent, the Washington State University extension energy office shall input data into the system once current study and survey data has been input. Activities conducted pursuant to this subsection must occur concurrently with activities in subsection (3) of this section.

(5) The Washington State University extension energy office shall conduct on-site verification of data for school districts whose current studies and surveys on file with the superintendent will expire by June 30, 2017. Data verification must be conducted to evaluate the study and survey process as a tool to collect accurate inventory and condition of schools data upon which policymakers can make informed decisions regarding school facility and capacity needs. Activities conducted pursuant to this subsection must occur concurrently with activities in subsection (3) of this section and once sufficient data has been input into the system per subsection (4) of this section to conduct on-site visits to verification.

(6)(a) The Washington State University extension energy office, concurrent with activities conducted in subsections (3), (4), and (5) of this section, must collect data to determine the information in (c)(i) through (vii) of this subsection. Additional on-site data collection for this task or collection of data from "as-built" documents or other valid sources must be accomplished to produce a valid sample for determining:

(b) The accuracy of reported number of classrooms in the most recent survey of classrooms and building data by the office of the superintendent of public instruction; and

(c) The variation in the size of schools and the allocation of space to the categories described in (c)(i) through (vii) of this subsection. The sample must be sufficient to determine this information for elementary, middle, high schools, and skills centers in districts of different sizes, growth rates, age, and relative property values.

(i) The square footage and number of classrooms. Classrooms are rooms that are used as classrooms or that could be used as classrooms under building code requirements and must include labs, shops, computer rooms used for instruction, art, and music classrooms. For this purpose, a music classroom is not a room designed to seat an audience;

(ii) The square footage of libraries;

(iii) The square footage of cafeteria and kitchen space;

(iv) The square footage of gymnasiums, locker rooms, and other indoor athletic facilities;

(v) The square footage of auditoriums and other performing arts space not counted as classrooms;

(vi) The square footage of administrative offices, and space used primarily by staff; and

(vii) The square footage of other space such as bathrooms, general circulation, mechanical rooms, and the balance of the total facility square footage not included in (c)(i) through (vi) of this subsection;

(d) The data included in (c)(i) through (vii) of this subsection must indicate whether the space is in a structure with a permanent foundation or not.

(7) As a general condition of appropriations provided to the superintendent of public instruction in this act, the superintendent of public instruction and each state school district shall provide requested facilities information and access to facilities in a timely manner to enable the Washington State University extension energy office to complete the tasks, oversight, and reporting requirements assigned in this section.

(8) The Washington State University extension energy office shall report progress of data collection, input, and verification to the appropriate committees of the legislature no later than December 1, 2015. The Washington State University extension energy office must complete all work in this section and make a final report to the appropriate committees of the legislature no later than December 1, 2016.

(9) If funding provided in this section is insufficient to carry out the tasks identified within this section, the Washington State University extension energy office shall prioritize the tasks to ensure the requirements in subsection (6) of this section are completed first. The Washington State University extension energy office may enter into an interagency agreement with the office of superintendent of public instruction for additional funding to carry out the tasks identified in this subsection.

Appropriation:  
Common School Construction Account—

State.....	(\$1,550,000))
	<u>\$2,336,000</u>
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$1,550,000</u>
	<u>\$2,336,000</u>

**Sec. 5009.** 2015 3rd sp.s. c 3 s 5085 (uncodified) is amended to read as follows:

**FOR THE WESTERN WASHINGTON UNIVERSITY**  
North Campus Utility Upgrade (30000426)

Reappropriation:  
State Building Construction Account—

State.....	(\$600,000))
	<u>\$209,000</u>
Prior Biennia (Expenditures) .....	(\$2,982,000))
	<u>\$3,373,000</u>
Future Biennia (Projected Costs) .....	\$0
TOTAL .....	<u>\$3,582,000</u>

**Sec. 5010.** 2015 3rd sp.s. c 3 s 5086 (uncodified) is amended to read as follows:

**FOR THE WESTERN WASHINGTON UNIVERSITY**  
Performing Arts Exterior Renewal (30000428)

Reappropriation:  
State Building Construction Account—

State.....	(\$387,000))
	<u>\$355,000</u>
Prior Biennia (Expenditures) .....	(\$2,560,000))
	<u>\$2,592,000</u>

Future Biennia (Projected Costs) .....	\$0
TOTAL .....	\$2,947,000
<b>Sec. 5011.</b> 2015 3rd sp.s. c 3 s 5089 (uncodified) is amended to read as follows:	
<b>FOR THE WESTERN WASHINGTON UNIVERSITY</b>	
Minor Works - Preservation (30000615)	
Appropriation:	
State Building Construction Account—	
State .....	(\$3,572,000)
	<u>\$3,995,000</u>
Western Washington University Capital Projects	
Account—State .....	\$4,886,000
Subtotal Appropriation .....	(\$8,458,000)
	<u>\$8,881,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$64,422,000
TOTAL .....	\$72,880,000
	<u>\$73,303,000</u>

<b>Sec. 5012.</b> 2015 3rd sp.s. c 3 s 5098 (uncodified) is amended to read as follows:	
<b>FOR THE WASHINGTON STATE HISTORICAL SOCIETY</b>	
Facilities Preservation – Minor Works Projects (30000222)	
Appropriation:	
State Building Construction Account—	
State .....	(\$2,515,000)
	<u>\$2,684,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs) .....	\$10,000,000
TOTAL .....	\$12,515,000
	<u>\$12,684,000</u>

**Sec. 5013.** 2015 3rd sp.s. c 3 s 5099 (uncodified) is amended to read as follows:  
**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**  
 Washington Heritage Grants (30000237)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 27.34.330.
- (2) The appropriation is provided solely for the following list of projects:

<b>Project</b>	<b>Authorized Amount</b>
Pantages centennial: Façade restoration.....	\$685,000
Chong Wa parapet preservation.....	\$66,000
Rehabilitation of historic structures .....	\$750,000
Renovation heating of interior space of Balfour dock .....	\$1,000,000
Town hall historic restoration: Phase one of construction .....	\$1,000,000
Washington hall restoration .....	\$452,000

Rehabilitation of Ritzville library for ADA compliance .....	\$138,000
Quartermaster and dental surgery renovation project .....	\$309,000
Skagit city school restoration .....	\$91,000
Yamasaki courtyard restoration project.....	\$129,000
Prairie line trail historic interpretation project.....	\$400,000
Ancich netshed restoration .....	\$662,000
Chimney, gutter, and kitchen restoration.....	\$11,000
Federal building rehabilitation - phases II and III ..	\$920,000
Preservation of the Colville Indian agency cabin in Chewelah.....	\$33,000
Arthur Foss preservation and restoration phase II ..	\$166,000
Seaport landing development - renovation of building #8 .....	\$1,000,000
Si view community center rehabilitation project phase II .....	\$130,000
Revitalization to historic wells house for community use .....	\$26,000
Chiyo's garden phase II .....	\$108,000
Historic community center, library, and city hall restoration .....	\$185,000
Sea mar latino history and cultural center .....	\$654,000
Olympia waldorf school - the next 100 years .....	\$20,000
Chinook school restoration - final phase .....	\$79,000
Phase III of Worthington park - Quilcene .....	\$244,000
El centro de la raza community access and security project .....	\$100,000
Steam locomotives changed everything .....	\$199,000
The artifact/exhibit environmental conservation project .....	\$8,000
F/V Shenandoah restoration project - phase three ....	\$41,000
Henderson house and Tumwater historic district interpretive .....	\$50,000
Carnegie library renovation phase II .....	\$344,000
<u>Gig Harbor boatshop, Eddon boatyard house restoration.....</u>	<u>Alternate</u>
<u>Yakima Valley trolley capital improvement project .....</u>	<u>Alternate</u>
<b>Total .....</b>	<b>\$10,000,000</b>

Appropriation:	
State Building Construction Account—	
State.....	\$10,000,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$10,000,000

**NEW SECTION. Sec. 5014.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:  
**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**  
 Campbell House Roof Replacement (92000001)

Appropriation:	
State Building Construction Account—	
State.....	\$376,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL .....	\$376,000

**PART 6**  
**MISCELLANEOUS PROVISIONS**

**Sec. 6001.** 2015 3rd sp.s. c 3 s 7001 (uncodified) is amended to read as follows:

RCW 43.88.031 requires the disclosure of the estimated debt service costs associated with new capital bond appropriations. The estimated debt service costs for the appropriations contained in this act are (~~thirty-six million eight hundred thirteen~~) eighty-two million nine hundred twenty-one thousand dollars for the 2015-2017 biennium, ((two hundred thirty-three million two hundred eighty-six)) three hundred fifty-four million eight hundred fifty thousand dollars for the 2017-2019 biennium, and ((three hundred twenty-seven million two hundred thirty-four)) four hundred forty-eight million five hundred twenty-six thousand dollars for the 2019-2021 biennium.

**Sec. 6002.** 2015 3rd sp.s. c 3 s 7002 (uncodified) is amended to read as follows:

**ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.**

(1) The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of enterprise services and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(2) Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(3) Department of enterprise services: Enter into a financing contract for up to \$69,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a new office building at 1063 Capitol Way South, Olympia.

(4) Department of enterprise services: Enter into a financing contract for up to \$8,077,000 plus financing expenses and required reserves pursuant to chapter 39.94

RCW to repair the natural resources building parking garage fire suppression system.

(5) Department of ecology: Enter into a financing contract for up to \$180,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for programmatic improvements to the headquarters building and the eastern regional office.

(6) Department of ecology: Enter into a financing contract for up to \$760,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for preservation improvements to the headquarters building.

(7) Central Washington University: Enter into a financing contract for up to \$8,414,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a welcome center.

(8) The Evergreen State College: Enter into a financing contract for up to \$12,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase a permanent location for the Tacoma program.

(9) Western Washington University: Enter into a financing contract for up to \$6,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the carver building renovation.

(10) Eastern Washington University: Enter into a financing contract for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Washington street facility project. The university shall not use their building account or other appropriated account as a fund source for the certificate of participation.

(11) Community and technical colleges:

(a) Enter into a financing contract on behalf of Centralia Community College for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the student services building.

(b) Enter into a financing contract on behalf of Centralia Community College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct student housing.

(c) Enter into a financing contract on behalf of Clark College for up to \$8,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the culinary arts facility.

(d) Enter into a financing contract on behalf of Clark College for up to \$35,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to design and construct a student recreation center.

(e) Enter into a financing contract on behalf of Columbia Basin College for up to \$7,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to design and construct a health science center.

(f) Enter into a financing contract on behalf of Green River College for up to \$15,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an aviation program center.

(g) Enter into a financing contract on behalf of Highline College for up to \$1,500,000 plus financing

expenses and required reserves pursuant to chapter 39.94 RCW to renovate the maintenance and grounds building.

(h) Enter into a financing contract on behalf of Lower Columbia College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the main building.

(i) Enter into a financing contract on behalf of Lower Columbia College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate and expand the Myklebust gymnasium.

(j) Enter into a financing contract on behalf of Tacoma Community College for up to \$12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to expand a health and wellness center.

(k) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a workforce and business development center.

(l) Enter into a financing contract on behalf of Bellevue College for up to \$45,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct student housing.

(m) Enter into a financing contract on behalf of Pierce College for up to \$3,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and renovate student housing at the Fort Steilacoom campus.

(n) Enter into a financing contract on behalf of Spokane Falls Community College for up to \$19,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to renovate the gymnasium.

(o) Enter into a financing contract on behalf of Wenatchee Valley College for up to \$6,200,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a recreation center.

(12) Washington state patrol: Enter into a financing contract for up to \$13,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to replace the fire training academy burn building; however, local agencies that use the burn building must have indicated support for required fee increases to pay for the debt service for the financing contract. Indication of support means at least sixty percent of local agencies which have used the facility within the prior ten years support the fee increase.

(13) Department of corrections: Enter into a financing contract for up to \$2,163,000 plus financing expenses and required reserves for the remodel of the correctional industry's food factory.

**NEW SECTION. Sec. 6003.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

By June 30, 2017, the department of natural resources shall transfer to Green River College, South Seattle College-Georgetown campus, Grays Harbor College, and Highline College the charitable, educational, penal and reformatory institution trust land currently leased to the colleges. The transfer documents must specify that the land be used for the educational purposes of the

colleges and if the land ceases to be used for the educational purposes of the colleges, the colleges shall transfer the land to the department of natural resources to be managed as charitable, educational, penal and reformatory institution trust land.

**NEW SECTION. Sec. 6004.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

The department of natural resources, the department of fish and wildlife, and the state parks and recreation commission shall evaluate the use of locally-produced renewable biofertilizers and fiber from dairy digester systems when such products are cost-competitive and provide a suitable substitute for imported conventional fertilizers and fiber when blended with or used in place of conventional fertilizers and fiber. By November 1, 2016, the agencies shall report to the legislature and governor with the results of the demonstration projects.

**Sec. 6005.** 2015 3rd sp.s. c 3 s 7023 (uncodified) is amended to read as follows:

JLARC WWRP & STATE LAND ACQUISITION STUDY.

(1) The joint legislative audit and review committee must conduct a review of state and local efforts to protect and conserve habitat and expand outdoor recreation since 1990.

(2) The review has two objectives:

(a) To determine what existing or potential objective outcome measures can be used to evaluate the success of major regulatory programs or state expenditures that are intended to protect and conserve habitat and expand outdoor recreation; and

(b) To compare the amount of habitat lands protected through acquisitions and easements with the amount of lands protected through the major regulatory programs within three counties west of the cascades and three counties east of the cascades.

(3) The review must include state expenditures and local and federal expenditures used to match state funding in the following programs:

(a) Salmon recovery funding board expenditures;  
(b) Puget Sound acquisition and restoration;  
(c) Puget Sound estuary and salmon restoration;  
(d) The Washington wildlife and recreation

program;

(e) State parks and recreation commission expenditures that expand recreational lands and facilities;

(f) Trust land transfer program and other expenditures by the department of natural resources that protect habitat or expand recreation; and

(g) Other state expenditures that expand recreational lands and facilities.

~~((3))~~ (4) The review must also include the following regulatory programs:

(a) Growth management regulations regarding critical areas;

(b) Wetland restrictions;

(c) Shoreline management rules;

(d) Forest practices regulation; ~~((and))~~

(e) Hydraulic project approval program;

(f) The clean water act; and

(g) Flood plain management.

~~((4))~~ (5) The review must identify other objective benefits provided by each of the included programs, such as public safety, habitat protection, environmental quality, public health, protection of ~~((infrastructure))~~ infrastructure, maintaining or improving recreational access proportional to state population growth, and economic development. The review must include existing studies and analyses of these objective benefits.

~~((5))~~ (6) The review must also examine a sample of recreation and habitat land acquisition by state agencies within the past ten years to determine whether the state agencies have a land stewardship program for the land parcels, what that program entails, and the extent of compliance with that program. Land stewardship includes, but is not limited to, restoring or developing the land to meet the objectives of the acquisition, suppressing invasive weeds, securing the property to prevent damage, and maintaining the land to prevent wildfires.

~~((6))~~ (7) In undertaking the review, the joint legislative audit and review committee may contract with experts, and shall utilize information provided by state agencies, and provided by stakeholders who use science-based data to quantify benefits of natural lands in measuring the outcomes of regulatory and funding programs to protect and conserve habitat.

~~((7))~~ (8) By December 1, ~~((2016))~~ 2017, the joint legislative audit and review committee must submit a report to the appropriate committees of the senate and the house of representatives that presents information and findings from the study. The report is to include recommendations for accountability measures for determining the achievement of intended outcomes for protecting, acquiring, and improving habitat and recreation lands and facilities.

NEW SECTION. Sec. 6006. A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

Until June 30, 2027, the director of the department of enterprise services is granted authority to transfer and convey real property, known as the former northern state hospital site, to the port of Skagit upon the director's determination that such a transfer is appropriate and in furtherance of the interest of the state. Provided, that any conveyance of ownership interest to the port of Skagit county must restrict the port from transferring ownership of the property to any nongovernmental entity or private person. Should legal requirements to provide behavioral health services at other locations fail to be met, having made diligent efforts to do so, the state may extend the leases with the current behavioral health tenants for the minimum time needed to meet such requirements with due diligence. The director shall consult with the office of financial management. This transfer is not subject to the requirements of RCW 43.09.210.

Sec. 6007. 2015 3rd sp.s. c 3 s 7012 (uncodified) is amended to read as follows:

FOR THE ARTS COMMISSION—ART WORK ALLOWANCE.

(1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding \$200,000 by colleges or universities is provided solely for the purposes of RCW 28B.10.027.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency identified in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2015-2017 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. Art allocations not expended within the ensuing two biennia will lapse. The commission may use up to \$100,000 of this amount to conserve or maintain existing pieces in the state art collection pursuant to RCW 28A.335.210.

(5) The executive director of the arts commission shall appoint a study group to review the operations of the one-half of one percent for works of art purchased or commissioned as required by RCW 28A.335.210, 28B.10.027, and 43.17.200. The findings of the review must be reported annually to the office of financial management and the fiscal committees of the legislature by ~~((August))~~ September 15th. The review must include, but is not limited to, the following: (a) Projects purchased or commissioned per biennium; (b) partner agencies; (c) funding sources by fiscal year; (d) artwork costs; (e) administrative costs; (f) collection care costs; and (g) project status.

Sec. 6008. RCW 28B.10.027 and 2005 c 36 s 3 are each amended to read as follows:

(1) All universities and colleges shall allocate as a nondeductible item, out of any moneys appropriated for the original construction or any major renovation or remodel work exceeding two hundred thousand dollars of any building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission with the approval of the board of regents or trustees for the acquisition of works of art.

(2) For projects funded in the 2015-2017 capital budget, an institution of higher education, working with the Washington arts commission, may expend up to ten percent of the projected art allocation for a project during the design phase in order to select an artist and design art to be integrated in the building design. The one-half of one percent to be expended by the Washington arts commission must be adjusted downward by the amount expended by a university or college during the design phase of the capital project.

(3) The works of art may be placed on public lands of institutions of higher education, integral to or attached to a public building or structure of institutions of higher education, detached within or outside a public building or

structure of institutions of higher education, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities.

(4) In addition to the cost of the works of art, the one-half of one percent of the appropriation shall be used to provide for the administration of the visual arts program, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, and other buildings of a temporary nature.

**NEW SECTION. Sec. 6009.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

Consistent with RCW 39.35B.050, the office of financial management shall require a life cycle cost analysis to be prepared as part of any proposal to acquire, construct, or lease all new state office buildings and warehouses to establish the economic viability of the project and prove its benefit to Washington state taxpayers. A life cycle cost analysis must be prepared on all projects or buildings greater than 20,000 square feet. A life cycle cost analysis must be performed by the office of financial management when preparing the state's six-year facilities plan or when evaluating a request for a project through the modified predesign or budget review processes. All results of the life cycle cost analysis must be verified by an independent consultant selected by the chairs of the house of representatives and senate capital budget committees and transmitted to the appropriate legislative committees and be published on the office of financial management's web site to inform stakeholders. Funding for the life cycle cost analysis must include funding for the review by independent consultants. The life cycle cost analysis must include all moneys related to the development of the project including but not limited to: (1) Predesign; (2) design; (3) consultants; (4) demolition; (5) construction costs; (6) tenant relocation costs; (7) parking costs; (8) ongoing maintenance; (9) future capital improvements expected during the term of the lease or building ownership; and (10) other related costs by both state-owned and privately owned facilities.

**Sec. 6010.** RCW 39.80.040 and 2010 c 5 s 10 are each amended to read as follows:

In the procurement of architectural and engineering services, the agency shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, based upon criteria established by the agency, the firm deemed to be the most highly qualified to provide the services required for the proposed project. Such agency procedures and guidelines shall include a plan to (~~insure~~) ensure that

minority and women-owned firms and veteran-owned firms are afforded the maximum practicable opportunity to compete for and obtain public contracts for services. The level of participation by minority and women-owned firms and veteran-owned firms shall be consistent with their general availability within the professional communities involved. For the 2015-2017 biennium the procurement for services related to modular classrooms may be expedited.

**Sec. 6011.** RCW 43.83B.430 and 2011 c 5 s 911 are each amended to read as follows:

The state drought preparedness account is created in the state treasury. All receipts from appropriated funds designated for the account and funds transferred from the state emergency water projects revolving account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for drought preparedness. During the 2009-2011 fiscal biennium, the legislature may transfer from the state drought preparedness account to the state general fund such amounts as reflect the excess fund balance of the account. During the 2015-2017 fiscal biennium the account may also be used for drought response.

**NEW SECTION. Sec. 6012.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

To avoid unnecessary duplication of infrastructure installation and reduce school construction costs funded through the school construction assistance program in this budget, by June 1, 2016, the building code council shall adopt emergency amendments providing that buildings classed as E occupancies, as defined in the state building code, are not required to install an emergency voice alarm system as defined in the 2012 International Building Code and International Fire Code section 907.2.3. The school district must comply with RCW 28A.320.126 by working collaboratively with local law enforcement agencies to develop an emergency response system using evolving technologies and the school district must adopt a safe school plan under RCW 28A.320.125.

**Sec. 6013.** RCW 70.148.020 and 2013 2nd sp.s. c 4 s 993 are each amended to read as follows:

(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the pollution liability insurance and underground storage tank community assistance programs. Expenditures for payment of administrative and operating costs of the agency are subject to the allotment procedures under chapter 43.88 RCW and may be made only after appropriation by statute. No appropriation is required for other expenditures from the account.

(2) Each calendar quarter, the director shall report to the insurance commissioner the loss and surplus reserves

required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

(3) Each calendar quarter the director shall determine the amount of reserves necessary to fund commitments made to provide financial assistance under RCW 70.148.130 to the extent that the financial assistance reserves do not jeopardize the operations and liabilities of the pollution liability insurance program. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter. The director may immediately establish an initial financial assistance reserve of five million dollars from available revenues. The director may not expend more than fifteen million dollars for the financial assistance program.

(4) During the 2013-2015 fiscal biennium, the legislature may transfer from the pollution liability insurance program trust account to the state general fund such amounts as reflect the excess fund balance of the account.

(5) During the 2015-2017 fiscal biennium, the legislature may transfer from the pollution liability insurance program trust account to the underground storage tank revolving account such amounts as reflect the excess fund balance of the account.

(6) This section expires July 1, 2020.

**Sec. 6014.** 2015 3rd sp.s. c 3 s 7037 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER—TRANSFERS**

Public works assistance account—state: For transfer to the water pollution control revolving account, up to \$6,000,000 for fiscal year 2016 and up to \$6,000,000 for fiscal year 2017..... \$12,000,000

Public works assistance account—state: For transfer to the drinking water assistance account, up to \$4,000,000 for fiscal year 2016 and up to \$4,000,000 for fiscal year 2017 ..... \$8,000,000

Pollution liability insurance program trust account—state: For transfer to the underground storage tank revolving account..... \$10,005,000

**Sec. 6015.** 2015 3rd sp.s. c 3 s 7038 (uncodified) is amended to read as follows:

**STATE TREASURER TRANSFER AUTHORITY**

State toxics control account: For transfer to the environmental legacy ~~((trust))~~ stewardship account..... \$24,000,000

Local toxics control account: For transfer to the environmental legacy ~~((trust))~~ stewardship account..... \$30,000,000

(1) As directed by the department of ecology in consultation with the office of financial management, the state treasurer shall transfer amounts among the state toxics control account, the local toxics control account, and the environmental legacy stewardship account as needed during the 2015-2017 fiscal biennium to maintain positive account balances in all three accounts.

(2) As directed by the department of ecology in consultation with the office of financial management, the state treasurer shall transfer amounts from the cleanup settlement account established in RCW 70.105D.130 to the state toxics control account, the local toxics control account or the environmental legacy stewardship account to maintain positive account balances up to an amount not to exceed ~~(((\$13,000,000))~~ \$23,000,000 that must be considered an inter fund loan that must be repaid with interest to the cleanup settlement account in three equal repayments in fiscal years ~~((2018,))~~ 2019, ~~((and))~~ 2020, and 2021.

(3) If, after using the inter-fund transfer authority granted in this section, the department of ecology determines that further reductions are needed to maintain positive account balances in the state toxics control account, the local toxics control account, and the environmental legacy stewardship account, the department is authorized to delay the start of clean-up projects based on acuity of need, readiness to proceed, cost-efficiency, or need to ensure geographic distribution. ~~((If the department uses this authority,))~~

(4) By June 30, 2017, the department must submit a ~~((prioritized))~~ list of projects that ~~((may be))~~ were delayed to the office of financial management and the appropriate fiscal committees of the legislature.

NEW SECTION. **Sec. 6016.** A new section is added to chapter 43.79 RCW to read as follows:

The dairy nutrient infrastructure account is created in the state treasury. All receipts from repayment of loans made by the state conservation commission for dairy nutrient management demonstration projects must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for dairy nutrient management demonstration projects.

**Sec. 6017.** 2015 3rd sp.s. c 3 s 1001 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

House of Representatives Interim Task Force on Washington Waters (91000002)

(1) The house of representatives finds that low water supply in portions of eastern Washington, catastrophic flood damage, and storm water runoff polluting state waterways have reached crisis levels, endangering the health and safety of our citizens and the environment.

(2) The house of representatives interim task force on Washington waters is established to build upon the foundation of Senate Bill No. 5628 that was introduced in the 2015 regular session and provided for storm water, flood control, and water supply infrastructure in the state. The objective of the task force is to prepare a report and draft legislation for consideration in the 2016 legislative session that:

(a) Quantifies the level of funding needed through fiscal year 2026 to address the three water priorities;

- (b) Develops and recommends state funding options that address the three water priorities equally;
  - (c) Develops and recommends local funding options that generate revenues from municipal and agricultural beneficiaries;
  - (d) Develops and recommends criteria and mechanisms for managing, prioritizing and distributing the funding;
  - (e) Analyzes and reports on the metrics and variables associated with water market pricing, including the costs per acre-foot of water supply developed and delivered for irrigation; and
  - (f) Addresses other relevant issues as determined by the task force.
- (3) The house of representatives interim task force on Washington waters must consist of ten members:
- (a) Five members from the majority caucus appointed by the speaker of the house, including the chair of the capital budget committee; one member each from the appropriations, finance, and transportation committees; and one member at large; and
  - (b) Five members from the minority caucus appointed by the minority leader, including the ranking minority member of the capital budget committee; one member each from the appropriations, finance, and transportation committees; and one member at large.
  - (c) The chair and the ranking minority member of the capital budget committee shall cochair the task force.
  - (d) Appointments to the task force must be completed within fifteen days of the effective date of this section.
  - (4) Principal staff support for the task force must be provided by the house of representatives office of program research. The task force may:
    - (a) Request the participation of the office of financial management and other relevant executive branch agencies;
    - (b) Enter into contracts with persons who have specific technical expertise; and
    - (c) Solicit information and perspectives from representatives of public and private organizations.
  - (5) Legislative members of the task force must be reimbursed for travel expenses in accordance with RCW 44.04.120. Task force expenditures are subject to approval by the house of representatives executive rules committee, or its successor committee.
  - (6) The task force must report its findings and recommendations to appropriate legislative committees by November 15, 2015.
  - (7) The task force expires on June 30, 2016.
  - ~~((8) The appropriation in this section is provided solely for any technical research and analysis required to carry out the task force objectives in subsection (2) of this section.~~

Appropriation:	
<del>State Building Construction Account—</del>	
State .....	\$75,000
Prior Biennia (Expenditures) .....	\$0
Future Biennia (Projected Costs) .....	\$0
<b>TOTAL .....</b>	<b>\$75,000</b>

NEW SECTION. Sec. 6018. A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

- (1) The legislature intends to consider forming a joint legislative task force on school construction in 2017. To prepare for the work of such a task force, the legislature desires input and data collection from a school construction technical work group as described in subsection (2) of this section.
- (2) The school construction technical work group consists of fiscal or related staff from the office of program research of the house of representatives, senate committee services, and the office of financial management, in consultation with the office of superintendent of public instruction, and the citizen advisory panel and technical advisory group as established in RCW 28A.525.025.
- (3) The technical work group shall monitor the progress and status of the following work underway during 2016:
  - (a) The status of implementing chapter 41, Laws of 2015 3rd sp. sess., including recommendations for modifying the formula to fund K-3 classrooms due to the legislature by December 1, 2016;
  - (b) The findings and results from the work performed by the Washington State University energy office, including verification of K-12 building condition and classroom counts, and measuring school sizes in a sample of schools due to the legislature by December 1, 2016;
  - (c) The findings and results from the work by educational service district 112, including the major causes of variations in the cost of construction of schools due to the legislature by September 1, 2016; and
  - (d) The status of implementing capital grants to improve facilities for science, technology, engineering, and math education (STEM), including how the grants interact with the school construction assistance program due to the legislature by June 30, 2016.
- (4) Based on the findings and results of the work underway in subsection (3) of this section and recommendations made by previous task forces, the technical work group shall compile key elements and identify issues for the legislature to consider to improve how state assistance is provided to school districts to design, build, and maintain public schools. The key elements compiled and issues identified may include, but not be limited to, the following:
  - (a) Education specifications recognized by the state for effective and efficient school design and construction for the purpose of providing guidance to school districts when designing school construction projects;
  - (b) A capital asset model for K-12 school construction that considers space and usage needs to calculate construction assistance for:
    - (i) New schools to accommodate enrollment growth;
    - (ii) Major modernization projects to address aging facilities;
    - (iii) Replacement and renewal of major building systems based on achieving lowest life-cycle building costs, provided that standards of routine maintenance are achieved by local districts;

(iv) Specialized facility improvements, such as STEM facilities and vocational facilities such as skills centers;

(c) Transparency when districts are proposing local bond issues and capital levies for school construction;

(d) Equity in allocating grants for school construction such that the share of school construction costs reflects the relative ability to raise necessary property taxes to pay for the local share; and

(e) An alternative process for projecting enrollment growth to allow for incremental growth.

(5) The technical work group shall:

(a) Periodically report its progress and findings to members of the senate ways and means committee and the house of representatives capital budget committee; and

(b) Make an initial report to the appropriate committees of the legislature during 2016 interim committee assembly. A final report is due to the legislature by January 15, 2017.

**NEW SECTION. Sec. 6019.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:  
BELATED CLAIMS.

The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

**NEW SECTION. Sec. 6020.** A new section is added to 2015 3rd sp.s. c 3 (uncodified) to read as follows:

The office of financial management shall analyze and make recommendations on strategies to stabilize revenue and provide more reliable funding for the purposes under RCW 70.105D.070. The agency must consult with the department of revenue, the department of ecology, fiscal and budget staff of the house of representatives and the senate, and independent policy experts and practitioners. A report must be submitted to the legislature no later than November 1, 2016, and must include the following information:

(1) Historic spending rates and trends for cleaning up toxic sites, preventing and controlling pollution, and splits between operating and capital spending;

(2) Recommendations on prioritizing funding under RCW 70.105D.070 and budget strategies to meet existing and projected needs;

(3) An evaluation of options to increase the sustainability and decrease the volatility of the revenue from the hazardous substance tax;

(4) An analysis of revenue for toxic cleanup and prevention purposes in other states; and

(5) Measures to improve transparency, efficiency, and budget accountability.

**Sec. 6021.** RCW 43.84.180 and 2003 c 150 s 3 are each amended to read as follows:

The proportionate share of earnings based on the average daily balance in the public works assistance

account shall be placed in the public facilities construction loan revolving fund, provided that during the 2015-2017 biennium the public works assistance account must retain its own interest earnings and costs.

**NEW SECTION. Sec. 6022.** 2015 3rd sp.s. c 3 s 1072 (uncodified) is repealed.

**NEW SECTION. Sec. 6023.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately." Correct the title.

Representatives Tharinger and DeBolt spoke in favor of the adoption of the amendment.

Amendment (982) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Tharinger, DeBolt and Smith spoke in favor of the passage of the bill.

Representative Stanford spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2380.

## ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2380, and the bill passed the House by the following vote: Yeas, 86; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Fey, Frame, Goodman, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Farrell, Fitzgibbon, Gregerson, McCaslin, Reykdal, Scott, Shea, Stanford and Taylor.

Excused: Representatives Hargrove, Hurst and Moscoso.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2380, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2988, by Representative Dunshee**

**Making expenditures from the budget stabilization account to make critical investments. Revised for 1st Substitute: Making expenditures from the budget stabilization account.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2988 was substituted for House Bill No. 2988 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2988 was read the second time.

Representative Dunshee moved the adoption of amendment (977):

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the 2015 wildfires constituted a catastrophic event that resulted in a state of emergency. The legislature intends to make appropriations from the budget stabilization account to address this emergency.

**NEW SECTION. Sec. 2.** FOR THE DEPARTMENT OF NATURAL RESOURCES—FIRES. The sum of \$154,966,000 is appropriated from the budget stabilization account for the fiscal year ending June 30, 2016, and is provided solely for fire suppression costs incurred by the department of natural resources during the 2015 fire season. Amounts provided in this section may not be used to pay for the department's indirect and administrative expenses. For purposes of RCW 43.88.055(4), the appropriation in this section does not suspend the requirements of RCW 43.88.055(1).

**NEW SECTION. Sec. 3.** FOR THE DEPARTMENT OF FISH AND WILDLIFE—FIRES. The sum of \$155,000 is appropriated from the budget stabilization account for the fiscal year ending June 30, 2016, and is provided solely for the fire suppression costs incurred by the department of fish and wildlife during the 2015 fire suppression season. Amounts provided in this section may not be used to pay for the department's indirect and administrative expenses. For purposes of RCW 43.88.055(4), the appropriation in this section does not suspend the requirements of RCW 43.88.055(1).

**NEW SECTION. Sec. 4.** FOR THE WASHINGTON STATE PATROL—FIRES. The sum of \$34,365,000 is appropriated from the budget stabilization account for the fiscal year ending June 30, 2016, and is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 through 43.43.964. For purposes of

RCW 43.88.055(4), the appropriation in this section does not suspend the requirements of RCW 43.88.055(1).

**NEW SECTION. Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Amendment (977) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dunshee spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2988.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2988, and the bill passed the House by the following vote: Yeas, 88; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Calder, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Holy, McCaslin, Pike, Scott, Shea, Taylor and Young.

Excused: Representatives Hargrove, Hurst and Moscoso.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2988, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 2450 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

## SECOND READING

**SUBSTITUTE HOUSE BILL NO. 2450, by House Committee on Health Care & Wellness (originally sponsored by Representatives Tharinger, Short, Cody, Schmick, Jinkins and Blake)**

**Allowing critical access hospitals participating in the Washington rural health access preservation pilot to resume critical access hospital payment and licensure.**

The bill was read the second time.

Representative Short moved the adoption of amendment (988):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 6. The legislature finds that small critical access hospitals provide essential services to their communities. The legislature recognizes the need to offer small critical access hospitals the opportunity to pilot different delivery and payment models than may be currently allowed under the critical access hospital program. The legislature also intends to allow these participating hospitals to return to the critical access hospital program if they so choose.

**Sec. 7.** RCW 74.09.5225 and 2014 c 57 s 2 are each amended to read as follows:

(1) Payments for recipients eligible for medical assistance programs under this chapter for services provided by hospitals, regardless of the beneficiary's managed care enrollment status, shall be made based on allowable costs incurred during the year, when services are provided by a rural hospital certified by the centers for medicare and medicaid services as a critical access hospital. Any additional payments made by the authority for the healthy options program shall be no more than the additional amounts per service paid under this section for other medical assistance programs.

(2)(a) Beginning on July 24, 2005, except as provided in (b) of this subsection, a moratorium shall be placed on additional hospital participation in critical access hospital payments under this section. However, rural hospitals that applied for certification to the centers for medicare and medicaid services prior to January 1, 2005, but have not yet completed the process or have not yet been approved for certification, remain eligible for medical assistance payments under this section.

(b)(i) For the purposes of state law, any rural hospital approved by the department of health for participation in critical access hospital payments under this section that participates in the Washington rural health

access preservation pilot identified by the state office of rural health and ceases to participate in critical access hospital payments may renew participation in critical access hospital associated payment methodologies under this section at any time.

(ii) The Washington rural health access preservation pilot is subject to the following requirements:

(A) In the pilot formation or development, the department of health, health care authority, and Washington state hospital association will identify goals for the pilot project before any hospital joins the pilot project;

(B) Participation in the pilot is optional and no hospital may be required to join the pilot;

(C) Before a hospital enters the pilot program, the health care authority must provide information to the hospital regarding how the hospital could end its participation in the pilot if the pilot is not working in its community; and

(D) The department of health, health care authority, and Washington state hospital association will report interim progress to the legislature no later than December 1, 2018, and will report on the results of the pilot no later than six months following the conclusion of the pilot. The reports will describe any policy changes identified during the course of the pilot that would support small critical access hospitals.

(3)(a) Beginning January 1, 2015, payments for recipients eligible for medical assistance programs under this chapter for services provided by a hospital, regardless of the beneficiary's managed care enrollment status, shall be increased to one hundred twenty-five percent of the hospital's fee-for-service rates, when services are provided by a rural hospital that:

(i) Was certified by the centers for medicare and medicaid services as a sole community hospital as of January 1, 2013;

(ii) Had a level III adult trauma service designation from the department of health as of January 1, 2014;

(iii) Had less than one hundred fifty acute care licensed beds in fiscal year 2011; and

(iv) Is owned and operated by the state or a political subdivision.

(b) The enhanced payment rates under this subsection shall be considered the hospital's medicaid payment rate for purposes of any other state or private programs that pay hospitals according to medicaid payment rates.

(c) Hospitals participating in the certified public expenditures program may not receive the increased reimbursement rates provided in this subsection (3) for inpatient services.

**Sec. 8.** RCW 70.41.090 and 1992 c 27 s 3 are each amended to read as follows:

(1) No person or governmental unit of the state of Washington, acting separately or jointly with any other person or governmental unit, shall establish, maintain, or conduct a hospital in this state, or use the word "hospital" to describe or identify an institution, without a license under this chapter: PROVIDED, That the provisions of this section shall not apply to state mental institutions and

psychiatric hospitals which come within the scope of chapter 71.12 RCW.

(2) After June 30, 1989, no hospital shall initiate a tertiary health service as defined in RCW 70.38.025(14) unless it has received a certificate of need as provided in RCW 70.38.105 and 70.38.115.

(3) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under this chapter may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be required to meet certificate of need requirements under chapter 70.38 RCW as a new health care facility and not be required to meet new construction requirements as a new hospital under this chapter. These exceptions are subject to the following: The facility at the time of initial conversion was considered by the department to be in compliance with the hospital licensing rules and the condition of the physical plant and equipment is equal to or exceeds the level of compliance that existed at the time of conversion to a rural health care facility. The department shall inspect and determine compliance with the hospital rules prior to reissuing a hospital license.

(4) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of licensed beds, increase the number of beds licensed under this chapter to no more than the previously licensed number of beds without being subject to the provisions of chapter 70.38 RCW and without being required to meet new construction requirements under this chapter. These exceptions are subject to the following: The facility at the time of the reduction in licensed beds was considered by the department to be in compliance with the hospital licensing rules and the condition of the physical plant and equipment is equal to or exceeds the level of compliance that existed at the time of the reduction in licensed beds. The department may inspect and determine compliance with the hospital rules prior to increasing the hospital license.

(5) If a rural hospital is determined to no longer meet critical access hospital status for state law purposes as a result of participation in the Washington rural health access preservation pilot identified by the state office of rural health, the rural hospital may renew its license by applying to the department for a hospital license and the previously licensed number of beds without being subject to the provisions of chapter 70.38 RCW and without being required to meet new construction review requirements under this chapter. These exceptions are subject to the following: The hospital, at the time it began participation in the pilot, was considered by the department to be in compliance with the hospital licensing rules, and the condition of the physical plant and equipment is equal to or exceeds the level of compliance that existed at the time of the reduction in licensed beds. The department may inspect and determine compliance with the hospital licensing rules. If all or part of a formerly licensed rural hospital is sold, purchased, or leased during the period the rural hospital does not meet critical access hospital status as a result of

participation in the Washington rural health access preservation pilot and the new owner or lessor applies to renew the rural hospital's license, then the sale, purchase, or lease of part or all of the rural hospital is subject to the provisions of chapter 70.38 RCW.

**Sec. 9.** RCW 70.38.111 and 2014 c 225 s 106 are each amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization; if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW

70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in (1)(c) which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in (1)(c) unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of (1)(a)(i), and (ii) with respect to such facility, meets the requirements of (1)(a)(ii) or (iii) or the requirements of (1)(b)(i) and (ii).

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements to the offering of inpatient tertiary health services to the extent that such offering is not exempt under the provisions of this section or RCW 70.38.105(7).

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter 70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care, the rural health care facility has been in

continuous operation, and the rural health care facility has not been purchased or leased.

(8) A rural hospital determined to no longer meet critical access hospital status for state law purposes as a result of participation in the Washington rural health access preservation pilot identified by the state office of rural health and formerly licensed as a hospital under chapter 70.41 RCW may apply to the department to renew its hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW. If all or part of a formerly licensed rural hospital is sold, purchased, or leased during the period the rural hospital does not meet critical access hospital status as a result of participation in the Washington rural health access preservation pilot and the new owner or lessor applies to renew the rural hospital's license, then the sale, purchase, or lease of part or all of the rural hospital is subject to the provisions of chapter 70.38 RCW.

(9)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed assisted living facility care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room or to otherwise enhance the quality of life for residents in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the previously licensed number of nursing home beds without obtaining a certificate of need under this chapter, provided the facility has been in continuous operation and has not been purchased or leased. Any conversion to the original licensed bed capacity, or to any portion thereof, shall comply with the same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds; unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

(i) Give notice of its intent to preserve conversion options to the department of health no later than thirty days after the effective date of the license reduction; and

(ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given, at a minimum, one year prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given a minimum of ninety days prior to the effective date of license modification reflecting the restored beds. Prior to any license modification to convert beds back to nursing home beds under this section, the licensee must demonstrate that the nursing home meets the certificate of need exemption requirements of this section.

The term "construction," as used in (b)(ii) of this subsection, is limited to those projects that are expected to

equal or exceed the expenditure minimum amount, as determined under this chapter.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating need under RCW 70.38.115(2) (a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

(e) When a building owner has secured an interest in the nursing home beds, which are intended to be voluntarily reduced by the licensee under (a) of this subsection, the applicant shall provide the department with a written statement indicating the building owner's approval of the bed reduction.

~~((9))~~ (10)(a) The department shall not require a certificate of need for a hospice agency if:

(i) The hospice agency is designed to serve the unique religious or cultural needs of a religious group or an ethnic minority and commits to furnishing hospice services in a manner specifically aimed at meeting the unique religious or cultural needs of the religious group or ethnic minority;

(ii) The hospice agency is operated by an organization that:

(A) Operates a facility, or group of facilities, that offers a comprehensive continuum of long-term care services, including, at a minimum, a licensed, medicare-certified nursing home, assisted living, independent living, day health, and various community-based support services, designed to meet the unique social, cultural, and religious needs of a specific cultural and ethnic minority group;

(B) Has operated the facility or group of facilities for at least ten continuous years prior to the establishment of the hospice agency;

(iii) The hospice agency commits to coordinating with existing hospice programs in its community when appropriate;

(iv) The hospice agency has a census of no more than forty patients;

(v) The hospice agency commits to obtaining and maintaining medicare certification;

(vi) The hospice agency only serves patients located in the same county as the majority of the long-term care services offered by the organization that operates the agency; and

(vii) The hospice agency is not sold or transferred to another agency.

(b) The department shall include the patient census for an agency exempted under this subsection ~~((9))~~ (10) in its calculations for future certificate of need applications.

~~((10))~~ (11) To alleviate the need to board psychiatric patients in emergency departments, for fiscal year 2015 the department shall suspend the certificate of need requirement for a hospital licensed under chapter 70.41 RCW that changes the use of licensed beds to increase the number of beds to provide psychiatric services,

including involuntary treatment services. A certificate of need exemption under this section shall be valid for two years."

Correct the title.

Representatives Short and Tharinger spoke in favor of the adoption of the amendment.

Amendment (988) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Short spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2450.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2450, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walkinshaw, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives Hargrove, Hurst and Moscoso.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2450, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 2778 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 2778, by House Committee on Transportation (originally sponsored by Representatives Fey, Orcutt, Clibborn, McBride, Moscoso, Hickel, Stambaugh, Bergquist, Tharinger and Tarleton)**

**Modifying retail sales and use tax exemption criteria for certain clean alternative fuel vehicles.**

The bill was read the second time.

Representative Fey moved the adoption of amendment (974):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 10.** This section is the tax preference performance statement for the tax preferences contained in sections 2 and 3 of this act. The performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(1) The legislature categorizes the tax preference as one intended to induce certain designated behavior by taxpayers, as indicated in RCW 82.32.808(2)(a).

(2) It is the legislature's specific public policy objective to increase the use of clean alternative fuel vehicles in Washington. It is the legislature's intent to extend the existing sales and use tax exemption on certain clean alternative fuel vehicles in order to reduce the price charged to customers for clean alternative fuel vehicles.

(3) To measure the effectiveness of the tax preferences in sections 2 and 3 of this act in achieving the public policy objectives described in subsection (2) of this section, the joint legislative audit and review committee must evaluate the number of clean alternative fuel vehicles titled in the state.

(4) In order to obtain the data necessary to perform the review in subsection (3) of this section, the department of licensing must provide data needed for the joint legislative audit and review committee analysis. In addition to the data source described under this subsection, the joint legislative audit and review committee may use any other data it deems necessary.

**Sec. 11.** RCW 82.08.809 and 2015 3rd sp.s. c 44 s 408 are each amended to read as follows:

(1)(a) Except as provided in subsection (4) of this section, the tax levied by RCW 82.08.020 does not apply to sales of new passenger cars, light duty trucks, and medium duty passenger vehicles, which ~~((a))~~ (i) are exclusively powered by a clean alternative fuel or ~~((b))~~ (ii) use at least one method of propulsion that is capable of being

reenergized by an external source of electricity and are capable of traveling at least thirty miles using only battery power.

(b) Beginning with sales made or lease agreements signed on or after July 1, 2016, the exemption in this section is only applicable for up to thirty-two thousand dollars of a vehicle's selling price or the total lease payments made plus the selling price of the leased vehicle if the original lessee purchases the leased vehicle before the expiration of the exemption as described in subsection (6) of this section.

(2) The seller must keep records necessary for the department to verify eligibility under this section.

(3) As used in this section, "clean alternative fuel" means natural gas, propane, hydrogen, or electricity, when used as a fuel in a motor vehicle that meets the California motor vehicle emission standards in Title 13 of the California code of regulations, effective January 1, 2005, and the rules of the Washington state department of ecology.

(4)(a) A sale, other than a lease, of a vehicle identified in subsection (1)(a) of this section made on or after July 15, 2015, and before July 1, 2016, is not exempt from sales tax as described under subsection (1) of this section if the selling price of the vehicle plus trade-in property of like kind exceeds thirty-five thousand dollars.

(b) A sale, other than a lease, of a vehicle identified in subsection (1)(a) of this section made on or after July 1, 2016, and before the expiration of the exemption as described in subsection (6) of this section, is not exempt from sales tax as described under subsection (1)(b) of this section if, at the time of sale, the lowest manufacturer's suggested retail price, as determined in rule by the department of licensing pursuant to chapter 34.05 RCW, for the base model is more than forty-two thousand five hundred dollars.

(c) For leased vehicles for which the lease agreement was signed before July 1, 2015, lease payments are exempt from sales tax as described under subsection (1)(a) of this section regardless of the vehicle's fair market value at the inception of the lease.

(d) For leased vehicles identified in subsection (1)(a) of this section for which the lease agreement is signed on or after July 15, 2015, and before July 1, 2016, lease payments are not exempt from sales tax ((as described under subsection (1) of this section)) if the fair market value of the vehicle being leased exceeds thirty-five thousand dollars at the inception of the lease. For the purposes of this subsection (4)((b)), "fair market value" has the same meaning as "value of the article used" in RCW 82.12.010.

((c) For leased vehicles for which the lease agreement was signed before July 15, 2015, lease payments are exempt from sales tax as described under subsection (1) of this section regardless of the vehicle's fair market value at the inception of the lease.))

(e) For leased vehicles identified in subsection (1)(a) of this section for which the lease agreement is signed on or after July 1, 2016, and before the expiration of the exemption as described in subsection (6) of this section, lease payments are not exempt from sales tax as described under subsection (1)(b) of this section if, at the inception of

the lease, the lowest manufacturer's suggested retail price, as determined in rule by the department of licensing pursuant to chapter 34.05 RCW, for the base model is more than forty-two thousand five hundred dollars.

(f) The department of licensing must maintain and publish a list of all vehicle models qualifying for the sales tax exemption under this section until the expiration of the exemption as described in subsection (6) of this section.

(5) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data, except that the department may provide estimates of taxes exempted under this section until such time as retailers are able to report such exempted amounts on their tax returns. For purposes of this section, the first transfer for the calendar quarter after July 15, 2015, must be calculated assuming only those revenues that should have been deposited into the general fund beginning July 1, 2015.

~~(6) ((Lease payments due on or after July 1, 2019, are subject to the taxes imposed under this chapter.~~

~~(7) This section expires July 1, 2019.)) (a) The exemption under this section expires, effective with sales of vehicles delivered to the buyer or leased vehicles for which the lease agreement was signed, after the last day of the calendar month immediately following the month the department receives notice from the department of licensing under subsection (7)(b) of this section. All leased vehicles that qualified for the exemption before the expiration of the exemption must continue to receive the exemption as described under subsection (1)(b) of this section on lease payments due through the remainder of the lease.~~

(b) Upon receiving notice from the department of licensing under subsection (7)(b) of this section, the department must provide notice as soon as is practicable on its web site of the expiration date of the exemption under this section.

(c) For purposes of this subsection, even if the department of licensing provides the department with notice under subsection (7)(b) of this section before the end of the fifth working day of the month notice is required, the notice is deemed to have been received by the department at the end of the fifth working day of the month notice is required.

(d) If, by the end of the fifth working day of May 2019, the department has not received notice from the department of licensing under subsection (7)(b) of this section, the exemption under this section expires effective with sales of vehicles delivered to the buyer or leased vehicles for which the lease agreement was signed after June 30, 2019.

(e) Nothing in this subsection (6) may be construed to affect the validity of any exemption properly allowed by a seller under this section before the expiration of the exemption as described in (a) of this subsection and

reported to the department on returns filed after the expiration of the exemption.

(f) Nothing in this subsection (6) may be construed to allow an exemption under this section for the purchase of a qualifying vehicle by the original lessee of the vehicle after the expiration of the exemption as provided in (a) of this subsection.

(7)(a) By the end of the fifth working day of each month, until the expiration of the exemption as described in subsection (6) of this section, the department of licensing must determine the cumulative number of qualifying vehicles titled on or after July 15, 2015, and provide notice of the cumulative number of these vehicles to the department.

(b) The department of licensing must notify the department once the cumulative number of qualifying vehicles titled in the state on or after July 15, 2015, equals or exceeds seven thousand five hundred.

(8) By the last day of July 2016, and every six months thereafter until the expiration of the exemption as described in subsection (6) of this section, based on the best available data, the department must report the following information to the transportation committees of the legislature: The cumulative number of qualifying vehicles titled in the state on or after July 15, 2015, as reported to it by the department of licensing; and the dollar amount of all state retail sales and use taxes exempted on or after July 15, 2015, under this section and RCW 82.12.809.

(9) For purposes of this section, "qualifying vehicle" means a vehicle qualifying for the exemption under this section or RCW 82.12.809 in which the sale was made or the lease agreement was signed on or after July 15, 2015.

**Sec. 12.** RCW 82.12.809 and 2015 3rd sp.s. c 44 s 409 are each amended to read as follows:

(1)(a) Except as provided in subsection (4) of this section, (~~until July 1, 2019,~~) the provisions of this chapter do not apply in respect to the use of new passenger cars, light duty trucks, and medium duty passenger vehicles, which (~~(i)~~) (i) are exclusively powered by a clean alternative fuel or (~~(ii)~~) (ii) use at least one method of propulsion that is capable of being reenergized by an external source of electricity and are capable of traveling at least thirty miles using only battery power.

(b) Beginning with purchases made or lease agreements signed on or after July 1, 2016, the exemption in this section is only applicable for up to thirty-two thousand dollars of a vehicle's purchase price or the total lease payments made plus the purchase price of the leased vehicle if the original lessee purchases the leased vehicle before the expiration of the exemption as described in RCW 82.08.809(6).

(2) The definitions in RCW 82.08.809 apply to this section.

(3) A taxpayer is not liable for the tax imposed in RCW 82.12.020 on the use, on or after (~~July 1, 2019~~) the expiration of the exemption as described in RCW 82.08.809(6), of a passenger car, light duty truck, or medium duty passenger vehicle that is exclusively powered by a clean alternative fuel or uses at least one method of

propulsion that is capable of being reenergized by an external source of electricity and is capable of traveling at least thirty miles using only battery power, if the taxpayer used such vehicle in this state before (~~July 1, 2019~~) the expiration of the exemption as described in RCW 82.08.809(6), and the use was exempt under this section from the tax imposed in RCW 82.12.020.

(4)(a) For vehicles identified in subsection (1)(a) of this section purchased on or after July 1, 2016, and before the expiration of the exemption as described in RCW 82.08.809(6), or for leased vehicles identified in subsection (1)(a) of this section for which the lease agreement was signed on or after July 1, 2016, and before the expiration of the exemption as described in RCW 82.08.809(6), a vehicle is not exempt from use tax as described under subsection (1)(b) of this section if, at the time the tax is imposed for purchased vehicles or at the inception of the lease for leased vehicles, the lowest manufacturer's suggested retail price, as determined in rule by the department of licensing pursuant to chapter 34.05 RCW, for the base model is more than forty-two thousand five hundred dollars.

(b) For vehicles identified in subsection (1)(a) of this section purchased on or after July 15, 2015, and before July 1, 2016, or for leased vehicles identified in subsection (1)(a) of this section for which the lease agreement was signed on or after July 15, 2015, and before July 1, 2016, a vehicle is not exempt from use tax (~~as described under subsection (1) of this section~~) if the fair market value of the vehicle exceeds thirty-five thousand dollars at the time the tax is imposed for purchased vehicles, or at the inception of the lease for leased vehicles.

(~~(b)~~) (c) For leased vehicles for which the lease agreement was signed before July (~~1~~) 1, 2015, lease payments are exempt from use tax as described under subsection (1)(a) of this section regardless of the vehicle's fair market value at the inception of the lease.

(5) On the last day of January, April, July, and October of each year, the state treasurer, based upon information provided by the department, must transfer from the multimodal transportation account to the general fund a sum equal to the dollar amount that would otherwise have been deposited into the general fund during the prior calendar quarter but for the exemption provided in this section. Information provided by the department to the state treasurer must be based on the best available data. For purposes of this section, the first transfer for the calendar quarter after July 15, 2015, must be calculated assuming only those revenues that should have been deposited into the general fund beginning July 1, 2015.

(6) (~~Lease payments due on or after July 1, 2019, are subject to the taxes imposed under this chapter.~~) (a) The exemption provided under this section does not apply to the use of new passenger cars, light duty trucks, and medium duty passenger vehicles, or lease payments due on such vehicles, if the date of sale of the vehicle from the seller to the buyer occurred or the lease agreement was signed after the expiration of the exemption as provided in RCW 82.08.809(6).

(b) All leased vehicles that qualified for the exemption before the expiration of the exemption must continue to receive the exemption as described under

subsection (1)(b) of this section on lease payments due through the remainder of the lease.

(c) Nothing in this subsection (6) may be construed to allow an exemption under this section for the purchase of a qualifying vehicle by the original lessee of the vehicle after the expiration of the exemption.

**NEW SECTION. Sec. 13.** This act takes effect July 1, 2016."

Correct the title.

Representatives Fey and Orcutt spoke in favor of the adoption of the amendment.

Amendment (974) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fey, Orcutt, Magendanz and Reykdal spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 2778.

#### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 2778, and the bill passed the House by the following vote: Yeas, 66; Nays, 29; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Hansen, Harmsworth, Hayes, Hickel, Hudgins, Hunt, Jinkins, Kagi, Kilduff, Kirby, Kochmar, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, McBride, Moeller, Morris, Muri, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Walkinshaw, Wilcox, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Chandler, Condotta, Dent, Dye, Haler, Harris, Hawkins, Holy, Johnson, Klippert, Kretz, Manweller, McCabe, McCaslin, Nealey, Parker, Pike, Schmick, Scott, Shea, Short, Smith, Stokesbary, Taylor, Van Werven, Vick, Walsh and Wilson.

Excused: Representatives Hargrove, Hurst and Moscoso.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2778, having received the necessary constitutional majority, was declared passed.

#### MESSAGE FROM THE SENATE

March 29, 2016

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5928, and the same is herewith transmitted.

Hunter G. Goodman, Secretary

There being no objection, the House reverted to the fourth order of business.

#### SECOND SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

SSB 5928 by Senate Committee on Ways & Means (originally sponsored by Senator Dammeier)

AN ACT Relating to education; amending RCW 28B.50.140; reenacting and amending RCW 28B.15.069; and adding a new section to chapter 28B.50 RCW.

There being no objection, SUBSTITUTE SENATE BILL NO. 5928 was read the first time, and under suspension of the rules, was placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of ENGROSSED SUBSTITUTE HOUSE BILL NO. 2340 and the bill was placed on the third reading calendar.

There being no objection, the House reverted to the sixth order of business.

#### SECOND READING

**SUBSTITUTE SENATE BILL NO. 5928, by Senate Committee on Ways & Means (originally sponsored by Senator Dammeier) The bill was read the second time.**

**Relating to education. Revised for 1st Substitute: Authorizing Bellevue college to offer bachelor of science degrees in computer science.**

Representative DeBolt moved the adoption of amendment (991).

On page 1, line 7, after "Bellevue college" strike "is" and insert "Olympic college, Clark college, and Centralia college are"

On page 1, line 9, after "college" insert ", Olympic college, Clark college, and Centralia college"

#### POINT OF ORDER

Representative Tarleton requested a scope and object ruling on amendment (991) to SSB 5928.

**SPEAKER'S RULING**

Mr. Speaker(Representative Moeller presiding): "Substitute Senate Bill 5928 authorizes a single college in the community and technical college system, Bellevue College, to offer Bachelor of Science degrees in computer science.

The amendment expands the bill to include several other colleges in the community and technical college system.

The Speaker finds and rules that the amendment is beyond the scope and object of the underlying bill. The point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hansen, Zeiger, Magendanz and Senn spoke in favor of the passage of the bill.

Representative DeBolt spoke against the passage of the bill.

**MOTION**

On motion of Representative Riccelli, Representative Walkinshaw was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5928.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5928 and the bill passed the House by the following vote: Yeas, 57; Nays, 37; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Bergquist, Blake, Clibborn, Cody, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Hansen, Hickel, Hudgins, Hunt, Jinkins, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kuderer, Lytton, Magendanz, McBride, Moeller, Morris, Muri, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Sells, Senn, Springer, Stambaugh, Stanford, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Barkis, Buys, Caldier, Chandler, Condotta, DeBolt, Dent, Dye, Griffey, Haler, Harmsworth, Harris, Hawkins, Hayes, Holy, Johnson, Kretz, Kristiansen, MacEwen, Manweller, McCabe, McCaslin, Nealey, Orcutt, Pike, Schmick, Scott, Shea, Short, Smith, Stokesbary, Taylor, Vick, Walsh, Wilcox, Wilson and Young.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SUBSTITUTE SENATE BILL NO. 5928, as amended by the House, having received the necessary constitutional majority, was declared passed.

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6328, by Senate Committee on Health Care (originally sponsored by Senators Dammeier, Hasegawa, Conway, O'Ban, Becker and Carlyle)**

**Concerning vapor products in respect to provisions concerning certain child-resistant packaging, definitions related to "vapor product," signage requirements prohibiting vapor product sales to minors, prohibition of the purchase and possession of vapor products by minors, the liquor and cannabis board's enforcement authority over vapor products, preemption of certain local regulation of vapor products, and a requirement for vendor-assisted sales of vapor products in retail establishments. Revised for 1st Substitute: Concerning vapor products in respect to youth substance use prevention associated with vapor products, amending and renaming the youth tobacco prevention account, provisions concerning certain child-resistant packaging, definitions related to "vapor product," signage requiremen**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Harris, Pollet and Senn spoke in favor of the passage of the bill.

Representative Vick spoke against the passage of the bill.

**COLLOQUY**

Representative Harris: "Will the Representative from the 27<sup>th</sup> District yield to a question?"

Representative Jinkins: "I will."

Representative Harris: "Is there anything in Senate Bill 6328 that prohibits local governments from regulating the indoor use of vapor products?"

Representative Jinkins: "No. Section 21 of the bill requires local governments to allow tasting and sampling in indoor areas of retail outlets. However, nothing in the bill prohibits local governments from regulating tasting and sampling within retail outlets."

Representative Harris: "Section 3 of the bill specifically states that local governments are pre-empted from adopting regulations pertaining to vapor product 'promotions'. Under the provisions in the bill, are vapor product tasting activities conducted by a licensed retailer considered to be a form of vapor product promotion?"

Representative Jinkins: "No. There is nothing in the preemption section or elsewhere in the bill that categorizes or identifies vapor product tasting as a form of promotion that would trigger the preemption limitations in Section 3."

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6328.

### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6328, and the bill passed the House by the following vote: Yeas, 74; Nays, 20; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Caldier, Clibborn, Cody, DeBolt, Dunshee, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kristiansen, Kuderer, Lytton, Magendanz, McBride, McCabe, Moeller, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Peterson, Pettigrew, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Walsh, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Blake, Buys, Chandler, Condotta, Dent, Dye, Holy, Kretz, MacEwen, Manweller, McCaslin, Parker, Pike, Scott, Shea, Short, Taylor, Van Werven, Vick and Wilcox.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6328, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

### THIRD READING

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 2340 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

### SECOND READING

**ENGROSSED SUBSTITUTE HOUSE BILL NO. 2340, by House Committee on Health Care & Wellness (originally sponsored by Representatives Schmick, Cody and Jinkins)**

**Addressing the Washington state health insurance pool.**

The bill was read the second time.

Representative Schmick moved the adoption of amendment (992):

On page 6, beginning on line 1, strike all of section 3

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representative Schmick spoke in favor of the adoption of the amendment.

Amendment (992) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 2340.

### ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 2340, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2340, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6531, by Senate Committee on Law & Justice (originally sponsored by Senator Hargrove)**

**Changing who the department of corrections is required to supervise. Revised for 1st Substitute: Changing who the department of corrections is required to supervise based on the current offense as defined in RCW 9.94A.501(4)(e)(ii) and the maximum duration of community custody as defined in RCW 9.94A.501(8).**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6531.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6531, and the bill passed the House by the following vote: Yeas, 76; Nays, 18; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Buys, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey, Fitzgibbon, Frame, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Holy, Hudgins, Hunt, Jinkins, Johnson, Kagi, Klippert, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Morris, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Riccelli, Robinson, Rodne, Ryu, Santos, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Stambaugh, Stokesbary, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Zeiger and Mr. Speaker.

Voting nay: Representatives Blake, Caldier, Goodman, Gregerson, Griffey, Hickel, Kilduff, Kirby, Kochmar, Muri, Reykdal, Rossetti, Sawyer, Springer, Stanford, Sullivan, Tarleton and Young.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SUBSTITUTE SENATE BILL NO. 6531, having received the necessary constitutional majority, was declared passed.

### STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 6531.

Representative Orwall, 33rd District

### MESSAGES FROM THE SENATE

March 29, 2016

MR. SPEAKER:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6656,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 29, 2016

MR. SPEAKER:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5928,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6328,  
SUBSTITUTE SENATE BILL NO. 6531,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 29, 2016

MR. SPEAKER:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 29, 2016

MR. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1725,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2450,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 29, 2016

MR. SPEAKER:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2778,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2988,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

There being no objection, the House reverted to the fourth order of business.

### THIRD SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

ESSB 6656 by Senate Committee on Ways & Means  
(originally sponsored by Senators Hill, Hargrove, Ranker, Darneille, Parlette, Becker, Braun, Fain and Bailey)

AN ACT Relating to the reform of practices at state hospitals; amending RCW 71.24.045 and 71.05.365; adding a new section to chapter 71.24 RCW; adding a new section to chapter 71.05 RCW; creating new sections; and providing an effective date.

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 6656 was read the first time, and under suspension of the rules was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

### SECOND READING

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6656, by Senate Committee on Ways & Means (originally sponsored by Senators Hill, Hargrove, Ranker, Darneille, Parlette, Becker, Braun, Fain and Bailey)**

**Concerning state hospital practices.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jinkins and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6656.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6656, and the bill passed the House by the following vote: Yeas, 78; Nays, 16; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Fey, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Parker, Pettigrew, Pike, Pollet, Rodne, Ryu, Santos, Sawyer, Schmick, Scott, Senn, Short, Smith, Springer, Stambaugh, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Farrell, Fitzgibbon, Hudgins, Hunt, McCaslin, Ormsby, Peterson, Reykdal, Riccelli, Robinson, Rossetti, Sells, Shea, Stanford and Taylor.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6656, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

ENGROSSED SECOND SUBSTITUTE HOUSE  
BILL NO. 1725  
SECOND ENGROSSED SUBSTITUTE HOUSE  
BILL NO. 2376  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2450

SECOND ENGROSSED SUBSTITUTE HOUSE  
BILL NO. 2778  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2988  
SUBSTITUTE SENATE BILL NO. 5928  
ENGROSSED SUBSTITUTE SENATE BILL NO.  
6328  
SUBSTITUTE SENATE BILL NO. 6531

The Speaker called upon Representative Moeller to preside.

There being no objection, the House advanced to the seventh order of business.

**THIRD READING**

**MESSAGE FROM THE SENATE**

March 29, 2016

Mr. Speaker:

The Senate has passed ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1713 with the following amendment:

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FAIN S5261.1; 1713-S3.E AMS PADD BLAK 006.doc was  
not found

and the same is herewith transmitted.

Hunter G. Goodman, Secretary

**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1713 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL  
AS SENATE AMENDED**

Representatives Cody and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Third Substitute House Bill No. 1713, as amended by the Senate.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Third Substitute House Bill No. 1713, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 89; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dunshee, Dye, Farrell, Fey,

Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, Lytton, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Morris, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Pollet, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tarleton, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Klippert, McCaslin, Scott, Shea and Taylor.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1713, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

#### MESSAGES FROM THE SENATE

March 28, 2016

##### MR. SPEAKER:

The Senate reconsidered the following measure(s) and, pursuant to Article 3, Section 12 of the State Constitution, passed the measure(s) over the Governor's objection(s):

ENGROSSED SUBSTITUTE SENATE BILL NO. 5145,  
 SENATE BILL NO. 5458,  
 SENATE BILL NO. 6148,  
 SENATE BILL NO. 6170,  
 SUBSTITUTE SENATE BILL NO. 6281,  
 SUBSTITUTE SENATE BILL NO. 6284,  
 SUBSTITUTE SENATE BILL NO. 6341,  
 SUBSTITUTE SENATE BILL NO. 6354,  
 SENATE BILL NO. 6398,  
 SENATE BILL NO. 6401,  
 SENATE BILL NO. 6491,  
 SUBSTITUTE SENATE BILL NO. 6569,

and the same are herewith transmitted.

Pablo G. Campos, Deputy Secretary

March 28, 2016

##### MR. SPEAKER:

The Senate reconsidered the following measure(s) and, pursuant to Article 3, Section 12 of the State Constitution, passed the measure(s) over the Governor's objection(s):

SENATE BILL NO. 5265,  
 SENATE BILL NO. 5549,  
 SUBSTITUTE SENATE BILL NO. 5767,  
 SENATE BILL NO. 6162,  
 SUBSTITUTE SENATE BILL NO. 6177,  
 SENATE BILL NO. 6196,  
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6206,  
 SENATE BILL NO. 6220,  
 SUBSTITUTE SENATE BILL NO. 6290,  
 SUBSTITUTE SENATE BILL NO. 6326,  
 SUBSTITUTE SENATE BILL NO. 6342,  
 SUBSTITUTE SENATE BILL NO. 6466,  
 SUBSTITUTE SENATE BILL NO. 6498,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6606,  
 SENATE BILL NO. 6633,  
 and the same are herewith transmitted.

Hunter G. Goodman, Secretary

#### THIRD READING

#### VETO OVERRIDE

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5145, by Senate Committee on Health Care (originally sponsored by Senators Dammeier, Frockt, Becker, Bailey, Rivers and Brown)**

**Concerning the membership of the health technology clinical committee. Revised for 1st Substitute: Concerning the membership of the health technology clinical committee. (REVISED FOR ENGROSSED: Concerning the health technology clinical committee membership and rotating experts. )**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5145 notwithstanding the Governor's veto.

#### ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5145 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 89; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Lytton, Morris, Pollet and Tarleton.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5145, having received the necessary constitutional majority, was declared passed.

#### VETO OVERRIDE

**SENATE BILL NO. 5265, by Senators Benton, Mullet, Angel and Keiser**

**Allowing a public depository to arrange for reciprocal deposits of public funds.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5265 notwithstanding the Governor's veto.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5265 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 87; Nays, 7; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Fey, Hudgins, Lytton, Morris, Pollet and Tarleton.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SENATE BILL NO. 5265, having received the necessary constitutional majority, was declared passed.

**VETO OVERRIDE**

**SENATE BILL NO. 5458, by Senators Angel, Rolfes and Hasegawa**

**Concerning health district banking.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5458 notwithstanding the Governor's veto.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5458 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 83; Nays, 11; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey,

Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Fey, Hudgins, Lytton, Morris, Pollet, Scott, Senn, Shea, Tarleton and Taylor.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SENATE BILL NO. 5458, having received the necessary constitutional majority, was declared passed.

**VETO OVERRIDE**

**SENATE BILL NO. 5549, by Senators Jayapal, Angel, Keiser and Cleveland**

**Concerning the registration and disciplining of pharmacy assistants.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5549 notwithstanding the Governor's veto.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 5549 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 81; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, McBride, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives DeBolt, Dent, Dunshee, Lytton, Manweller, McCabe, McCaslin, Morris, Pollet, Scott, Shea, Tarleton and Taylor.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SENATE BILL NO. 5549, having received the necessary constitutional majority, was declared passed.

**VETO OVERRIDE**

**SUBSTITUTE SENATE BILL NO. 5767, by Senate Committee on Government Operations & Security (originally sponsored by Senators Cleveland, Benton, Honeyford and Fraser)**

**Revising local government treasury practices and procedures.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5767 notwithstanding the Governor's veto.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5767 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 88; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Hudgins, Lytton, Morris, Pollet and Tarleton.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SUBSTITUTE SENATE BILL NO. 5767, having received the necessary constitutional majority, was declared passed.

**VETO OVERRIDE**

**SENATE BILL NO. 6148, by Senators Warnick, Keiser, Schoesler and Conway**

**Concerning the handling of certain personal property in a self-service storage facility.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6148 notwithstanding the Governor's veto.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6148 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 87; Nays, 7; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Jinkins,

Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Fey, Hudgins, Lytton, Morris, Pollet and Tarleton.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SENATE BILL NO. 6148, having received the necessary constitutional majority, was declared passed.

**VETO OVERRIDE**

**SENATE BILL NO. 6162, by Senators Honeyford, Rolfes, Chase, Parlette, Pearson, Roach and Fraser**

**Concerning the expiration date of the invasive species council and account.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6162 notwithstanding the Governor's veto.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6162 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 85; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Fey, Lytton, Morris, Ormsby, Pollet, Riccelli, Tarleton and Taylor.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SENATE BILL NO. 6162, having received the necessary constitutional majority, was declared passed.

**VETO OVERRIDE**

**SENATE BILL NO. 6170, by Senators Roach, Darnelle and Benton**

**Providing for an exemption from disclosure of certain financial, commercial, and proprietary information held by a city retirement board on behalf of its employees' retirement system.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6170 notwithstanding the Governor's veto.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6170 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 87; Nays, 7; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Hudgins, Lytton, Morris, Pollet, Senn and Tarleton.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SENATE BILL NO. 6170, having received the necessary constitutional majority, was declared passed.

**VETO OVERRIDE**

**SUBSTITUTE SENATE BILL NO. 6177, by Senate Committee on Commerce & Labor (originally sponsored by Senator Rivers)**

**Modifying marijuana research license provisions.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6177 notwithstanding the Governor's veto.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6177 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 81; Nays, 13; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris,

Hawkins, Hayes, Hickel, Holy, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives DeBolt, Dent, Dunshee, Hudgins, Klippert, Lytton, McCaslin, Morris, Pollet, Scott, Shea, Tarleton and Taylor.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SUBSTITUTE SENATE BILL NO. 6177, having received the necessary constitutional majority, was declared passed.

**VETO OVERRIDE**

**SENATE BILL NO. 6196, by Senators McCoy and Eriksen**

**Modifying administrative processes for the utilities and transportation commission in managing deposits and cost reimbursements of the energy facility site evaluation council.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6196 notwithstanding the Governor's veto.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6196 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 85; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Hudgins, Lytton, McCaslin, Morris, Pollet, Shea, Tarleton and Taylor.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SENATE BILL NO. 6196, having received the necessary constitutional majority, was declared passed.

**VETO OVERRIDE**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6206, by Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Hasegawa, Takko, Chase, Schoesler and Sheldon)**

**Authorizing the growing of industrial hemp.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6206 notwithstanding the Governor's veto.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6206 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 88; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Hudgins, Lytton, Morris, Pollet and Tarleton.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6206, having received the necessary constitutional majority, was declared passed.

**VETO OVERRIDE**

**SENATE BILL NO. 6220, by Senators Brown, Angel, Braun, Hewitt, Roach, Parlette and Sheldon**

**Promoting economic development by maximizing the use of federal economic development funding opportunities.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6220 notwithstanding the Governor's veto.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6220 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 89; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Lytton, Morris, Pollet and Tarleton.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SENATE BILL NO. 6220, having received the necessary constitutional majority, was declared passed.

**VETO OVERRIDE**

**SUBSTITUTE SENATE BILL NO. 6281, by Senate Committee on Commerce & Labor (originally sponsored by Senators Fain, Pedersen, Baumgartner and Frockt)**

**Enacting amendments to the uniform athlete agents act.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6281 notwithstanding the Governor's veto.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6281 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 85; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Hudgins, Lytton, McCaslin, Morris, Pollet, Shea, Tarleton and Taylor.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SUBSTITUTE SENATE BILL NO. 6281, having received the necessary constitutional majority, was declared passed.

#### VETO OVERRIDE

**SUBSTITUTE SENATE BILL NO. 6284, by Senate Committee on Government Operations & Security (originally sponsored by Senators Takko and Roach)**

**Preventing water-sewer districts from prohibiting multipurpose fire sprinkler systems.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6284 notwithstanding the Governor's veto.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6284 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 88; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Lytton, Morris, Pollet, Senn and Tarleton.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SUBSTITUTE SENATE BILL NO. 6284, having received the necessary constitutional majority, was declared passed.

#### VETO OVERRIDE

**SUBSTITUTE SENATE BILL NO. 6290, by Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Honeyford, Hobbs and Parlette)**

**Concerning the apple commission.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6290 notwithstanding the Governor's veto.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6290 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 86; Nays, 8; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey, Orcutt, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Hudgins, Lytton, Morris, Ormsby, Pollet, Riccelli and Tarleton.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SUBSTITUTE SENATE BILL NO. 6290, having received the necessary constitutional majority, was declared passed.

#### VETO OVERRIDE

**SUBSTITUTE SENATE BILL NO. 6326, by Senate Committee on Transportation (originally sponsored by Senators King, Hobbs and Fain)**

**Concerning the retention and maintenance of auto dealer and repair facility records.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6326 notwithstanding the Governor's veto.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6326 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 89; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen,

Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Lytton, Morris, Pollet and Tarleton.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SUBSTITUTE SENATE BILL NO. 6326, having received the necessary constitutional majority, was declared passed.

#### VETO OVERRIDE

**SUBSTITUTE SENATE BILL NO. 6341, by Senate Committee on Commerce & Labor (originally sponsored by Senators Rivers and Conway)**

**Concerning the provision of personal services and promotional items by cannabis producers and processors.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6341 notwithstanding the Governor's veto.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6341 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 75; Nays, 19; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hayes, Hickel, Holy, Hunt, Jinkins, Johnson, Kirby, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Sullivan, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives DeBolt, Dent, Dunshee, Dye, Hawkins, Hudgins, Kagi, Kilduff, Klippert, Lytton, McCaslin, Morris, Orcutt, Pollet, Scott, Shea, Stokesbary, Tarleton and Taylor.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SUBSTITUTE SENATE BILL NO. 6341, having received the necessary constitutional majority, was declared passed.

#### VETO OVERRIDE

**SUBSTITUTE SENATE BILL NO. 6342, by Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators Miloscia and Hobbs)**

**Concerning private activity bond allocation.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6342 notwithstanding the Governor's veto.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6342 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 83; Nays, 11; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Hudgins, Hunt, Lytton, McCaslin, Morris, Pollet, Scott, Shea, Tarleton and Taylor.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SUBSTITUTE SENATE BILL NO. 6342, having received the necessary constitutional majority, was declared passed.

#### VETO OVERRIDE

**SUBSTITUTE SENATE BILL NO. 6354, by Senate Committee on Higher Education (originally sponsored by Senators Liias, Baumgartner, Carlyle, Frockt and Bailey)**

**Adopting a higher education reverse transfer agreement plan. Revised for 1st Substitute: Concerning the development of higher education reverse transfer agreement plans.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6354 notwithstanding the Governor's veto.

#### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6354 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 88; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Hudgins, Lytton, Morris, Pollet and Tarleton.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SUBSTITUTE SENATE BILL NO. 6354, having received the necessary constitutional majority, was declared passed.

#### **VETO OVERRIDE**

**SENATE BILL NO. 6398, by Senators Hasegawa and Chase**

##### **Concerning certain cultural foods.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6398 notwithstanding the Governor's veto.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6398 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 87; Nays, 7; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Fey, Lytton, Morris, Pollet, Tarleton and Taylor.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SENATE BILL NO. 6398, having received the necessary constitutional majority, was declared passed.

#### **VETO OVERRIDE**

**SENATE BILL NO. 6401, by Senators Rolfes and Warnick**

##### **Concerning recordkeeping requirements of secondary commercial fish receivers.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6401 notwithstanding the Governor's veto.

#### **ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6401 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 88; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Hudgins, Lytton, Morris, Pollet and Tarleton.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SENATE BILL NO. 6401, having received the necessary constitutional majority, was declared passed.

#### **VETO OVERRIDE**

**SUBSTITUTE SENATE BILL NO. 6466, by Senate Committee on Higher Education (originally sponsored by Senators Habib, Dammeier, Darneille, Liias, Roach, Keiser, Frockt, Becker, Hasegawa, Conway and McAuliffe)**

##### **Concerning student services for students with disabilities. Revised for 1st Substitute: Creating a work group to develop a plan for removing obstacles for higher education students with disabilities.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of

Substitute Senate Bill No. 6466 notwithstanding the Governor's veto.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6466 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 89; Nays, 5; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells, Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Taylor, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Lytton, Morris, Pollet and Tarleton.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SUBSTITUTE SENATE BILL NO. 6466, having received the necessary constitutional majority, was declared passed.

### VETO OVERRIDE

**SENATE BILL NO. 6491, by Senators Pedersen and Roach**

**Concerning apostille or other signature or attestation services by the secretary of state.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6491 notwithstanding the Governor's veto.

### ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6491 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 87; Nays, 7; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, McCaslin, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Scott, Sells,

Senn, Shea, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Hudgins, Lytton, Morris, Pollet, Tarleton and Taylor.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SENATE BILL NO. 6491, having received the necessary constitutional majority, was declared passed.

### VETO OVERRIDE

**SUBSTITUTE SENATE BILL NO. 6498, by Senate Committee on Law & Justice (originally sponsored by Senators Fain, Frockt, Pedersen, Angel and Rolfes)**

**Creating a testamentary privilege for alcohol or drug addiction recovery sponsors. Revised for 1st Substitute: Concerning testimonial privileges for alcohol and drug addiction recovery sponsors.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6498 notwithstanding the Governor's veto.

### ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6498 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 85; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Buys, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hudgins, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Dunshee, Lytton, McCaslin, Morris, Pollet, Scott, Shea, Tarleton and Taylor.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SUBSTITUTE SENATE BILL NO. 6498, having received the necessary constitutional majority, was declared passed.

### VETO OVERRIDE

**SUBSTITUTE SENATE BILL NO. 6569, by Senate Committee on Health Care (originally sponsored by Senators Cleveland, Becker, Carlyle, Keiser and Ranker)**

**Creating a task force on patient out-of-pocket costs.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6569 notwithstanding the Governor's veto.

**ROLL CALL**

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6569 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 82; Nays, 12; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Holy, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Condotta, Dunshee, Hudgins, Lytton, McCaslin, Morris, Pollet, Scott, Shea, Tarleton and Taylor.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SUBSTITUTE SENATE BILL NO. 6569, having received the necessary constitutional majority, was declared passed.

**VETO OVERRIDE**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 6606, by Senate Committee on Transportation (originally sponsored by Senator King)**

**Concerning wholesale vehicle dealers.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6606 notwithstanding the Governor's veto.

**ROLL CALL**

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6606 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 82; Nays, 12; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody,

Condotta, DeBolt, Dent, Dye, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kristiansen, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Muri, Nealey, Orcutt, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Pike, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmick, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tharinger, Van De Wege, Van Werven, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Dunshee, Holy, Hudgins, Lytton, McCaslin, Morris, Pollet, Scott, Shea, Tarleton and Taylor.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6606, having received the necessary constitutional majority, was declared passed.

**VETO OVERRIDE**

**SENATE BILL NO. 6633, by Senators Ranker and Ericksen**

**Concerning the marine resources advisory council.**

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6633 notwithstanding the Governor's veto.

**ROLL CALL**

The Clerk called the roll on the final passage of Senate Bill No. 6633 notwithstanding the Governor's veto, and the bill passed the House by the following vote: Yeas, 77; Nays, 17; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Barkis, Bergquist, Blake, Caldier, Chandler, Clibborn, Cody, Condotta, DeBolt, Dent, Farrell, Fey, Fitzgibbon, Frame, Goodman, Gregerson, Griffey, Haler, Hansen, Harmsworth, Harris, Hawkins, Hayes, Hickel, Hunt, Jinkins, Johnson, Kagi, Kilduff, Kirby, Klippert, Kochmar, Kretz, Kuderer, MacEwen, Magendanz, Manweller, McBride, McCabe, Moeller, Muri, Nealey, Ormsby, Ortiz-Self, Orwall, Parker, Peterson, Pettigrew, Reykdal, Riccelli, Robinson, Rodne, Rossetti, Ryu, Santos, Sawyer, Schmitt, Sells, Senn, Short, Smith, Springer, Stambaugh, Stanford, Stokesbary, Sullivan, Tharinger, Van De Wege, Vick, Walsh, Wilcox, Wilson, Wylie, Young, Zeiger and Mr. Speaker.

Voting nay: Representatives Buys, Dunshee, Dye, Holy, Hudgins, Kristiansen, Lytton, McCaslin, Morris, Orcutt, Pike, Pollet, Scott, Shea, Tarleton, Taylor and Van Werven.

Excused: Representatives Hargrove, Hurst, Moscoso and Walkinshaw.

SENATE BILL NO. 6633, having received the necessary constitutional majority, was declared passed.

**HOUSE CONCURRENT RESOLUTION NO. 4418,  
by Representatives Sullivan and Kretz**

**Returning bills to their house of origin.**

The concurrent resolution was read the third time.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of House Concurrent Resolution No. 4418.

HOUSE CONCURRENT RESOLUTION NO. 4418 was adopted.

**HOUSE CONCURRENT RESOLUTION NO. 4419,  
by Representatives Sullivan and Kretz**

**Adjourning SINE DIE.**

The concurrent resolution was read the third time.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of House Concurrent Resolution No. 4419.

HOUSE CONCURRENT RESOLUTION NO. 4419 was adopted.

**MESSAGES FROM THE SENATE**

March 29, 2016

MR. SPEAKER:

The President has signed:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1725,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2450,  
SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2778,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2988,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 29, 2016

MR. SPEAKER:

The President has signed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6656,  
and the same is herewith transmitted.

Hunter G. Goodman, Secretary

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6656  
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1713

The Speaker called upon Representative Moeller to preside.

**MESSAGE FROM THE SENATE**

March 29, 2016

MR. SPEAKER:

The Senate has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2380,  
and the same are herewith transmitted.

Pablo G. Campos, Deputy Secretary

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2380.

The Speaker called upon Representative Moeller to preside.

**MESSAGES FROM THE SENATE**

March 29, 2016

MR. SPEAKER:

The President has signed:  
ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1713,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 29, 2016

MR. SPEAKER:

The Senate has adopted:  
HOUSE CONCURRENT RESOLUTION NO. 4418,  
HOUSE CONCURRENT RESOLUTION NO. 4419,  
and the same are herewith transmitted.

Hunter G. Goodman, Secretary

The Speaker assumed the chair.

**SIGNED BY THE SPEAKER**

The Speaker signed the following bills:

HOUSE CONCURRENT RESOLUTION NO. 4418  
HOUSE CONCURRENT RESOLUTION NO. 4419

The Speaker called upon Representative Moeller to preside.

**MESSAGES FROM THE SENATE**

March 29, 2016

MR. SPEAKER:

The President has signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2380,  
and the same is herewith transmitted.

Hunter G. Goodman, Secretary

March 29, 2016

MR. SPEAKER:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4418,

HOUSE CONCURRENT RESOLUTION NO. 4419,

and the same are herewith transmitted.

Hunter G. Goodman, Secretary

March 29, 2016

MR. SPEAKER:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4418, the following House Bills were returned to the House of Representatives:

ENGROSSED HOUSE BILL NO. 1465,

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO.

2340,

and the same are herewith transmitted.

Pablo G. Campos, Deputy Secretary

March 29, 2016

MR. PRESIDENT:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4418, the following Senate bills are returned to the Senate:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.

5105

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.

5127

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO.

5575

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

### MOTIONS

On motion of Representative Sullivan, the reading of the Journal of the 20th Day of the 2016 First Special Session of the 64th Legislature was dispensed with and ordered to stand approved.

On motion of Representative Sullivan, the 2016 First Special Session of the 64th Legislature was adjourned SINE DIE.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

## HOUSE LEGISLATIVE LEADERS

Sixty Fourth Legislature  
2016 Regular Session

### DEMOCRATIC LEADERSHIP

Frank Chopp .....	Speaker
Jim Moeller .....	Speaker Pro Tempore
Tina Orwall .....	Deputy Speaker Pro Tempore
Pat Sullivan .....	Majority Leader
Eric Pettigrew .....	Majority Caucus Chair
Kevin Van De Wege .....	Majority Whip
Gael Tarleton .....	Majority Floor Leader
Larry Springer .....	Deputy Majority Leader
Steve Bergquist .....	Deputy Majority Floor Leader
Marcus Riccelli .....	Deputy Majority Whip
Joan McBride .....	Assistant Majority Whip

### REPUBLICAN LEADERSHIP

Dan Kristiansen .....	Minority Leader
Joel Kretz .....	Deputy Minority Leader
Shelly Short .....	Minority Caucus Chair
Paul Harris .....	Minority Whip
J.T. Wilcox .....	Minority Floor Leader
Joe Schmick .....	Minority Caucus Vice Chair
Matt Manweller .....	Assistant Minority Floor Leader
Matt Shea .....	Assistant Minority Floor Leader
Dave Hayes .....	Assistant Minority Whip
Dan Griffey .....	Assistant Minority Whip
Lynda Wilson .....	Assistant Minority Whip

## 2016 HOUSE MEMBERSHIP ROSTER

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION	
	<b>Appleton, Sherry</b> District 23 (D) Kitsap (P)	2005-2015	PO Box 2112 Poulsbo, WA 98370	1942 - RI	Legislator
	<b>Barkis, Andrew</b> District 2 (R) Pierce (P), Thurston (P)	Appt. 2/16/2016	PO Box 40600 Olympia, WA 98504	1968 - WA	Business Owner
	<b>Bergquist, Steve</b> District 11 (D) King (P)	2013-2015	PO Box 40600 Olympia, WA 98504	1979-WA	Teacher
	<b>Blake, Brian</b> District 19 (D) Cowlitz (P), Grays Harbor (P), Lewis (P), Pacific, Wahkiakum	Appt. 12/17/2002, 2003-2015	PO Box 40600 Olympia, WA 98504	1960 - WA	Environmental Specialist, Logger
	<b>Buys, Vincent</b> District 42 (R) Whatcom (P)	2011-2015	PO Box 40600 Olympia, WA 98504	1979 - WA	General Contractor
	<b>Caldier, Michelle</b> District 26 (R) Kitsap (P), Pierce (P)	2015	PO Box 40600 Olympia, WA 98504	1976 - WA	Dentist
	<b>Chandler, Bruce</b> District 15 (R) Yakima (P)	1999-2015	PO Box 40600 Olympia, WA 98504	1952 - WA	Orchardist
	<b>Chopp, Frank</b> District 43 (D) King (P)	1995-2015	5031 University Way NE Suite 107 Seattle, WA 98105	1953 - WA	Community Service
	<b>Clibborn, Judy</b> District 41 (D) King (P)	2003-2015	PO Box 40600 Olympia, WA 98504	1943 - OK	Legislator
	<b>Cody, Eileen</b> District 34 (D) King (P)	Appt. 6/2/1994, 1995-2015	1200 12 <sup>th</sup> Ave S Ste 8400 Seattle, WA 98105	1954 - IA	Registered Nurse
	<b>Condotta, Cary</b> District 12 (R) Chelan, Douglas, Grant (P), Okanogan (P)	2003-2015	3024 GS Center Rd Suite C Wenatchee, WA 98801	1957 - WA	Business Consultant
	<b>DeBolt, Richard</b> District 20 (R) Clark (P), Cowlitz (P), Lewis (P), Thurston (P)	1997-2015	PO Box 40600 Olympia WA 98504	1965 - WA	External Relations
	<b>Dent, Tom</b> District 13 (R) Grant (P), Kittitas, Lincoln, Yakima (P)	2015	PO Box 40600 Olympia, WA 98504	1950 - ID	Pilot / Rancher
	<b>Dunshee, Hans</b> District 44 (D) Snohomish (P)	1993-1994; 1997-2015	PO Box 40600 Olympia, WA 98504	1953 - CA	Former Septic Designer

	MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
	<b>Dye, Mary</b> District 9 (R) Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	Appt. 5/8/2015	PO Box 40600 Olympia, WA 98504	1961 - ID	Farmer
	<b>Farrell, Jessyn</b> District 46 ( D ) King (P)	2013-2015	10215 Lake City Way Ste K Seattle, WA 98125	1973 - WA	Attorney
	<b>Fey, Jake</b> District 27 (D) Pierce (P)	2013-2015	1406 Browns Pt Blvd NE Tacoma, WA 98422	1949 - WA	Director, WSU Energy Program
	<b>Fitzgibbon, Joe</b> District 34 (D) King (P)	2011-2015	PO Box 40600 Olympia, WA 98504	1986 - WA	Legislator
	<b>Frame, Noel</b> District 36 (D) King (P)	Appt. 1/7/2016	PO Box 40600 Olympia, WA 98504		
	<b>Goodman, Roger</b> District 45 (D) King (P)	2007-2015	PO Box 40600 Olympia, WA 98504	1961 – RI	Attorney
	<b>Gregerson, Mia</b> District 33 (D) King (P)	Appt. 12/16/2013, 2014-2015	PO Box 40600 Olympia, WA 98504	1972 - Taiwan	Legislator
	<b>Griffey, Dan</b> District 35 (D) Kitsap (P), Mason, Thurston (P)	2015	PO Box 40600 Olympia, WA 98504	1970 - WA	Fire Fighter
	<b>Haler, Larry</b> District 8 (R) Benton (P)	2005-2015	719 Jadwin Ave Richland, WA 99352	1951 – IA	Retired Engineer
	<b>Hansen, Drew</b> District 23 (D) Kitsap (P)	Appt. 9/19/2011, 2012-2015	PO Box 40600 Olympia, WA 98504		
	<b>Hargrove, Mark</b> District 47 (R) King (P)	2011-2015	PO Box 40600 Olympia, WA 98504	1956 –TX	Instructor Pilot
	<b>Harmsworth, Mark</b> District 44 (R) Snohomish (P)	2015	PO Box 40600 Olympia, WA 98513		Director
	<b>Harris, Paul</b> District 17 (R) Clark (P)	2011-2015	237 NE Chkalov Dr Suite 106 Vancouver, WA 98684	1953 - OR	Sales/Marketing
	<b>Hawkins, Brad</b> District 12 (R) Chelan, Douglas, Grant (P), Okanogan (P)	2013-2015	PO Box 40600 Olympia, WA 98504		
	<b>Hayes, Dave</b> District 10 (R) Island, Skagit (P), Snohomish (P)	2013-2015	PO Box 40600 Olympia, WA 98504	1966 - WA	Law Enforcement

	MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
	<b>Hickel, Teri</b> District 30 (R) King (P), Pierce (P)	Appt. 11/25/2015	PO Box 40600 Olympia, WA 98504	1960 - CA	Past Exec Dir, Advancing Leadership
	<b>Holy, Jeff</b> District 6 (R) Spokane (P)	2013-2015	PO Box 40285 Spokane, WA 98220		Attorney
	<b>Hudgins, Zack</b> District 11 (D) King (P)	Appt. 12/09/2002; 2003-2015	4511 S 136 <sup>th</sup> St Tukwila, WA 98168	1968 - TX	High Technology Manager
	<b>Hunt, Graham</b> District 2 (R) Pierce (P), Thurston (P)	Appt. 1/18/2004- 2015	PO Box 40600 Olympia, WA 98504	1979	Insurance Producer
	<b>Hunt, Sam</b> District 22 (D) Thurston (P)	2001-2015	PO Box 40600 Olympia, WA 98504	1942 - MT	Retired
	<b>Hurst, Christopher</b> District 31 (D) King (P), Pierce (P)	1999-2002, 2007- 2015	62504 Indian Summer Way E Enumclaw, WA 98022	1954 - WA	Retired Police Detective
	<b>Jinkins, Laurie</b> District 27 (D) Pierce (P)	2011-2015	PO Box 40600 Olympia, WA 98504	1964 - IA	Public Health Official
	<b>Johnson, Norm</b> District 14 (R) Clark (P), Klickitat, Skamania, Yakima (P)	2009-2015	421 N 20 <sup>th</sup> Ave Suite A Yakima, WA 98902	1938 - WA	Retired Educator, Administrator
	<b>Kagi, Ruth</b> District 32 (D) King (P), Snohomish (P)	1999-2015	13504 8 <sup>th</sup> Ave NW Seattle, WA 98177	1945 - WA	Legislator
	<b>Kilduff, Christine</b> District 28 (D) Pierce (P)	2015	PO Box 40600 Olympia, WA 98504	1966 - NY	Attorney
	<b>Kirby, Steve</b> District 29 (D) Pierce (P)	2001-2015	PO Box 40600 Olympia WA 98504	1951 - WA	Legislator
	<b>Klippert, Brad</b> District 8 (R) Benton (P)	2009-2015	PO Box 6478 Kennewick, WA 99336	1957 - WA	Legislator, Deputy, LTC
	<b>Kochmar, Linda</b> District 30 (R) King (P), Pierce (P)	2013-2015	PO Box 40600 Olympia, WA 98504	1949 - OR	Risk Manager
	<b>Kretz, Joel</b> District 7 (R) Ferry, Okanogan (P), Pend Oreille, Spokane (P), Stevens	2005-2015	1014 Toroda Creek Rd Wauconda, WA 98859	1957 - WA	Rancher/ Logger
	<b>Kristiansen, Dan</b> District 39 (R) King (P), Skagit (P), Snohomish (P)	2003-2015	PO Box 40600 Olympia, WA 98504	1962 - WA	Legislator

	MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
	<b>Kuderer, Patty</b> District 48 (D) King (P)	Appt. 9/28/2015	PO Box 40600 Olympia, WA 98504		
	<b>Lytton, Kristine</b> District 40 (D) San Juan, Skagit (P), Whatcom (P)	2011-2015	PO Box 40600 Olympia, WA 98504	1960 - IL	Legislator
	<b>MacEwen, Drew</b> District 35 (R) Kitsap (P), Mason, Thurston (P)	2013-2015	PO Box 651 Union, WA 98592	1973 - MN	Investment Advisor
	<b>Magendanz, Chad</b> District 5 (R) King (P)	2013-2015	PO Box 1362 Issaquah, WA 98027	1967 - NY	Software Design Consultant
	<b>Manweller, Matt</b> District 13 (R) Grant (P), Kittitas, Lincoln, Yakima (P)	2013-2015	PO Box 40600 Olympia, WA 98504	1969 - CA	Professor
	<b>McBride, Joan</b> District 48 (D) King (P)	2015	PO Box 40600 Olympia, WA 98504		
	<b>McCabe, Gina</b> District 14 (R) Clark (P), Klickitat, Skamania, Yakima (P)	2015	PO Box 40600 Olympia, WA 98504	1963 - WA	Legislator/Entrepreneur
	<b>McCaslin, Bob</b> District 4 (R) Spokane (P)	2015	PO Box 1462 Verndale, WA 99037	1957 - WA	Public School Teacher
	<b>Moeller, Jim</b> District 49 (D) Clark (P)	2003-2015	PO Box 40600 Olympia, WA 98504	1955 - WA	Substance Abuse Counselor
	<b>Morris, Jeff</b> District 40 (D) San Juan, Skagit (P), Whatcom (P)	1997-2015	1004 Commercial Ave #303 Anacortes, WA 98221	1964 - WA	Owner - Energy Horizon Corp.
	<b>Moscoso, Luis</b> District 1 (D) King (P), Snohomish (P)	2011-2015	18560 1 <sup>st</sup> Ave NE Ste E806 Shoreline, WA 98155	1950 - IA	Retired
	<b>Muri, Dick</b> District 28 (R) Pierce (P)	Appt. 7/2/2013, 2014-2015	PO Box 40600 Olympia, WA 98504	1953 - AK	Retired USAF
	<b>Nealey, Terry</b> Benton (P), Columbia, Franklin (P), Walla Walla	Appt. 12/1/2009, 2010 -2015	26 E Main St Suite 205 Walla Walla, WA 99362	1947 - WA	Attorney
	<b>Orcutt, Ed</b> District 20 (R) Clark (P), Cowlitz (P), Lewis (P), Thurston (P)	Appt. 1/4/2002, 2003-2015	PO Box 40600 Olympia, WA 98504	1963 - ME	Consulting Forester
	<b>Ormsby, Timm</b> District 3 (D) Spokane (P)	Appt. 9/30/2003, 2004-2015	PO Box 40600 Olympia, WA 98504	1959 - WA	Cement Mason

	MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
	<b>Ortiz-Self, Lillian</b> District 21 (21) Snohomish (P)	Appt. 1/21/2014, 2015	PO Box 40600 Olympia, WA 98504	1960 - NY	School/Mental Health Counselor
	<b>Orwall, Tina</b> District 33 (D) King (P)	2009-2015	PO Box 40600 Olympia, WA 98504	1965 - FL	Strategic Planner
	<b>Parker, Kevin</b> District 6 (R) Spokane (P)	2009-2015	10 N Post St Suite 648 Spokane, WA 99201	1973 - OR	Business Owner, Adjunct Prof.
	<b>Peterson, Strom</b> District 21 (D) Snohomish (P)	2015	PO Box 40600 Olympia, WA 98504	NM	Small Business Owner
	<b>Pettigrew, Eric</b> District 37 (D) King (P)	2003-2015	PO Box 40600 Olympia, WA 98504	1960 - CA	Director of Business Dev. Regence/BluShield
	<b>Pike, Liz</b> District 18 (R) Clark (P)	Appt. 8/23/2012, 2013-2015	PO Box 40600 Olympia, WA 98504	1960 - CA	Advertising Company Owner
	<b>Pollet, Gerry</b> District 46 (D) King (P)	Appt. 12/5/2011, 2012-2015	PO Box 40600 Olympia, WA 98504	1958 - NY	Attorney/Non-profit Director
	<b>Reykdal, Chris</b> District 22 (D) Thurston (P)	2011-2015	PO Box 40600 Olympia, WA 98504	1972 - WA	College Administrator
	<b>Riccelli, Marcus</b> District 3 (D) Spokane (P)	2013-2015	PO Box 40600 Olympia, WA 98504	1978- WA	Legislator
	<b>Robinson, June</b> District 38 (D) Snohomish (P)	Appt. 12/16/2013, 2015	PO Box 40600 Olympia, WA 98504	1959 - PA	Public Health Manager
	<b>Rodne, Jay</b> District 5 (R) King (P)	Appt. 1/20/2004, 2005-2015	PO Box 40600 Olympia, WA 98504	1966 - MN	Attorney
	<b>Rossetti, J.D.</b> District 19 (D) Cowlitz (P), Grays Harbor (P), Lewis (P), Pacific, Wahkiakum	Appt. 10/22/2015	PO Box 40600 Olympia, WA 98504		
	<b>Ryu, Cindy</b> District 32 (D) King (P), Snohomish (P)	2011-2015	PO Box 33548 Seattle, WA 98133	1957 - Korea	Commercial/ Retail Space Management
	<b>Santos, Sharon Tomiko</b> District 37 (D) King (P)	1999-2015	PO Box 40600 Olympia, WA 98504	1961 - CA	Legislator
	<b>Sawyer, David</b> District 29 (D) Pierce (P)	2013-2015	PO Box 40600 Olympia, WA 98504	1983 - WA	Law Clerk

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
	Appt. 11/26/2007, 2008-2015	PO Box 40600 Olympia, WA 98504	1958 - WA	Farmer/ Small Business Owner
	2013-2015	14751 N Kelsey St Suite 105-386 Monroe, WA 98272	IL	Consultant, Educator
	2005-2015	2812 Lombard Ave. Suite 210 Everett, WA 98201	1945 - WA	Retired Educator
	Appt. 9/9/2013, 2014-2015	1611 116 <sup>th</sup> Ave NE Suite 206 Bellevue, WA 98004	1971 – IL	Legislator
	2009-2015	18507 E Appleway Ste 201 Spokane Valley, WA 99016	1974 - WA	Attorney
	2009-2015	PO Box 40600 Olympia, WA 98504	1962 - WA	Legislator
	Appt. 1/8/2008; 2009-2015	PO Box 40600 Olympia, WA 98504	1951 – FL	Communications
	2005-2015	700 20th Ave West Kirkland, WA 98033	1947 - WA	Retail Store Owner
	2015	PO Box 40600 Olympia, WA 98504	1990 - WA	Small Business Owner
	2011-2015	18560 1 <sup>st</sup> Ave NE Ste E800 Shoreline, WA 98155	MI	Statistician
	2015	PO Box 40600 Olympia, WA 98504	1985 - WA	Attorney
	2005-2015	PO Box 40600 Olympia, WA 98504	1962 - MN	Legislator
	2013-2015	PO Box 40600 Olympia, WA 98504	1959 - MA	Legislator
	Appt. 3/30/2009, 2010-2015	PO Box 40600 Olympia, WA 98504	1972 - WA	Consultant

	MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
	<b>Tharinger, Steve</b> District 24 (D) Clallam, Grays Harbor (P), Jefferson	2011-2015	PO Box 40600 Olympia, WA 98504	1949 - WI	County Commissioner
	<b>Van De Wege, Kevin</b> District 24 (D) Clallam, Grays Harbor (P), Jefferson	2007-2015	PO Box 40600 Olympia, WA 98504	1974 - WA	Firefighter/Paramedic
	<b>Van Werven, Luanne</b> District 42 (R) Whatcom (P)	2015	PO Box 40600 Olympia, WA 98504	1957 - WA	Homemaker/Legislator
	<b>Vick, Brandon</b> District 18 (R) Clark (P)	2013-2015	PO Box 40600 Olympia, WA 98504	1984 - CA	Landscape Contractor
	<b>Walkinshaw, Brady</b> District 43 (D) King (P)	Appt. 12/19/2013, 2014-2015	PO Box 40600 Olympia, WA 98504	1984 - MN	Legislator
	<b>Walsh, Maureen</b> District 16 (R) Benton (P), Columbia, Franklin (P), Walla Walla	2005-2015	1227 Murphy Lane SE College Place, WA 99324	1960 - OH	Small Business Owner
	<b>Wilcox, JT</b> District 2 (R) Pierce (P), Thurston (P)	2011-2015	PO Box 40600 Olympia, WA 98504	1962 - WA	Farming
	<b>Wilson, Lynda</b> District 17 (R) Clark (P)	2015	PO Box 40600 Olympia, WA 98504	1958 - WA	
	<b>Wylie, Sharon</b> District 49 (D) Clark (P)	Appt. 4/13/2011, 2012-2015	PO Box 40600 Olympia, WA 98504	1949 - LA	Consultant
	<b>Young, Jesse</b> District 26 (R) Kitsap (P), Pierce (P)	Appt. 1/17/2014, 2015	PO Box 40600 Olympia, WA 98504	1976 - ID	Software Engineer
	<b>Zeiger, Hans</b> District 25 (R) Pierce (P)	2011-2015	101 S Meridian Suite D Puyallup, WA 98371	1985 - WA	Author

## HOUSE STAFF ROSTER

### HOUSE ADMINISTRATION

	Baker, Barbara	Chief Clerk of the House	
	Dean, Bernard	Deputy Chief Clerk of the House	
Bull, Gina	Page Supervisor	Mueller, Maureen	Workroom Coord
Coates, Seth	Page Supervisor	Overmiller, Kyle	Tech & Facilities Dir
Delarme, Brant	Workroom Clerk	Palm, Peggy	Member's Cafeteria
Frans, Susan	Accounting	Payne, Greg	Sr Office Coordinator
Futter, Ray	Member's Cafeteria	Phillips, Nelsene	Member's Cafeteria
Key, Scott	Member's Cafeteria	Rios, Marissa	Accounting
Kochaniewicz, Sean	Chamber Ops Coord	Rostvold, Lynn	Senior Staff Coord
Lard, Gayle	Member's Cafeteria	Russman, Patricia	Accounting
Logerwell, Andrew	House Counsel	Spaulding, Deborah	Accounting
Moore, Patricia	Sr Office Coordinator		

### REPRESENTATIVES LEGISLATIVE ASSISTANTS

Allen, Meagan	Representative Nealey	Haeger, Maureen	Representative Riccelli
Arndt, Meagan	Representative Hunt	Hardy, Lisa	Representative Appleton
Atkinson, Joseph	Representative Kochmar	Hart, Diana	Representative Springer
Atwood, Roy	Representative Hargrove	Herbig, Nigel	Representative Farrell
Bailey, Melinda	Representative Chandler	Herzog, Lisa	Representative Reykdal
Baldwin, Blake	Representative Hawkins	Hogenson, Shelbi	Representative Stambaugh
Barnfather, Linda	Representative Van De Wege	Honma, Douglas	Representative Hudgins
Baxter, Joel	Representative Stokesbary	Horn, Leanne	Representative Tharinger
Benson, Victoria	Representative Caldier	Horwith, Isaac	Representative Stanford
Brosey, Wanda	Representative McCabe	Illan-Vazquez, Cinthia	Representative Jinkins
Butler, Michelle	Representative Frame	Johnson, Ruth	Representative Dye
Cappell, Brandt	Representative Frame	Kamkar, Negheen	Representative Clibborn
Cavazos, Madeline	Representative Condotta,	Kentner, Pamela	Representative Schmick
Chen, Cindy	Representative McBride	Kerns, Josh	Representative Holy
Coburn, Kendra	Representative Fitzgibbon	Kilby, Jillian	Representative Hansen
Cooper, Kate	Representative Cody	Knapp, Curtis	Representative Walkinshaw
Cuevas, Faride	Representative Rodne	Kwon, Julia	Representative Santos
Davis, Osta	Representative Ortiz-Self	Liaw, Shoubee	Representative Ryu
Delano, Garrett	Representative Kilduff	Lippold-Gelb, Lydia	Representative Kagi
DePinto, Joe	Representative Pike	Locke, Sydney	Representative Bergquist
Diaz, Olgy	Representative Harris	Lopez, Caitlin	Representative Hurst
Elsy, Breanne	Representative Sawyer	Mahgoub, Noha	Representative Gregerson
Fay, Jennifer	Representative Manweller	Mason-Gillespie, Christel	Representative Kirby
Gallegos, Maureen	Representative Kuderer	Maycumber, Jacquelin	Representative Short
Gilmour, Peter	Representative Moeller	Mohr, Jessica	Representative Magendanz
Glenn, Brenda	Representative Vick	Morrill, Cami	Representative Harmsworth
	Representative Kristiansen		

O'Farrell, Kimberly	Representative Morris	Soderlind, Mary	Representative Orwall
Oliver, Amber	Representative Griffey	Staley, Scott	Representative McCaslin
Paine-Donovan, Robert	Representative Moscoso	Stidd, Fallon	Representative Young
Palmer, Jennifer	Representative Klippert	Stokesbary, Ashley	Representative Scott
Parmer, William	Representative Senn	Swenson, Janice	Representative Haler
Pelon, Shelby	Representative Dye	Tang, My-Le	Representative Fey
Peters, Barb	Representative Barkis	Temples, Sarah	Representative Rossetti
Peterson Horner, Elka	Representative Tarleton	Thomas, Dawn	Representative Blake
Plumage, Margaret	Representative Dent	Tinsley, Lisa	Representative Hickel
Pollock, Sarah	Representative Zeiger	Trask, Sharon	Representative Wilcox
Prevost, Isaac	Representative Peterson	Trzecinski, Michelle	Representative Orcutt
Ramos, Maria	Representative Moscoso	Verda, Tyler	Representative Sells
Rasavage, William	Representative Shea	Waechter, Shannon	Representative Ormsby
Regan, Josie	Representative Dunshee	Walsh, Megan	Representative Wylie
Ripp, Lanna	Representative Pettigrew	Weider, Bre	Representative Chopp
Roberts, Lesley	Representative Sullivan	Weiss, Angie	Representative Pollet
Rohrer, Loujanna	Representative Muri	West, Meagan	Representative Lytton
Rowell, Josiah	Representative MacEwen	White-Hall, Daphne	Representative Kretz
Rowland, Jaime	Representative Taylor	Williams, Arielle	Representative Kilduff
Rude, Skyler	Representative Walsh	Word, Catherine	Representative DeBolt
Sackman, Gale	Representative Johnson	Yager, Amanda	Representative Buys
Sauer, Kristy	Representative Parker	Yon, Bryan	Representative Van Werven
Smith, Courtney	Representative Robinson	York, Amber	Representative Wilson
Smith, Tawnya	Representative Hayes	Zable, Derek	Representative Goodman

## OFFICE OF PROGRAM RESEARCH

	Reinmuth, Jill	Staff Director	
	Morishima, James	Assistant Staff Director	
Adams, Edith	Senior Counsel	Elgee, Joan	Senior Counsel
Antilla, Cherie	Session Comm Clerk	Emmans, Sarah	Fiscal Analyst II
Arthur, Alrick	Session Comm Asst	Esmeson, Seth	Session Comm Asst
Ball, Alyssa	Fiscal Analyst I	Eychaner, Dawn	Research Analyst I
Bedell, Christie	Session Comm Clerk	Fiorillo-Lowe, Lynn	Session Comm Asst
Blake, Christopher	Senior Counsel	Flynn, Sean	Counsel II
Bradley, Paige	Session Comm Clerk	Fraser, Kristen	Sr Counsel/Litigation & Records Coord
Callahan, Jason	Senior Counsel	Gavigan, Charles	Senior Staff Coord
Carr, Lynette	Committee Clerk	Gayton, Devin	Committee Assistant
Carter, Tanya	Research Analyst II	Geiger, Richelle	Fiscal Analyst I
Clodfelter, Peter	Counsel I - Session	Harrell, Jessica	Senior Fiscal Analyst
Clynch, Cece	Senior Counsel	Harrington, Omeara	Counsel II
Cobb, Cindy	Sr Comm Assistant	Harris, Jennifer	Counsel II
Cornellier, Erik	Senior Fiscal Analyst	Harris, Rachelle	Fiscal Analyst I
Dana-Farley, Jennifer	Committee Assistant	Hendrickson, Hannah	Session Comm Asst
Duvall, Lucinda	Sr Comm Assistant	Hill, Emalee	Session Comm Clerk
Dye, Joshua	Committee Assistant		

Hughes, Nikkole	Research Analyst I	Paintner, Ashley	Research Analyst I
Ingiosi, Paul	Fiscal Analyst II	Palmer, Melissa	Senior Fiscal Analyst
James, Lillian	Session Comm Clerk	Plant, Jane	Sr. Comm. Assistant
Johnson, David	Staff Coordinator	Pringle, David	Senior Counsel
Jones, Cassie	Counsel I	Rea, Tina	Session Comm Asst
Jones, Dan	Fiscal Analyst I	Rehwaldt, Paula	Civic Education Coord
Le Duc, Dinah	Sr Comm Assistant	Rhoads, Gayle	Committee Clerk
Lee, Kirsten	Research Analyst I	Rightmier, Stephanie	Committee Clerk
Leonard, Kelly	Counsel II	Rubenstein, David	Counsel I
Lewis, Rebecca	Committee Assistant	Schubert, Billie	Office Coordinator
Lipson, Jacob	Research Analyst I	Schwarze, Janessa	Session Comm Clerk
Lohnes, Michael	Comm Assistant / Bill Report Coord	Shelton, Candace	Session Comm Clerk
Long, Jerald	Senior Fiscal Analyst	Silver, Alexa	Senior Counsel
Lucero, Catrina	Fiscal Analyst II	Simas, Lauren	Committee LA
Mackison, James	Senior Fiscal Analyst	Skei, Amy	Staff Coordinator
Majors, Marsha	Session Comm Asst	Snyder, Megan	Receptionist
Masse, Steve	Senior Fiscal Analyst	Sobolik, Lily	Fiscal Analyst I
Matteson, Mark	Senior Staff Coord	Stoner, Victoria	Session Assistant
McCollum, Lisa	Sr Comm Assistant	Tango, Trudes	Senior Counsel
McLain, Barbara	Sr Research Analyst	Thomas, Christine	Fiscal Analyst II
Merelle, Linda	Senior Counsel	Toulon, Andrew	Senior Fiscal Analyst
Mettao, Buck-Francisco	Committee Clerk	VanSchoorl, Meg	Sr Staff Coordinator
Meyers, Dominique	Fiscal Analyst II	Vasavada, Jasmine	Counsel II
Miller, Emma	Session Comm Asst	Vaughn, Alexandria	Committee Clerk
Mitchell, Jeffrey	Senior Counsel	Walker, Yvonne	Sr Research Analyst
Moreno, Ethan	Sr Research Analyst	Wargacki, Megan	Counsel I
Morris, Meghan	Fiscal Analyst I	Wickham, Luke	Counsel II
Mulholland, Mary	Fiscal Analyst II	Wilson, Megan	Session Comm Asst
Mulvihill, Megan	Research Analyst I	Word, Jenny	Session Comm Clerk
Munnecke, David	Counsel II	Wyatt, Riley	Asst Civic Ed Coord
Murdock, Michaela	Counsel I	Zigich, Kim	Session Comm Asst
Osborn, Thamas	Senior Counsel		

## DEMOCRATIC CAUCUS

Thomas, Jamila	Chief of Staff
Bergstrom, Eugene	Sr Infor Officer
Cardamenis, Stephen	Caseworker
Chapman-See, Katherine	
	Dep Policy Dir
Dickinson, Billie	Policy Analyst I
Driver, Debbie	Policy Analyst II
Frizzell, Dan	Sr Info Officer
Garner, Jennifer	Caucus Assistant
Gupta, Rashima	Sr Policy Analyst
Kenfield, Mary	Policy Director
Kumara, Yoshi	Comm Specialist
Leathers, Kathryn	Sr Policy Counsel
Majeski, Quinn	Comm. Specialist/ Policy Analyst
Makowski, Yona	Sr Fiscal Coord
Maynard, Catherine	Speaker's Atty
McVicar, Andrew	Dep Comm Dir
Nieto, Lilia	Sr Comm Spec
Nixon, Jamie	Comm Specialist
Osenbach, Alec	Counsel II
Payne, Kathryn	Caucus Assistant
Richards, James	Comm Director
Ruble, Amy E	Senior Advisor & Operations Dir
Sharma, Suchi	Sr Policy Counsel
Shofner, Travis	Comm Specialist
Smith, Rachel	Resource Coord
Sorensen, Jack	Comm Specialist
Thompson, Christopher	Sr Policy Analyst
Varadian, Mark	Comm Specialist

## REPUBLICAN CAUCUS

Fenton, Lisa	Chief of Staff
Baye, Ryan	Policy Aide
Caruso, Julie	Counsel I
Chitwood, David	Legislative Assistant
Fakkema, Nian	Caucus Admin.
Folsom, Stacey	Dir Policy Devel
Gatto, Samantha	Counsel/Senior Fiscal Analyst
	Senior Counsel
Gower, John	Sr Info Officer
Hammond, Kurt	Comm Director
Handy, John	Information Officer
Hansen, Jennifer	Information Officer
Hayes, Kelley	Legislative Assistant
Helder, Matt	Counsel II
Hill, Clay	Sr Leadership Counsel
Hoover, Michael	Information Officer
Jacob, Nick	Policy Analyst I
McAleer, Mary	Counsel II
Quam, Dana	Broadcast Coordinator
Sattgast, John	Counsel II
Shafar, Lindsey	Policy Analyst II
Sherman, Bradley	Information Officer
Shutty, Kevin	Dep Comm Director
Wold, Brendon	Policy Analyst II
Woodard, Stephanie	Session Policy Aide
Wright, Mark	Web & Social Media Coord
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## SECURITY

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BILL	TITLE	CHAPTER	EFFECTIVE DATE	NOTES
EHB 1003	Schools, disaster recovery	C 37 L 16	3/29/2016	
HB 1022	Bail bond agreements	C 73 L 16	3/31/2016	
SHB 1111	Court transcripts	C 74 L 16	3/31/2016	
SHB 1130	Water power license fees	C 75 L 16	3/31/2016	
ESHB 1213	County veterans assist. fund	C 76 L 16	3/31/2016	
HB 1345	Professional learning	C 77 L 16	3/31/2016	
ESHB 1351	Nat. guard/hunting license	C 78 L 16	3/31/2016	
2SHB 1408	Family engagemnt coordinator	C 79 L 16	3/31/2016	
EHB 1409	Vessel owner info disclosure	C 80 L 16	3/31/2016	
2SHB 1448	Suicide threats, response to	C 158 L 16	4/1/2016	
4SHB 1541	Educational opportunity gap	C 72 L 16	3/30/2016	
2ESHB 1553	Opportunity restoration	C 81 L 16	3/31/2016	
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3SHB 1682	Homeless students	C 157 L 16	4/1/2016	
E3SHB 1713	Mental hlth, chem dependency	C 29 L 16 E1	4/18/2016	
E2SHB 1725	DSHS provider payment/hrs/wk	C 30 L 16 E1	4/18/2016	
EHB 1752	Chief examiners	C 82 L 16	3/31/2016	
E2SHB 1763	Music licensing agencies	C 38 L 16	3/29/2016	
SHB 1830	Wrestling special lic plates	C 15 L 16	3/25/2016	
HB 1858	Cty auditors & sec of state	C 83 L 16	3/31/2016	
EHB 1918	ORV's, etc., & their drivers	C 84 L 16	3/31/2016	
4SHB 1999	Foster youth edu outcomes	C 71 L 16	3/30/2016	
SHB 2017	Farmer & rancher lic plates	C 36 L 16	3/25/2016	
HB 2023	School employee contracts	C 85 L 16	3/31/2016	
E2SHB 2061	Group B water systems	Gov vetoed	4/1/2016	Vetoed
HB 2262	Tennis special licnse plates	C 16 L 16	3/25/2016	
ESHB 2274	Vehicle reports of sale	C 86 L 16	3/31/2016	
HB 2280	Felony DUI as class B felony	C 87 L 16	3/31/2016	
HB 2309	Water pollution loans/term	C 88 L 16	3/31/2016	
HB 2317	Electric vehicles/NEVs	C 17 L 16	3/25/2016	
HB 2320	Horse racing comm'n account	C 160 L 16	4/1/2016	
HB 2322	Rental car cost recovery fee	C 18 L 16	3/25/2016	
ESHB 2323	Better life experience prog.	C 39 L 16	3/29/2016	
HB 2326	Independent review orgs.	C 139 L 16	3/31/2016	
HB 2332	Health care provider comp.	C 122 L 16	3/31/2016	
2SHB 2335	Health provider credentials	C 123 L 16	3/31/2016	
HB 2350	Medical assistants/Rx admin.	C 124 L 16	3/31/2016	
HB 2356	Employee personal vehicles	C 125 L 16	3/31/2016	
SHB 2357	Pollution insurance agency	C 161 L 16	4/1/2016	
SHB 2359	Obsolete provisions	C 202 L 16	4/1/2016	Partial Veto
HB 2360	Quality education council	C 162 L 16	4/1/2016	
EHB 2362	Recordings/law enf., etc.	C 163 L 16	4/1/2016	
HB 2371	Court use of JIS system	C 89 L 16	3/31/2016	
E2SHB 2375	Cybercrime	C 164 L 16	4/1/2016	
2ESHB 2376	Operating sup budget 2016	C 36 L 16 E1	4/18/2016	Partial Veto
ESHB 2380	Supplemental capital budget	C 35 L 16 E1	4/18/2016	Partial Veto
HB 2384	Mobile telecom. providers	C 91 L 16	3/31/2016	
HB 2391	County payroll draw days	C 126 L 16	3/31/2016	
HB 2394	Parent to parent program	C 92 L 16	3/31/2016	
HB 2398	Purchases/agencies for blind	C 40 L 16	3/29/2016	
EHB 2400	Steel slag from electric arc	C 165 L 16	4/1/2016	
HB 2403	Down syndrome resources	C 70 L 16	3/29/2016	
SHB 2405	Notices, records, & parties	C 93 L 16	3/31/2016	
SHB 2410	Firearm conviction database	C 94 L 16	3/31/2016	
SHB 2413	Aircraft registration	C 20 L 16	3/25/2016	
SHB 2425	Massage therapists	C 41 L 16	3/29/2016	
SHB 2427	Local gov. modernization	C 95 L 16	3/31/2016	
HB 2432	Substance abuse monitoring	C 42 L 16	3/29/2016	
ESHB 2433	CPA firm mobility	C 127 L 16	3/31/2016	
E2SHB 2439	Youth mental health services	C 96 L 16	3/31/2016	
SHB 2440	Youth host home programs	C 166 L 16	4/1/2016	
SHB 2443	Conversion vending&med units	C 167 L 16	4/1/2016	

HB 2444	Industrial classif. system	C 168 L 16	4/1/2016	
SHB 2448	East Asian med. therapies	C 97 L 16	3/31/2016	
2SHB 2449	Truancy reduction	C 205 L 16	4/1/2016	Partial Veto
ESHB 2450	Critical access hospitals	C 31 L 16 E1	4/18/2016	
HB 2457	Electric utility easements	C 98 L 16	3/31/2016	
ESHB 2458	Rx donation program	C 43 L 16	3/29/2016	
HB 2476	180-day school year waivers	C 99 L 16	3/31/2016	
EHB 2478	Pollinator forage preserv.	C 44 L 16	3/29/2016	
SHB 2498	Dental prior authorization	C 128 L 16	3/31/2016	
ESHB 2511	Child care center licensing	C 169 L 16	4/1/2016	
HB 2516	Commuter ride-sharing/CTSPs	C 21 L 16	3/25/2016	
SHB 2519	Nuisance abatement costs	C 100 L 16	3/31/2016	
HB 2520	Marijuana sales/cooperatives	C 170 L 16	4/1/2016	
HB 2521	Marijuana disposal	C 171 L 16	4/1/2016	
ESHB 2524	Trans sup budget 2015-2017	C 14 L 16	3/25/2016	Partial Veto
2SHB 2530	Victims of sex crimes	C 173 L 16	4/1/2016	
SHB 2539	Real estate tax/inheritance	C 174 L 16	4/1/2016	
ESHB 2540	Annual tax surveys & reports	C 175 L 16	4/1/2016	
SHB 2541	Involuntary treatment orders	C 45 L 16	3/29/2016	
ESHB 2545	Flame retardant chemicals	C 176 L 16	4/1/2016	
HB 2557	Unused shared leave return	C 177 L 16	4/1/2016	
HB 2565	Local sales & use tx changes	C 46 L 16	3/29/2016	
SHB 2580	Blood establishments	C 47 L 16	3/29/2016	
SHB 2584	Marijuana info. disclosure	C 178 L 16	4/1/2016	
HB 2587	Superior court judges' assoc	C 179 L 16	4/1/2016	
ESHB 2591	Dependency hearing notices	C 180 L 16	4/1/2016	
HB 2597	School sexual abuse plans	C 48 L 16	3/29/2016	
SHB 2598	Vehicle cargo extensions	C 22 L 16	3/25/2016	
HB 2599	Freight mobility bd. funding	C 23 L 16	3/25/2016	
HB 2605	Beer tasting event permit	C 129 L 16	3/31/2016	
HB 2623	Advisory measure recounts	C 204 L 16	4/1/2016	
HB 2624	Election errors	C 130 L 16	3/31/2016	
HB 2634	Dairy farm nutrient uses	C 101 L 16	3/31/2016	
HB 2637	Historic cemetery preserv.	C 102 L 16	3/31/2016	
SHB 2644	Animal forfeiture	C 181 L 16	4/1/2016	
HB 2651	Vehicle maximum gross weight	C 24 L 16	3/25/2016	
HB 2663	Sunshine committee recs.	C 182 L 16	4/1/2016	
E2SHB 2667	Parks & rec. commission	C 103 L 16	3/31/2016	
SHB 2678	Nursing home facilities	C 131 L 16	3/31/2016	
2SHB 2681	Pharmacies/contraceptives	C 132 L 16	3/31/2016	
HB 2694	Tribe emergency placements	C 49 L 16	3/29/2016	
ESHB 2700	Impaired driving	C 203 L 16	4/1/2016	
SHB 2711	Sexual assault nurses	C 50 L 16	3/29/2016	
2SHB 2726	Retirement communities	C 183 L 16	4/1/2016	
SHB 2730	Prescription monitoring prg.	C 104 L 16	3/31/2016	
HB 2741	State & local fiscal agents	C 105 L 16	3/31/2016	
EHB 2745	Ferry committee appointments	C 25 L 16	3/25/2016	
ESHB 2746	Juvenile offender treatment	C 106 L 16	3/31/2016	
EHB 2749	Child welfare system perf.	C 184 L 16	4/1/2016	
SHB 2765	Park ranger authority	C 185 L 16	4/1/2016	
HB 2768	Dental plan taxes & charges	C 133 L 16	3/31/2016	
HB 2771	Hospital district contracts	C 51 L 16	3/29/2016	
HB 2772	Hospital district job orders	C 52 L 16	3/29/2016	
HB 2773	Coroners/warrant authority	C 186 L 16	4/1/2016	
2ESHB 2778	Clean alt. fuel vehicles	C 32 L 16 E1	4/18/2016	
HB 2781	Massage transfer programs	C 53 L 16	3/29/2016	
ESHB 2785	Solid fuel burning devices	C 187 L 16	4/1/2016	
2SHB 2791	WA statewide reentry council	C 188 L 16	4/1/2016	
E2SHB 2793	Suicide education	C 90 L 16	3/31/2016	Partial Veto
HB 2800	Double amendment correction	C 189 L 16	4/1/2016	
HB 2807	Heavy haul industr corridors	C 26 L 16	3/25/2016	
HB 2808	Invol. treat. petitions	C 107 L 16	3/31/2016	
HB 2815	Regional transp. plan. orgs.	C 27 L 16	3/25/2016	
SHB 2831	Small business liquor sales	C 190 L 16	4/1/2016	

HB 2838	DOC limits on contact	C 108 L 16	3/31/2016	
2SHB 2839	Airplane repair taxes	C 191 L 16	4/1/2016	
HB 2842	State-owned land/private dev	C 192 L 16	4/1/2016	
ESHB 2847	Disability retrofitting	C 193 L 16	4/1/2016	
ESHB 2852	Election data and reporting	C 134 L 16	3/31/2016	
HB 2856	Office of Chehalis basin	C 194 L 16	4/1/2016	
SHB 2859	Credit report freezes	C 135 L 16	3/31/2016	
E2SHB 2872	WSP recruitment & retention	C 28 L 16	3/25/2016	
SHB 2875	Office of data privacy, etc.	C 195 L 16	4/1/2016	
SHB 2876	Deed of trust foreclosure	C 196 L 16	4/1/2016	
2SHB 2877	SNAP benefit dist. dates	C 54 L 16	3/29/2016	
EHB 2883	State agency reports	C 197 L 16	4/1/2016	
SHB 2884	Alt. fuel comm. vehicles	C 29 L 16	3/25/2016	
HB 2886	Electrical scope of practice	C 198 L 16	4/1/2016	
SHB 2900	Corr. inst. prohibited items	C 199 L 16	4/1/2016	Partial Veto
ESHB 2906	Juvenile offenders reintegr.	C 136 L 16	3/31/2016	
ESHB 2908	Police/deadly force	C 200 L 16	4/1/2016	
HB 2918	City traffic schools	C 201 L 16	4/1/2016	
ESHB 2925	Wildland fires/livestock	C 109 L 16	3/31/2016	
ESHB 2928	Outdoor burning/forest fires	C 110 L 16	3/31/2016	
SHB 2938	WA trade conventions/taxes	C 137 L 16	3/31/2016	
EHB 2959	Business tax & licenses	C 55 L 16	3/29/2016	
EHB 2971	Real estate/local government	C 138 L 16	3/31/2016	
SHB 2985	Educational space inventory	C 159 L 16	4/1/2016	
ESHB 2988	Budget stabilization approps	C 34 L 16 E1	4/18/2016	
HJM 4010	WP Stewart mem highway/SR-99	H Filed Sec/St	3/10/2016	
HCR 4413	Bill status for 2016 session	H Filed Sec/St	1/12/2016	
HCR 4414	State of state/joint session	H Filed Sec/St	1/12/2016	
HCR 4416	Bills/to house of origin	H Filed Sec/St	3/10/2016	
HCR 4417	Adjourning SINE DIE	H Filed Sec/St	3/10/2016	
HCR 4418	Bills/to house of origin	H Filed Sec/St	3/29/2016	
HCR 4419	Adjourning SINE DIE	H Filed Sec/St	3/29/2016	
ESSB 5029	Digital assets, access to	C 140 L 16	3/31/2016	
SB 5046	Traffic safety commission	C 206 L 16	4/1/2016	
E2SSB 5109	Infrastructure/local govt	C 207 L 16	4/1/2016	
SB 5143	Childhood immunizations	C 141 L 16	3/31/2016	
ESSB 5145	Health tech clinical comm.	C 1 L 16 E1	3/29/2016	Veto Override
SB 5180	Life insurance reserve req's	C 142 L 16	3/31/2016	
2ESB 5251	Public water syst assistance	C 111 L 16	3/31/2016	
SB 5265	Public funds/recip. deposits	C 2 L 16 E1	3/29/2016	Veto Override
SB 5270	Missing children/advisory brd	C 208 L 16	4/1/2016	
SB 5342	Human trafficking	C 4 L 16	3/10/2016	
ESSB 5435	Optional salary deferral	C 112 L 16	3/31/2016	
SB 5458	Health district banking	C 3 L 16 E1	3/29/2016	Veto Override
SB 5549	Pharmacy assistants	C 4 L 16 E1	3/29/2016	Veto Override
SB 5581	Group life & disability ins.	C 143 L 16	3/31/2016	
SSB 5597	Real estate appraisers	C 144 L 16	3/31/2016	
SB 5605	Domestic violence assault	C 113 L 16	3/31/2016	
ESSB 5635	Power of attorney	C 209 L 16	4/1/2016	
SSB 5670	Universal comm services prog	C 145 L 16	3/31/2016	
SB 5689	Diabetes epidemic	C 56 L 16	3/29/2016	
SSB 5728	Screening for HIV infection	C 60 L 16	3/29/2016	
SSB 5767	Local govt treasuries	C 5 L 16 E1	3/29/2016	Veto Override
SSB 5778	Ambulatory surgical facility	C 146 L 16	3/31/2016	Partial Veto
5ESSB 5857	Pharmacy benefit managers	C 210 L 16	4/1/2016	
SSB 5864	Annexed areas/sales & use tx	C 5 L 16	3/10/2016	
ESB 5873	LEOFF plan 1 retirees	C 120 L 16	3/31/2016	
SB 5879	Infants, toddlers/disability	C 57 L 16	3/29/2016	
SSB 5928	Bellevue College BSc degrees	C 33 L 16 E1	4/18/2016	
ESB 6091	Slayer, definition of	C 211 L 16	4/1/2016	
ESB 6100	Economic gardening pilot pr.	C 212 L 16	4/1/2016	
SSB 6117	Notice against trespass	Gov vetoed	4/1/2016	Vetoed
SSB 6120	Vessel registration exemp	C 114 L 16	3/31/2016	
SB 6148	Storage/personal property	C 6 L 16 E1	3/29/2016	Veto Override

SB 6156	Medicaid false claims act	C 147 L 16	3/31/2016	
SSB 6160	Motor vehicle air bags	C 213 L 16	4/1/2016	
SB 6162	Invasive species council	C 7 L 16 E1	3/29/2016	Veto Override
SSB 6165	Short-barreled rifles	C 214 L 16	4/1/2016	
ESB 6166	Incremental electricity	Gov vetoed	4/1/2016	Vetoed
SB 6170	Retirement info. disclosure	C 8 L 16 E1	3/29/2016	Veto Override
SB 6171	OPMA civil penalties	C 58 L 16	3/29/2016	
SSB 6177	Marijuana research licenses	C 9 L 16 E1	3/29/2016	Veto Override
SSB 6179	Water banking	C 215 L 16	4/1/2016	
E2SSB 6194	Public non-common schools	C 241 L 16	4/1/2016	
E2SSB 6195	Basic education obligations	C 3 L 16	2/29/2016	
SB 6196	Energy site eval. council	C 10 L 16 E1	3/29/2016	Veto Override
SB 6200	WA fish license plates	C 30 L 16	3/25/2016	
SB 6202	National guard empl. rights	C 12 L 16	3/10/2016	
ESSB 6203	Practice of pharmacy	C 148 L 16	3/31/2016	
SB 6205	Corporation/acquiring person	C 216 L 16	4/1/2016	
ESSB 6206	Industrial hemp growing	C 11 L 16 E1	3/29/2016	Veto Override
SSB 6211	Nonprofit homeownership dev.	C 217 L 16	4/1/2016	
SSB 6219	Vehicular homicide sentences	C 6 L 16	3/10/2016	
SB 6220	Federal economic dev. funds	C 12 L 16 E1	3/29/2016	Veto Override
SSB 6227	Wildlife and recreation prg.	C 149 L 16	3/31/2016	
SSB 6238	Schedule II prescriptions	C 150 L 16	3/31/2016	
E2SSB 6242	ISRB/notice of petitions	C 218 L 16	4/1/2016	Partial Veto
SB 6245	Visual screening in schools	C 219 L 16	4/1/2016	
ESSB 6248	Transition of coal units	C 220 L 16	4/1/2016	Partial Veto
SSB 6254	Purple Heart license plates	C 31 L 16	3/25/2016	
SSB 6261	Human remains	C 221 L 16	4/1/2016	
SB 6263	Emergency mgmt. benefits	C 115 L 16	3/31/2016	
SSB 6264	WSPRS/LEOFF annuities	C 222 L 16	4/1/2016	
SSB 6273	Schools/safe technology use	C 59 L 16	3/29/2016	
SB 6274	Columbia river endorsement	C 223 L 16	4/1/2016	
SSB 6281	Uniform athlete agents act	C 13 L 16 E1	3/29/2016	Veto Override
SB 6282	Mortgage lending fraud/acct.	C 7 L 16	3/10/2016	
SSB 6283	Securities act of WA	C 61 L 16	3/29/2016	
SSB 6284	Fire sprinkler systems	C 14 L 16 E1	3/29/2016	Veto Override
SSB 6286	Offender assault victims	C 8 L 16	3/10/2016	
SSB 6290	Apple commission	C 15 L 16 E1	3/29/2016	Veto Override
ESSB 6293	Student volunteers	C 62 L 16	3/29/2016	
SSB 6295	Coroner's inquests/venue	C 13 L 16	3/10/2016	
SB 6296	Habitat & rec. lands group	C 151 L 16	3/31/2016	
SB 6299	Transport. drafting error	C 32 L 16	3/25/2016	
ESSB 6309	Service contract providers	C 224 L 16	4/1/2016	
SSB 6314	County road admin. & maint.	C 19 L 16	3/25/2016	
SB 6325	Cider alcohol content	C 225 L 16	4/1/2016	
SSB 6326	Automobile facility records	C 16 L 16 E1	3/29/2016	Veto Override
SSB 6327	Hospital discharge planning	C 226 L 16	4/1/2016	
ESSB 6328	Vapor products	C 38 L 16 E1	4/19/2016	
SSB 6329	Parent to parent program	Gov vetoed	4/1/2016	Vetoed
SSB 6337	Tax foreclosed prop./housing	C 63 L 16	3/29/2016	
SSB 6338	Cooperative assoc. mergers	C 228 L 16	4/1/2016	
SSB 6341	Cannabis producer services	C 17 L 16 E1	3/29/2016	Veto Override
SSB 6342	Private activity bond alloc.	C 18 L 16 E1	3/29/2016	Veto Override
SB 6345	Fruit & vegetable inspection	C 229 L 16	4/1/2016	
ESB 6349	Public funds and deposits	C 152 L 16	3/31/2016	
SSB 6354	Reverse transfer agreements	C 19 L 16 E1	3/29/2016	Veto Override
ESSB 6356	Cloud service employee info.	C 153 L 16	3/31/2016	
SSB 6358	Rail fixed guideway system	C 33 L 16	3/25/2016	
SSB 6360	Traffic fines consolidation	C 230 L 16	4/1/2016	
SSB 6363	Transportation/waterways	C 34 L 16	3/25/2016	
SB 6371	Early learning agency def.	C 231 L 16	4/1/2016	
SB 6376	Human trafficking awareness	C 9 L 16	3/10/2016	
SB 6398	Cultural foods	C 20 L 16 E1	3/29/2016	Veto Override
SB 6400	Technical changes/wildlife	C 64 L 16	3/29/2016	
SB 6401	Secondary fish receivers	C 21 L 16 E1	3/29/2016	Veto Override

SB 6405	Civilian health program	C 65 L 16	3/29/2016	
ESB 6413	Landlord-tenant provisions	C 66 L 16	3/29/2016	
SSB 6421	Epinephrine autoinjectors	C 10 L 16	3/10/2016	
ESSB 6427	Tribal member/vehicle sale	C 232 L 16	4/1/2016	
SSB 6430	Incarceration/cont. of care	C 154 L 16	3/31/2016	
SSB 6445	Mental health/phys. assists.	C 155 L 16	3/31/2016	
SSB 6449	Enhanced raffles	C 116 L 16	3/31/2016	
E2SSB 6455	Prof. educator workforce	C 233 L 16	4/1/2016	
SB 6459	Peace officers/assisting DOC	C 234 L 16	4/1/2016	
SSB 6463	Crime of luring	C 11 L 16	3/10/2016	
SSB 6466	Higher ed. disabled students	C 22 L 16 E1	3/29/2016	Veto Override
ESSB 6470	Wineries	C 235 L 16	4/1/2016	
SB 6475	Health coverage through PEBB	C 67 L 16	3/29/2016	
SB 6491	Apostille services	C 23 L 16 E1	3/30/2016	Veto Override
SSB 6498	Recovery sponsor privilege	C 24 L 16 E1	3/29/2016	Veto Override
ESSB 6513	Reservs of water/areas 18&45	C 117 L 16	3/31/2016	
SSB 6519	Telemedicine	C 68 L 16	3/29/2016	
SSB 6523	Emergency employees/pension	C 236 L 16	4/1/2016	Partial Veto
ESSB 6528	Cybersecurity jobs act	C 237 L 16	4/1/2016	Partial Veto
SSB 6531	DOC supervision requirements	C 28 L 16 E1	4/14/2016	
E2SSB 6534	Maternal mortality review	C 238 L 16	4/1/2016	
SSB 6536	Group health plan benefits	C 156 L 16	3/31/2016	
SSB 6558	Hospital pharmacy licenses	C 118 L 16	3/31/2016	
E2SSB 6564	Dev. disability protections	C 172 L 16	4/1/2016	
SSB 6569	Patient out-of-pocket costs	C 25 L 16 E1	3/29/2016	Veto Override
ESB 6589	Water storage/exempt wells	C 227 L 16	4/1/2016	
E2SSB 6601	WA college savings program	C 69 L 16	3/29/2016	
ESSB 6605	Solid waste/disease & pests	C 119 L 16	3/31/2016	
ESSB 6606	Wholesale vehicle dealers	C 26 L 16 E1	3/29/2016	Veto Override
SB 6607	State route 276 removal	C 239 L 16	4/1/2016	
SB 6614	Transportation performance	C 35 L 16	3/25/2016	
ESB 6620	School safety	C 240 L 16	4/1/2016	
SB 6633	Marine resources adv council	C 27 L 16 E1	3/29/2016	Veto Override
ESSB 6656	State hospital practices	C 37 L 16 E1	4/19/2016	Partial Veto
SJM 8019	SR 509 highway naming	S Filed Sec/St	3/9/2016	
SJR 8210	Advance redistricting plan	S Filed Sec/St	3/9/2016	
SCR 8406	Cutoff dates for legislature	S Filed Sec/St	1/18/2016	
SCR 8407	Special session bill status	S Filed Sec/St	3/18/2016	

**GOVERNOR'S VETO MESSAGES**

Sixty Fourth Legislature  
2016 Legislative Session

**VETO MESSAGE ON ESHB 2524**

March 25, 2016

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 214(2), 215(8), 218(6), and 302(13), Engrossed Substitute House Bill No. 2524 entitled:

"AN ACT Relating to transportation funding and appropriations."

Section 214(2), pages 28-29, Department of Transportation, Economic Partnerships

This proviso directs the Department of Transportation's Economic Partnerships Program to study and report to the transportation committees of the Legislature on the feasibility of contracting with the private sector to collect tolls and provide services to drivers crossing the Tacoma Narrows Bridge. No funding was provided for the study, and the in-depth analysis and research required for such a study is beyond the capacity of the current two program staff. The program is already consulting with the department's Tolling Division on its ongoing efforts to reduce costs associated with the Tacoma Narrows Bridge consistent with previous legislative direction in the underlying biennial budget. The Tolling Division will report on this work prior to the 2017 legislative session. For these reasons, I have vetoed Section 214(2).

Section 215(8), page 30, Department of Transportation, Highway Maintenance

Section 215(8) requires the department to use \$100,000 of existing resources to submit a request for proposals as part of a pilot project to explore the use of rotary auger ditch cleaning and reshaping service technology. No new funding was provided for the department to conduct this activity and the proviso represents a cut to the current maintenance budget. For these reasons, I have vetoed Section 215(8).

Section 218(6), pages 35-36, Department of Transportation, Transportation Planning, Data, and Research

This proviso directs the department within existing resources to report on state options for addressing the removal of the Eastside Freight railroad line, which runs from the city of Snohomish to the city of Woodinville. The state has no jurisdiction over the preservation and maintenance of this rail corridor and has no jurisdiction over future freight rail service or projects underway or planned for the corridor. For these reasons, I have vetoed Section 218(6).

Section 302(13), page 45, Washington State Patrol, Whiskey Ridge Radio Communications Site

The \$80,000 appropriated for this project is insufficient and less than half of the agency request amount of \$175,000, which was also included in my budget proposal. The proviso language prohibiting the use of other funds to complete the project also unduly restricts the agency's ability to manage its appropriations. The Washington State Patrol will not use the funding provided for this project and will instead look at other options to address the need for a shelter at this site, including a potential future budget request. For these reasons, I have vetoed Section 302(13).

For these reasons I have vetoed Sections 214(2), 215(8), 218(6), and 302(13) of Engrossed Substitute House Bill No. 2524.

With the exception of Sections 214(2), 215(8), 218(6), and 302(13), Engrossed Substitute House Bill No. 2524 is approved.

Respectfully submitted,  
Jay Inslee  
Governor

**VETO MESSAGE ON E2SHB 2793**

March 31, 2016

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 3 and 9, Engrossed Second Substitute House Bill No. 2793 entitled:

"AN ACT Relating to providing for suicide awareness and prevention education for safer homes."

Section 3 of this bill creates the safe homes project and Section 9 provides for the expiration that section. These two sections are from a prior version of the bill and the final bill was not properly amended to remove them. The bill's prime sponsor and other advocates requested this veto because the work on the safe homes project is premature. The taskforce created in Section 2 of the bill will begin a pilot and provide the necessary ground work to better analyze the potential of this project.

For these reasons I have vetoed Sections 3 and 9 of Engrossed Second Substitute House Bill No. 2793.

With the exception of Sections 3 and 9, Engrossed Second Substitute House Bill No. 2793 is approved.

Respectfully submitted,  
Jay Inslee  
Governor

#### **VETO MESSAGE ON E2SHB 2061**

April 1, 2016

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Second Substitute House Bill No. 2061 entitled:

"AN ACT Relating to authorizing county legislative authorities to approve certain group B water systems based upon their delivery of water meeting safe drinking water standards."

This bill would remove public health standards for small drinking water systems and eliminate local health professionals from the approval process. Moving the authority for these smaller systems away from these partners erodes their ability to prevent and respond to waterborne illness in their communities.

We have a strong process in place to ensure that safe and reliable drinking water is provided for all Washington communities. We also understand that smaller systems need flexibility and a reasonable path to get their systems approved. Therefore, I am directing the Department of Health to work with the four counties identified in this bill in developing local programs to provide that flexibility without sacrificing public health protection.

For these reasons I have vetoed Engrossed Second Substitute House Bill No. 2061 in its entirety.

Respectfully submitted,  
Jay Inslee  
Governor

#### **VETO MESSAGE ON SHB 2359**

April 1, 2016

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 60, Substitute House Bill No. 2359 entitled:

"AN ACT Relating to updating obsolete provisions and making technical corrections."

This section is a duplicate of House Bill 2800, so it is unnecessary.

For these reasons I have vetoed Section 60 of Substitute House Bill No. 2359.

With the exception of Section 60, Substitute House Bill No. 2359 is approved.

Respectfully submitted,  
Jay Inslee  
Governor

**VETO MESSAGE ON 2SHB 2449**

April 1, 2016

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 1, 13-15, and 21, Second Substitute House Bill No. 2449 entitled:

"AN ACT Relating to court-based and school-based intervention and prevention efforts to promote attendance and reduce truancy."

Section 1 is an intent section that is not necessary for the policy implementation of the bill.

Sections 13-15 and 21 of the bill reduce funding for the state Learning Assistance Program (LAP), which supports academic achievement for low-income students. LAP resources are allocated based on school poverty rates and by law must be focused first on evidence-based instructional strategies to teach elementary school students to read. Before rededicating these funds, we need evidence that prioritizing the reduction of absenteeism over early reading readiness and acquisition is a more effective means to promote academic achievement for low-income students.

For these reasons I have vetoed Sections 1, 13-15, and 21 of Second Substitute House Bill No. 2449.

With the exception of Sections 1, 13-15, and 21, Second Substitute House Bill No. 2449 is approved.

Respectfully submitted,  
Jay Inslee  
Governor

**VETO MESSAGE ON SHB 2900**

April 1, 2016

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 2 and 3, Substitute House Bill No. 2900 entitled:

"AN ACT Relating to prohibiting marijuana, alcohol, or other intoxicant, or a cell phone while confined or incarcerated in a state correctional institution."

Sections 2 and 3 of this bill disallow earned time on the sentences imposed under this statute, something currently only done on special sex offender sentencing alternatives. It is highly unlikely that disallowing earned time would add to the deterrent effect of this bill, but it will certainly drive additional complications in sentencing calculation. If there is a desire to change the statutes regarding earned time, we should look at this holistically rather than in piecemeal.

For these reasons I have vetoed Sections 2 and 3 of Substitute House Bill No. 2900.

With the exception of Sections 2 and 3, Substitute House Bill No. 2900 is approved.

Respectfully submitted,  
Jay Inslee  
Governor

**VETO MESSAGE ON 2ESHB 2376**

April 18, 2016

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 113 page 7, lines 24-25; 123(5); 126(38); 128, page 35, lines 16-19; 128(8); 128(10); 134, page 41, lines 29-32 and page 42, lines 6-7; 134(4); 206, page 90, lines 3-5; 207(9); 220(2)(h); 302(14); 308(22); 402, page 180, lines 22-25; 402(2); 612, page 265, lines 11-12; 901; 920; 921; 929; 935; and 939, Second Engrossed Substitute House Bill No. 2376 entitled:

"AN ACT Relating to fiscal matters."

Section 113, page 7, lines 24-25, Administrator for the Courts, Fiscal Year 2017 Appropriation Reduction Affecting Thurston County Court Funding

Certain types of court cases are required by statute to be filed in Thurston County. The Administrative Office of the Courts (AOC) provides funding to Thurston County to help offset the state impacts to the county's courts. The budget eliminates \$811,000 allocated to AOC to reimburse the county for these state impacts. Vetoing the fiscal year 2017 supplemental appropriation in Section 113, lines 24 through 25, will restore \$584,000 to the original fiscal year 2017 appropriation. For these reasons, I have vetoed Section 113, page 7, lines 24 through 25.

Section 123(5), page 20, State Auditor, WWAMI Medical School Study

Section 123(5) provides \$600,000 for a study of the Washington, Wyoming, Alaska, Montana, and Idaho (WWAMI) medical school. Consistent with the underlying 2015-17 biennial budget, the Auditor's Office will perform the study within the original amounts appropriated. For this reason, I have vetoed Section 123(5).

Section 126(38), page 33, Department of Commerce, Incremental Energy

Funding is provided solely for the implementation of Engrossed Senate Bill No. 6166 (incremental energy). I vetoed this bill. For this reason, I have vetoed Section 126(38).

Section 128, page 35, lines 16-19, Office of Financial Management, Central Service Charges

The General Fund-State (GF-S) appropriations for the Office of Financial Management (OFM) are decreased to reflect the agency's budget, accounting, and forecasting functions being billed to state agencies as a central service charge. Charging agencies for these services could create the perception of unfairness, as agencies would likely receive services disproportionate to the amounts they would be charged. Agencies are provided GF-S appropriations to cover their share of the new OFM central service charge, but the change would negatively impact dedicated funds for which no new revenues are authorized. Vetoing changes to these appropriation line items does not fully restore the expenditure authority required for OFM to continue providing its current level of services. Therefore, OFM will bill agencies only for the difference between the original cost of providing these services and the amount of funding restored by the veto. For these reasons, I have vetoed Section 128, page 35, lines 16 through 19.

Section 128(8), pages 37-38, Office of Financial Management, Infrastructure Investment Strategy Workgroup

Section 128(8) directs OFM to convene a workgroup including local governments, state agencies, and legislators to develop a local government infrastructure investment strategy. A formal workgroup is not necessary to accomplish this task. For this reason, I have vetoed Section 128(8).

Section 128(10), pages 38-39, Office of Financial Management, Proposal for Pacific Tower Section 128(10) directs OFM to

work with the Department of Enterprise Services, Department of Commerce, and Office of the State Treasurer to develop a proposal for the purchase of the Pacific Tower. Preparing such a proposal will require significant legal and real estate professional services that are not funded in the budget. For this reason, I have vetoed Section 128(10).

Section 134, page 41, lines 29-32, and page 42, lines 6-7, Department of Revenue, Performance Audits of Government Account

These appropriations shift \$10 million for Department of Revenue (DOR) audit functions from the state General Fund to the Performance Audits of Government Account. To preserve performance audit functions of the State Auditor's Office at their anticipated activity levels for the current biennium, I am vetoing the appropriation from the Performance Audits of Government Account in this section. To preserve audit functions at DOR, I am also vetoing supplemental changes to the agency's General

Fund-State appropriations. While I am vetoing Section 134, page 41 lines 29 through 32, I am directing DOR to place excess state General Fund appropriations as a result of this veto in unallotted status in an amount to be determined by the Office of Financial Management. For these reasons, I have vetoed Section 134, page 41 lines 29 through 32 and page 42 lines 6 through 7.

Section 134(4), page 42, Department of Revenue, Waiver of Penalties on Unpaid Royalty Tax

This proviso authorizes the Department of Revenue (DOR) to waive unpaid penalties for outstanding Business and Occupation tax on royalty income. Under current law, DOR already has the authority to waive unpaid penalties. Therefore, this proviso is unnecessary. For this reason, I have vetoed Section 134(4).

Section 206, page 90, lines 3-5, Department of Social and Health Services, Aging and Adult Services

These two appropriations are identified as federal; however, no federal dollars are received into these accounts. The Assisted Living Facility Temporary Management Account and Adult Family Home Account are created in statute as not requiring an appropriation; therefore, the department can spend revenue received into the accounts upon approval of an allotment. For these reasons, I have vetoed Section 206, page 90, lines 3 through 5.

Section 207(9), page 104, Department of Social and Health Services, Economic Services Administration

Funding is provided solely for the implementation of Senate Bill No. 6499 (electronic child support payments). The bill was not enacted. For this reason, I have vetoed Section 207(9).

Section 220(2)(h), page 150, Department of Corrections, Correctional Operations

Funding is provided solely for the implementation of Second Substitute Senate Bill No. 5105 (felony DUI). The bill was not enacted. For this reason, I have vetoed Section 220(2)(h).

Section 302(14), page 161, Department of Ecology, Rain Gauges

This proviso requires the Department of Ecology to transfer responsibility for ongoing operation and maintenance of the rain gauge network in Okanogan County to the Okanogan Conservation District. The Okanogan Conservation District has neither the funding nor expertise needed to operate the network reliably. For this reason, I have vetoed Section 302(14). However, I have directed the Department of Ecology and the State Conservation Commission to work with local authorities in Okanogan County to provide funding, including local funding, to continue network operations to ensure public safety.

Section 308(22), page 175, Department of Natural Resources, Natural Area Preserves

This proviso prohibits the Department of Natural Resources from using any appropriation in this section for activities related to increasing the amount of land managed by the department as natural area preserves. The department has several existing capital projects to expand natural area preserves, and this proviso inhibits its ability to move forward with those projects. For these reasons, I have vetoed Section 308(22).

Section 402, page 180, lines 22-25 and Section 402(2), page 181; Washington State Patrol, Fire Service Training Account

These provisions authorize the use of \$1.611 million from the Fire Service Training Account for fire mobilization costs. This account has never been used for fire mobilizations. Its primary purpose is to pay for firefighter training and is used mainly by local government fire agencies. For this reason, I have vetoed Section 402, page 180, lines 22 through 25 and Section 402(2).

Section 612, page 265, lines 11-12, Department of Early Learning, General Fund-State Appropriation (FY16)

This section decreases the General Fund-State appropriation for the Department of Early Learning in fiscal year 2016. This includes a significant reduction in full time employees which cannot be realized within the next two months. Decreased funding may prevent the Department from maintaining and advancing my Healthiest Next Generation initiative to increase coordination of comprehensive health services between state agencies and to improve nutrition and physical activity for young children in early learning settings. Reduced funding also will prevent the Department of Early Learning from investing resources in fraud prevention and meeting new child care provider monitoring requirements of the Child Care and Development Block Grant Reauthorization Act of 2014. For these reasons, I have vetoed Section 612, page 265, lines 11 through 12.

Section 901, page 293, Agency, Collective Bargaining Agreement - Coalition of Unions

This section rejects funding a Memorandum of Understanding with the Union of Physicians of Washington and directs the terms for an alternative if an agreement is reached by June 30, 2016. This is not in keeping with the state's collective bargaining law, RCW 41.80.010, that specifies the process to be used if the Legislature does not approve funding a tentative agreement. Collective bargaining will proceed in accordance with statutory requirements. For this reason, I have vetoed Section 901.

Section 920, pages 305-307, Fire Insurance Premium Tax

This section limits the distribution of fire insurance premium tax to local governments and requires reports and audits of information about local governments' firefighters' pension funds. Changes in the distribution of this tax should follow, rather than precede, collection of this information and review of potential changes in distribution. For this reason, I have vetoed Section 920. I encourage the affected local governments to provide the information specified in this section and direct the Department of Revenue and the Department of Retirement Systems to review the information submitted.

Section 921, pages 307-308, Law Enforcement Officers' and Firefighters' Retirement System (LEOFF), Distribution in 2017

Section 921 declares the Legislature's intent to fund a 2017 distribution to the Local Law Enforcement Officers' and Firefighters' Retirement System Benefits Improvement Account through "alternate means" which may include transfers from the LEOFF 2 pension fund itself. I vetoed similar language in the 2015-17 biennial budget because I believe that this is not an appropriate use of a pension fund. While I signed the actual transfer language at that time, I indicated that this should be a one-time event to avoid weakening the pension fund. I continue to think that this is unwise, particularly when used to help balance the budget over four years. For these reasons, I have vetoed Section 921.

Section 929, pages 318-319, Fire Services Training Account

This section authorizes use of the Fire Services Training Account for frre mobilization cost of the Washington State Patrol. Because I have vetoed Section 402, page 180, lines 22 through 25 and Section 402(2), this authority is unnecessary. For this reason, I have vetoed Section 929.

Section 935, page 323, Public Works Assistance Account

This section provides a statement of intent that the Legislature will not authorize new loans for public works from the Public Works Assistant Account in the 2017-19 biennium. Use of funding in the account next biennium is a decision for the next Legislature. In addition, there is a clear need for future public infrastructure improvement throughout the state. For these reasons, I have vetoed Section 935.

Section 939, pages 325-326, Parking Enforcement

This section amends current law to authorize the Department of Enterprise Services to contract with the City of Olympia to enforce parking on the Capital campus. This amendment changes substantive law related to parking violations and enforcement, which is more appropriate for a policy bill. For this reason, I have vetoed Section 939.

For these reasons I have vetoed Sections 113 page 7, lines 24-25; 123(5); 126(38); 128, page 35, lines 16-19; 128(8); 128(10); 134, page 41, lines 29-32 and page 42, lines 6-7; 134(4); 206, page 90, lines 3-5; 207(9); 220(2)(h); 302(14); 308(22); 402, page 180, lines 22-25; 402(2); 612, page 265, lines 11 -12; 901; 920; 921; 929; 935; and 939 of Second Engrossed Substitute House Bill No. 2376.

With the exception of Sections 113 page 7, lines 24-25; 123(5); 126(38); 128, page 35, lines 16-19; 128(8); 128(10); 134, page 41, lines 29-32 and page 42, lines 6-7; 134(4); 206, page 90, lines 3-5; 207(9); 220(2)(h); 302(14); 308(22); 402, page 180, lines 22-25; 402(2); 612, page 265, lines 11-12; 901; 920; 921; 929; 935; and 939, Second Engrossed Substitute House Bill No. 2376 is approved.

Respectfully submitted,  
Jay Inslee  
Governor

#### **VETO MESSAGE ON ESHB 2380**

April 18, 2016

To the Honorable Speaker and Members,  
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 6009 and 6011, Engrossed Substitute House Bill No. 2380 entitled:

"AN ACT Relating to the capital budget."

Section 6009, page 86, Life Cycle Cost Analyses

Section 6009 requires the Office of Financial Management (OFM) to verify the results of its life cycle cost analyses with an independent consultant selected by the chairs of the House and Senate capital budget committees. Engaging a third party will add cost and time, and funding for the consultant was not provided. For these reasons, I have vetoed Section 6009. However, I have directed OFM to post completed life cycle cost analyses on its website to make them more accessible to the public.

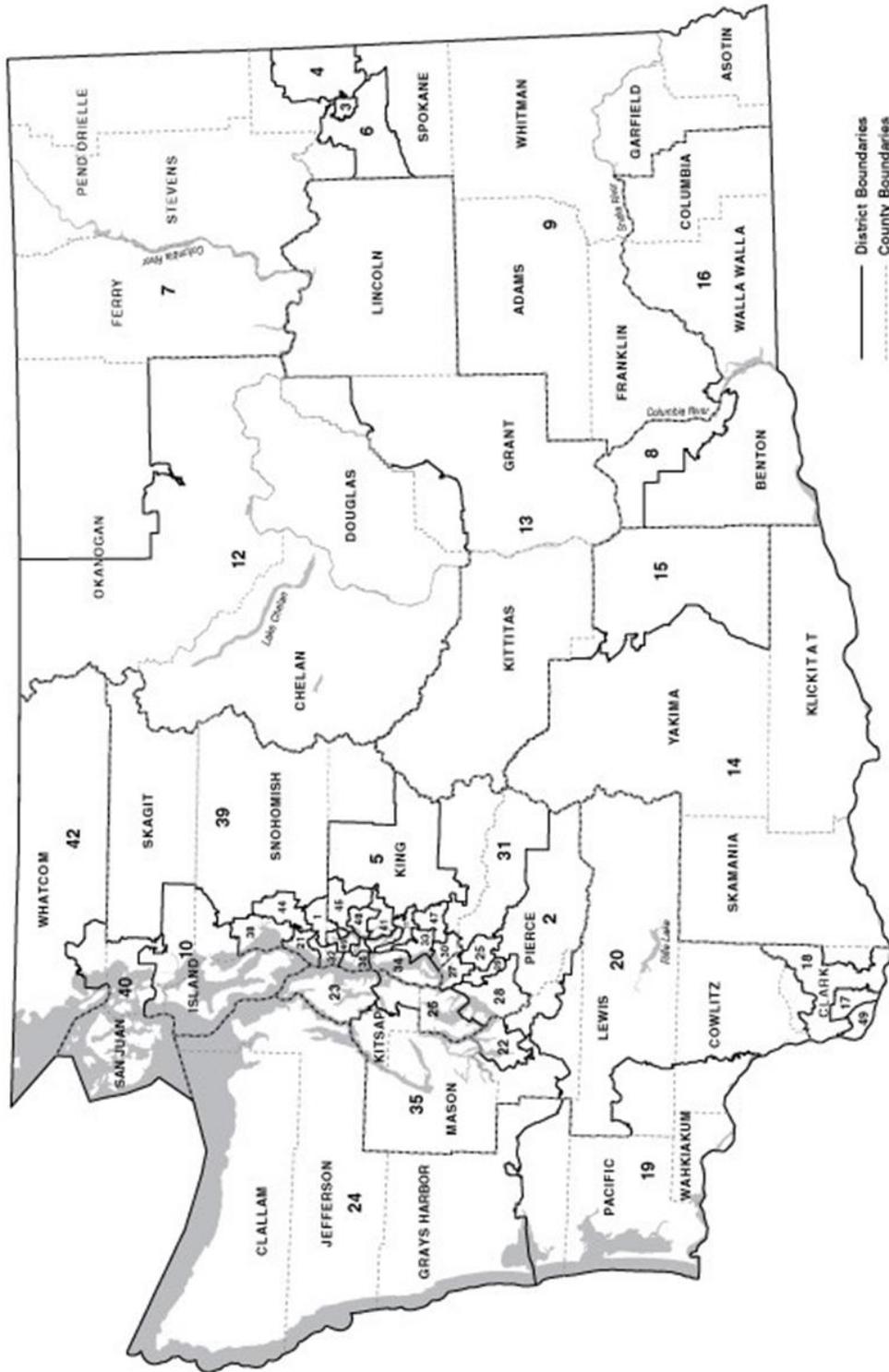
Section 6011, page 87, State Drought Preparedness Account

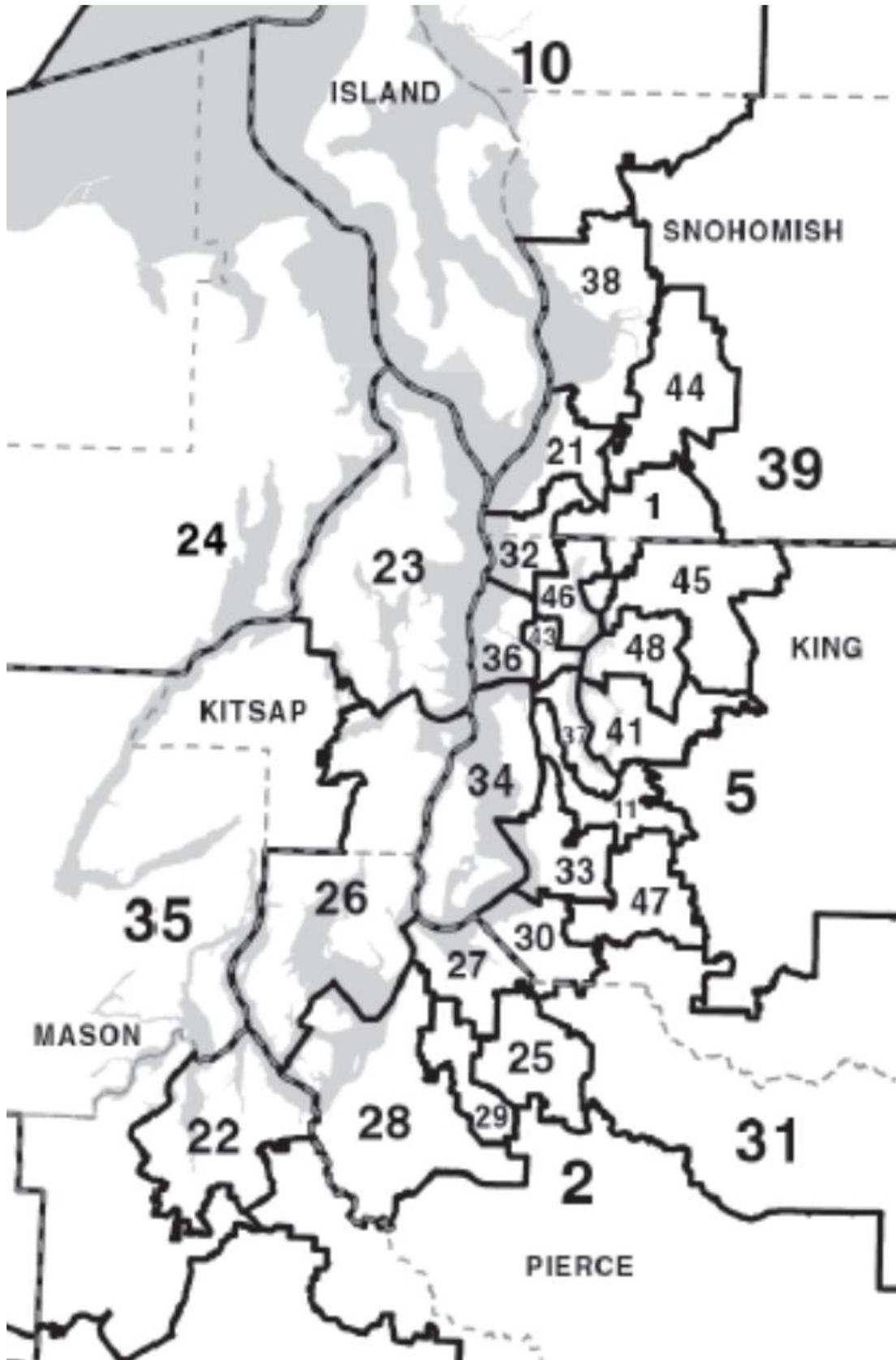
Section 6011 amends the State Drought Preparedness Account to be used for drought response. It is redundant with Section 933 in Second Engrossed Substitute House Bill 2376 (supplemental operating budget) and, therefore, is unnecessary. For this reason, I have vetoed Section 6011.

For these reasons I have vetoed Sections 6009 and 6011 of Engrossed Substitute House Bill No. 2380.

With the exception of sections 6009 and 6011, Engrossed Substitute House Bill No. 2380 is approved.

Respectfully submitted,  
Jay Inslee  
Governor





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1008	Other Action .....	23
1018	Committee Report .....	195
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1037	Second Reading .....	411
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1055	Other Action .....	23
1062	Other Action .....	22
1065	Other Action .....	22
1067	Other Action .....	279
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1070-S	Other Action .....	23
1071	Other Action .....	23
1087	Other Action .....	24

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1428-S	
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1448	
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1448-S2	
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1487	Other Action .....	23
1495-S	Other Action .....	23
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	Second Reading .....	413
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1499-S3	Second Reading .....	413
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	Messages .....	1180
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1512	Third Reading .....	440
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